

## COMMITTEE REPORT

**Date:** 23 October 2014      **Ward:** Heworth  
**Team:** Major and      **Parish:** Heworth Planning Panel  
Commercial Team

**Reference:** 14/00112/FULM  
**Application at:** Site Adjacent To Frog Hall Public House Layerthorpe York  
**For:** Erection of five storey hotel with public house/restaurant/retail use to ground floor, single storey drive-through restaurant with associated parking, landscaping and access including extension to James Street/Heworth Green Link Road  
**By:** Tiger Developments  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 21 April 2014  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application site is presently vacant. It was once part of the former gasworks site, bound by Layerthorpe to the south, Heworth Green to the north, the River Foss to the west and the former Derwent Valley railway line, which now forms part of the national cycle route network, to the east. The site was designed for redevelopment (residential and offices) in the 2005 Local Plan.

1.2 Part of the Council's transport strategy is to establish the St James Link Road, between Heworth Green and Layerthorpe, to relieve traffic volumes on the inner ring road. The link road has been constructed in part, alongside recent office and residential development to the north of the application site. The application site is the remaining parcel of land between the route of the proposed road and the River Foss.

#### PROPOSALS

1.3 This application is for a hotel with 124 bedrooms and commercial floor-space at ground floor level, for a drive-through restaurant and either a retail, restaurant or drinking establishment (use classes A1, A3 or A4). The development would include 87 car parking spaces, 27 cycle spaces, landscaping and a river walkway along the Foss, which would form a continuation of the existing walkway established alongside recent development to the north.

## SITE HISTORY

1.4 Planning permission was granted for the same type and amount of development in June 2012 (application 11/02210/FULM). It has not been possible to implement the previous permission as the hotel aspect could not go ahead until the gasholder, which is to the northeast, is de-commissioned. This was a requirement from the Health and Safety Executive due to the scale of the hotel and its proximity to the gasholder. The gasholder is yet to be de-commissioned, therefore applicants have come forward with an alternative scheme which moves the building further from the gasholder to the extent that the HSE requirement would no longer apply.

1.5 An application was also made in 2004 for 158 residential apartments at the site (with basement parking). The scheme was approved by members, subject to a legal agreement to deliver affordable housing, offsite open space provision, a bond for remediation of contaminated land, a contribution toward a car club and access arrangements to a riverside walkway. The legal agreement was not signed and the application withdrawn as the scheme was not financially viable.

## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

DC Area Teams GMS Constraints: Central Area 0002

Floodzone 2 GMS Constraints: Flood zone 2

Floodzone 3 GMS Constraints: Flood zone 3

Hazardous Premises GMS Constraints: Transco PLC COMPLETE

### 2.2 Policies:

CYGP1	Design
CYGP4A	Sustainability
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT2B	Proposed Pedestrian/Cycle Networks
CYT4	Cycle parking standards
CYE1A	Premier Employment Sites
CYV4	Allocation of hotel sites
CYNE7	Habitat protection and creation
CYNE8	Green corridors

## **3.0 CONSULTATIONS**

### **Environmental Protection Unit**

3.1 Officers raise issue with possible noise disturbance from the drive-though restaurant. They recommend conditions, to control delivery times and require that any plant/machinery is below the existing background noise level, in the interests of residential amenity. Officers also recommend the following conditions -

- The hotel building be insulated so internal noise levels are adequate for occupation.
- A restriction on times of construction and for a Construction Management Scheme.
- The kitchen equipment be able to deal with cooking smells/odour.
- External lighting to be agreed.
- Land contamination to be suitably remediated.
- Provision of electric vehicle charging points within the development.

### **Ecology Officer**

3.2 The submitted plans include some thinning and replanting of the trees along the river corridor but the width of this strip has been reduced down to approx 2.5 m wide which will constrain its functionality as wildlife corridor. It would be beneficial to site the cycle path further from the river, so that the width of vegetation and, thus, the wildlife corridor is maximised. The proposed lighting along the cycleway should be designed so that it does not interfere with foraging corridors, and officers have advised how this could be achieved.

3.3 A sedum roof has been incorporated into the development but it would also be beneficial to see some integrated bat and bird habitat features (such as bat bricks, swift boxes) as part of the plans.

### **Highway Network Management**

3.4 Officers do not object to the scheme. It is noted that the development would secure the remainder of the link road. There is no objection in terms of traffic generation which has already been considered as part of the Foss Basin Masterplan, which considered re-development of this area. Officers advise if the scheme is recommended for approval conditions / a legal agreement would be required to secure -

- The delivery of the link road
- A road safety audit for the new highway
- That the hotel has a travel plan
- Agreement on how the highway network is affected during construction

## **Flood Risk Management**

3.5 The south west elevation of the proposed building and North West corner of proposed car park lie within Flood Zone 3a where there should be no lifting of levels unless flood compensation is provided. To assess the impact of the proposed development, officers have asked for flood compensation details, including sections; volume calculations and location of the flood compensation.

3.6 Officers advise that the surface water drainage details also need to be submitted for approval with peak surface water run-off from the development attenuated to the 2 litres/sec, as proposed in the submitted Flood Risk Assessment.

## **Police Architectural Liaison Officer**

3.7 Officers advise the applicants engaged in pre-application discussions with the police and secure by design principles have been incorporated into the scheme.

## **Canal & River Trust (replaced British Waterways)**

3.8 No comment.

## **Environment Agency**

3.9 Comments on the revised Flood Risk Assessment are pending and will be provided prior to or at the committee.

Publicity

## **Publicity**

3.10 There are six objectors to the scheme. There was re-consultation, following submission of the revised plans. Comments are summarised below -

Harm to residential amenity

- Noise as a consequence of the traffic movements associated with the proposed drive through and the hotel, the latter would have associated activity on a 24 hour basis.
- Due to the layout and proposed drive-through the area is one where it is likely youths with cars/scooters will concentrate and hang out and this will lead to disturbance and loss of residential amenity.
- Litter creation due to customers from the drive-through.
- Smells and odours from restaurants.
- Over-looking over Rome House flats (to the north)

- Opening up the riverside walk to the public will lead to loss of privacy, a lack of security and an increase in noise, litter and nuisance.

#### Design

- The architecture and materials proposed are atypical of York. The building is too 'big and 'boxy' and is more akin to 1960's/70's office blocks, which are out of keeping with the scale, materials and building form that characterises the city.
- Loss of views towards The Minster (from Layerthorpe)

#### Other

- A drive-through restaurant is an unhealthy and unsustainable option, which should not be located in an inner city area.

## **4.0 APPRAISAL**

### **4.1 Key issues**

- Principle of the proposed development
- Land contamination
- Health and safety
- Visual impact
- Residential amenity
- Highway Network Management
- Flood Risk
- Management of the river walkway
- Sustainable design and construction

### **Principle of the proposed development**

4.2 The National Planning Policy Framework (section 1) advises that the Government is committed to securing economic growth. Planning Authorities should identify priority areas for economic regeneration and support expanding business sectors.

4.3 The site is within the Heworth Green action area, designated in policy SP9 of the 2005 Local Plan. The allocation sought to develop the site as a mixed use of employment, retail, leisure and residential. There has already been residential and office development delivered within the action area.

4.4 The application site has been identified for regeneration in the 2005 Local Plan and the composition of uses proposed have already been approved in 2012 and could still be implemented. The development would also deliver important infrastructure; completion of the link road to ease traffic on this side of the city, that has been a Council aspiration for sometime, forming part of the Foss Basin Masterplan. The

proposals would be consistent with the National Planning Policy Framework in terms of delivering regeneration and economic growth in designated areas.

4.5 The National Planning Policy Framework advises that when a Local Plan is not up to date, proposals for city centre uses, such as that proposed, which are not within the defined city centre should be subject to a sequential test and impact assessment, the latter when development would exceed 2,500 sq m. The amount of floor space proposed in this development is approx 4,100 sq m.

### **Sequential Test and Impact Assessment**

4.6 A sequentially preferable site where the hotel development could be located would be Hungate where there is an unimplemented outline planning permission for a hotel of comparable size (application 13/03232/OUTM). A sequentially preferable site where the hotel development could be located would be Hungate where there is an unimplemented outline planning permission for a hotel of comparable size (application 13/03232/OUTM). However the site would not accommodate the additional proposed uses - the retail element and the restaurant, with a drive-through facility. Without the additional uses the development would not generate the income to contribute/deliver the link road and be viable.

4.7 Hotel occupancy rate studies undertaken demonstrate that York hotels generally have a high level of occupancy, except in January. The amount of hotel rooms has increased by around 20% over the past 5 years, and occupancy levels have remained fairly constant. The site is within walking distance of the city centre and the development would contribute to the city centre economy. As found in the 2011 application, the proposed hotel would not have an undue impact on the city centre.

4.8 The proposed commercial units (retail/restaurant/drinking establishment) would cater for the local population, which is set to grow as regeneration at the remainder of the Heworth Green site and around Layerthorpe occurs, and compete with similar facilities in the locality. Despite the drive-in option, the development is designed and located to promote sustainable modes of transport, in accordance with paragraph 35 of the National Planning Policy Framework. There would not be a significant effect on the vitality and viability of the city centre.

### **Conclusion**

4.9 That this specific inner city area has been identified in local plans for regeneration, including potential leisure uses, carries significant weight. The site is in a sustainable location, within walking distance of the city centre, and the significant benefits the scheme would bring, including delivery of the link road, and re-development of a large derelict site, outweigh the low impact there would be on the city centre.

## **Land contamination**

4.10 The National Planning Policy Framework requires that, to avoid unacceptable risk from pollution, planning should ensure that sites are suitable for the proposed use taking account of ground conditions, arising from previous uses, and any proposals for mitigation including land remediation.

4.11 The site, in particular ground water, is contaminated. The applicants have carried out investigation to date and it is proposed permission be granted subject to conditions that remediation be carried out prior to construction. This approach is agreed to by Council and the Environment Agency. At least a year of monitoring will be required also to ensure the ground water contamination has been deal with. There would need to be protection for the monitoring points, so monitoring is not precluded due to construction.

## **Health and safety**

4.12 The proposed building would lie in the outer zone in terms of proximity to the gasholder, which remains active. The gasholder is regarded as a major hazard by the HSE. Being in the 'outer zone' is an adequate clearance for the type of development proposed and therefore the development could be occupied whilst the gasholder remains active.

## **Visual impact**

4.13 The National Planning Policy Framework advises that 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.

4.14 National planning practice guidance advises that in assessment of design, consideration, where appropriate should be given to layout, form, scale, detailing and materials.

## **Layout & Scale**

4.15 The building is set further back from Eboracum Way in relation to the existing development along the street' this is a requirement due to the gasholder. The applicants have revised the scheme since submission, to give more prominence to the proposed building and the landscaping, integrate the restaurant into the main building and make car parking less prominent. There is space for landscaping at the front of the site, which is welcome, and by moving the proposed building away from the south boundary the car parking is spread over the site, thus appearing less prominent. The walkway is continued along the river.

The layout is reasonable. It is not as successful as the 2011 scheme, which addressed the street. However this is not possible because of the required separation distance from the gasholder.

4.16 The building is single storey at the south end and is a reasonable distance from 87 Layerthorpe, to allow the change in building scale without appearing out of place in its setting. It is of comparable massing to the other recent development to the north.

#### Form, detailing and materials

4.17 Along Eboracum Way there is already a 4/5 storey residential block in buff brick and an office building which uses modern cladding materials of similar massing to the proposed building. The buildings have a commercial and large scale appearance and use modern materials.

4.18 The proposed building will be predominantly of light brick, the massing broken up by a step in the building line, the use of a single storey element to the front, horizontal concrete banding between floors and deeply recessed reveals accommodating windows and cladding panels. The commercial element at ground floor and single storey restaurant area give the building a strong base, human scale and active frontage. The top is lightened by the use of less brickwork.

4.19 The proposed building is of acceptable design quality and would not harm its setting. It would be of harmonious scale, massing and design to the remainder of the street, yet with its own strong, refined and contemporary identity, using the aforementioned architectural devices which are recognised as being good practice.

#### River walkway

4.20 It is an aspiration of the Council to provide a continuous walkway along the Foss. The route through the application site (and past the dwellings to the north) is shown on the 2005 Local Plan proposals map. The walkway will have a pleasant and spacious character in spirit with the walkway to the north. Via a legal agreement the applicants would manage the walkway and provide public access in due course.

#### **Residential amenity**

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



4.22 The proposed building will be 5-storey, the same height as the building previously approved and a comparable height to the residential units to the north - Rome House.

4.23 To the south of the site there is a flat above the bike shop at 87. The flat has one dormer window in the rear roofslope. Otherwise first floor windows are on the front and side elevations. On Rome House on the upper floors there is a window to a second bedroom and a second window to a living/dining area facing the application site. The primary outlook is either west over the river, or east. Unlike the previous planning application, the hotel room windows would face north and south, so towards the dwelling at 87 Layerthorpe and those in Rome House.

4.24 Where the building would be 5-storey it would be 22m from the flat at 87 Layerthorpe, and at its closest, 36.5 m from the flats at Rome House, to the north. There would be no undue overlooking and the separation distance between the two buildings is deemed to be acceptable, to the extent that the new building would not be overbearing or over-dominant.

4.25 The proposed hotel and ancillary restaurant would be 24 hour operations and officers would not typically seek to restrict the hours of an A1 retail premises, as was the case in the previous planning permission. The site is identified for mixed-use regeneration in the 2005 Local Plan. The proposals also seek permission to allow the ground floor area to possibly be used as a pub/restaurant and drive-through takeaway/restaurant. It is asked the drive-through be allowed to operate until 24:00.

4.26 The arrangement and location of the drive-through has changed since the application approved in 2011. The food collection point and the vehicular route would be further from the flat at 87. Officers recommend the same conditions as in the previous permission to control residential amenity – to control machinery and plant noise and cooking odour; 24:00 (midnight) closing time for any bar or restaurant independent of the hotel; delivery times only 08:00 to 18:00 (09:00 to 17:00 Sundays).

## **Highway Network Management**

4.27 The National Planning Policy Framework advises that developments should:

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

4.28 The proposed building has to be set back from the proposed new road, to enable a suitable clearance from the gasholder. The layout shows a direct pedestrian route to each of the proposed uses from the proposed highway. This avoids the area where vehicles would be likely to travel (i.e. the spaces most convenient for access to the commercial uses).

4.29 Staff cycle parking (15 spaces) is covered and secure and there are also external spaces for visitors/customers. The amount of staff space is above the minimum requirements established in the Local Plan. Visitor parking (12 spaces) is convenient and overlooked. There are 4 fewer car parking spaces (87) compared to the previous approval and the overall amount is below the maximum standards established in the Local Plan.

## **Flood Risk**

4.30 The site is in Flood Zone 3. In accordance with the National Planning Policy Framework in order for the proposals to be acceptable it must be demonstrated (in a site specific Flood Risk Assessment (FRA)) the development will be safe for its lifetime and not increase flood risk elsewhere (paragraphs 102 & 103). The development should also pass the sequential and exception tests.

Whether the development would be safe from flooding

4.31 There would be a safe means of escape from the building and in accordance with York's Strategic FRA, the proposed finished floor levels are at a set above the 1:100 + climate change flood level (10.980m AOD).

Off-site flood risk

4.32 The intent is that there would be no material increase in flood risk elsewhere and there are revised drainage proposals currently under assessment by the EA. The scheme has been designed so surface water would be diverted to a water storage tank on-site and ground levels would be altered, lowered by the riverbank, to ensure no loss of on-site floodwater storage whilst making the proposed development safe.

Sequential/exception tests

4.33 The site passes the sequential test as it is designated for regeneration in the Local Plan (policy SP9). Permission has previously been granted for the uses proposed on site. There are no designated or other previously developed sites in more central locations which are either deliverable in the short-term or allocated for a hotel (with other mixed use development) in the Local Plan. Assuming it is confirmed that flood risk would not be increased elsewhere the development would pass the exception test, due to the sustainability benefits that would arise from regeneration of the site.

## **Sustainable design and construction**

4.34 The interim planning document on sustainable design and construction requires schemes to achieve a BREEAM rating of very good. The supporting documentation

with the application confirm it is intended the scheme will achieve a BREEAM bespoke rating of very good.

## 5.0 CONCLUSION

5.1 The site is derelict and the proposed scheme will deliver both a river walkway along the Foss and the James Street Link Road, two aspirations within the existing Local Plan. The building would be constructed to meet sustainable construction requirements and there would be no undue harm to amenity, highway safety and flood risk. Proposals constitute the type of sustainable economic growth recommended within the NPPF and there is no evidence that there would be a significant impact on the vitality of the city centre, as required by the NPPF.

5.2 It is recommended that the scheme be approved, subject to a legal agreement requiring –

- Delivery of the final section of the James Street/Heworth Green Link Road.
- Delivery and maintenance of the Riverside Walk/Cycleway.
- Contamination bond of £250k to cover the need for remediation works in the event that groundwater contamination occurs.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve subject to legal agreement

1 TIME2 Development start within three years -

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

A50 - 00, 01A, 02, 03B, 04B, 05B

A51 - 00A, 01B, 02B, 03B

A52 - 00B,

A53 - 00B, 01B, 02B

A55 - 00B

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

3 VISQ7 Sample panel ext materials to be approved

#### 4 Landscaping

A detailed hard and soft landscaping scheme shall be approved in writing by the Local Planning Authority prior to construction of the development hereby approved. The scheme shall include -

- the number, species, density (spacing), stock size, and position of trees, shrubs and other plants; and seeding mix, and sowing rates of grassed areas; specification for preparation of planting beds and tree pit details; specification for the planting of the living roof; measure to encourage bat and bird habitat;
- lighting and signage;
- hard surfacing materials;
- boundary treatment;
- furniture such as litter bins;
- location of electric vehicle charging point;
- a detailed plan provided to show the river walk section (any new balustrade to be adjacent the walkway and not the river).

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 overall appearance of the site.

Informative: External lighting should not exceed light limitations for areas classed as E2 in the ILE Guidance Notes For The Reduction Of Obtrusive Light.

#### 5 Plant enclosures

Details of the plant room enclosures listed below shall be submitted to and approved in writing by the Local Planning Authority prior to their installation and the works shall be carried out in accordance with the approved details.

- a) materials and design of the louvred screen to plant room areas
- b) layout and scale of the plant room to the main roof and to the restaurant (the latter to be no higher than the horizontal banding between first and second floor levels)

Reason: In the interests of visual amenity.

#### 6 Signage

Any signage to be placed on the ground floor fascia panels to the building shall be approved in writing by the Local Planning Authority prior to installation and carried out in accordance with the approved details.

Reason: In the interests of the appearance of the host building and its setting.

7 The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'.

A BREEAM Design Stage assessment shall be carried out and a BREEAM Design Stage Certificate shall be submitted to the Local Planning Authority within 6 months of commencement of the development. Within 3 months after first occupation of the building a Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority.

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 should 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 achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

## 8 Site Drainage

To be inserted following consultation

## 9 Land contamination

The following components of a scheme to deal with the risks associated with contamination of the site shall each be approved, in writing, by the local planning authority prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority):

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) The results of the site investigation and detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for post remediation monitoring of pollutant linkages, maintenance and arrangements for contingency action, and the timing of such works.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to property and ecological systems. To protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

10 A verification report demonstrating completion of the works set out in the verification plan detailed in condition 22 part d) and the effectiveness of the remediation shall be approved in writing by the local planning authority within 1 month of the completion of such works, unless otherwise agreed by the local planning authority.

The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a "post remediation monitoring and maintenance plan" for post remediation monitoring of pollutant linkages, maintenance and arrangements for any required contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To protect human health and to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

INFORMATIVE: The monitoring programme may continue during and following development provided these are not below building footprints.

11 A post remediation monitoring and maintenance plan shall be approved by the Local Planning Authority and implemented in accordance with the approved details.

Reports on monitoring, maintenance and any contingency action carried out shall be submitted to the local planning authority as set out in that plan, this shall include a plan for the protection and where necessary reinstatement of monitoring points during and on completion of the construction phase. On completion of the plan, a final report demonstrating that all site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that successful remediation of this site is undertaken to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

## 12 Foundation design

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

13 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside the application site, 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.

14 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

## 15 Cycle parking

The area shown as cycle storage on drawing A51-00 rev A shall be provided prior to first use of the development hereby permitted and retained for such use at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National Planning Policy Framework.

## 16 Travel Plan

Within 6 months of occupation of each of the approved uses, a travel plan (for both

employees and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys) shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and updated annually. 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 Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

17 Safety Audit; A full 3 stage road safety audit carried out in accordance with advice set out in the DMRB HD19/03 and guidance issued by the council, shall be carried out for the highway layout of Eboracum Way and all off-site works requiring alteration as specified in drawing LYH 04 rev P03, stage 1 of which shall be agreed in writing by the Local Planning Authority prior to construction works commencing onsite.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

18 NOISE7 Restricted hours of construction

8:00 to 18:00 Monday to Friday  
9:00 to 13:00 Saturday  
no working on Sundays or public holidays.

19 Any A3 (restaurant/cafe), A4 (drinking establishment) or A5 (hot food takeaway) uses on the site (independent from the hotel hereby approved) shall only operate within the hours of 08:00 and 24:00 each day of the week.

Reason: In the interests of the amenity of surrounding occupants.

20 Upon completion of the development, delivery vehicles to the development shall be confined to the following hours:

Monday to Saturday	08.00 to 18.00
Sundays and Bank Holidays	09.00 to 17:00

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

21 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard-standings shall be passed through an oil, petrol and grit interceptor.



Reason: To prevent pollution of the water environment.

## 22 Electric Vehicle Recharging Point

Before the occupation of the development an Electric Vehicle Recharging Point shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

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

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

For further information on how to comply with this condition please contact City of York Council's Low Emission Officer Derek McCreadie.

23 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to property and ecological systems, and to protect and improve the Sherwood Sandstone Principal Aquifer beneath the site and the Alluvial/Glacial sands and gravel Secondary Aquifer and the adjacent River Foss.

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

### 1. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

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

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

### **Contact details:**

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