

COMMITTEE REPORT

Date: 27.10.2016 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
 Commercial Team Panel

Reference: 15/02321/FULM
Application at: Former Unit A1 Parkside Commercial Centre Terry Avenue
York
For: Erection of 97 bedroom hotel
By: Mr Paul Manku
Application Type: Major Full Application (13 weeks)
Target Date: 03 November 2016
Recommendation: Approve

1.0 PROPOSAL

APPLICATION SITE

1.1 The application relates to the former Parkside industrial site on Terry Avenue on the west side of the river. The site previously accommodated single storey buildings; former industrial units dating from the early C20 and areas of hard-standing, with access from Terry Avenue and was part used by the caravan site. Following planning permission 13/01291/FULM, for office development on the site, the buildings were demolished. As part of the 2013 application the part of the caravan park within the site was moved to the south end of the Parkside site.

1.2 Dukes Wharf, a residential development ranging from 4 to 5 storey in height is to the north of the site, Terry Avenue and the river are to the east, the caravan park to the south and Lower Ebor Street, comprising of terraced housing to the west. A flood defence wall runs along the western boundary of the site.

1.3 The land to the immediate south of the site and Terry Avenue between the site and the river are within the green belt. Terry Avenue is within the New Walk / Terry Avenue Conservation area. A main character element of the conservation area is the public cycleway / walkway with a wealth of mature trees and views south of the countryside. The site is within Flood Zone 3 as shown on the Environment Agency flood maps. The York Council Strategic Flood Risk Assessment 2013 places the site in flood zone 3a(i), where, because the site is undefended, there is an annual probability of flooding of up to 1 in 25-year (4%) or greater. An NPPF compliant Sequential Test and Exception Test has been applied and a Site Specific Flood Risk Assessment has been submitted.

PROPOSALS

1.4 The application is to develop an apart-hotel on the site that would have 97 bedrooms. The scheme has been revised and reduced in scale since the original submission and the applicants have presented both schemes to local residents at public meetings facilitated by Cllr Hayes.

1.5 The building footprint generally follows that of the approved office scheme. It is L-shaped in plan with guest rooms accessed from a central corridor. The rear wing would follow the building line of the terrace of houses along Lower Ebor Street. As with the previous scheme, what remains of the evergreen hedge surrounding the former caravan site would be removed to facilitate development. There are also 4 trees (3xsycamore, 1xholly) in the centre of the site that would be removed.

1.6 The main entrance to the building would be at the front, from Terry Avenue with secondary access at the rear. The design intent is to open up views of the site from Terry Avenue (revealing the building within a landscaped setting) by removing the boundary fence.

1.7 It is proposed to re-use the existing vehicle access point. The access road would provide a turning circle, drop-off point and service vehicle access. There are 5 car parking spaces and an outside amenity space at the rear of the building. The footpath along Terry Avenue (by the vehicle entrance) would be improved.

1.8 The building would have a raised ground floor level so it would be safe from flooding. There would be an undercroft, where cycle parking would be, which would be designed to flood. This is the same strategy as the approved office scheme.

1.9 There would be 3 floors of accommodation above the undercroft and a further floor within the roof. The reception and guests lounge would be a double height space. The building design has been revised since the original submission, in part in response to public consultation. The building has been reduced in scale at roof level. Originally the building had a 2-storey flat-ish roof form and this has been reduced to a single storey pitched roof. The amendment significantly reduces the scale of the building from public viewpoints. The elevation drawings show comparison between the scale of the building as proposed in this application and the previous permission.

1.10 The building's main material would be brick, to match the locality. It also features timber cladding and the roof would be copper (brown) coloured.

PLANNING HISTORY

2013 - Application for 3-storey office building approved - 13/01291/FULM

2012 - Application for 4-storey office building withdrawn - 12/02856/FULM

2005 - Application withdrawn for residential development of the site -
05/00618/GRG3

2.0 POLICY CONTEXT

Relevant local policies

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes (DCLP) was approved for Development Management purposes in April 2005. Whilst the 2005 York Draft Local Plan does not form part of the statutory development plan, its policies are 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. The relevant draft policies applicable to this application include

CYGP1	Design
CYV3	Criteria for hotels and guest houses
CYGP15	Protection from flooding
CYHE2	Development in historic locations
CYHE3	Conservation Area
HE10	Archaeology
CYT4	Cycle parking standards
CYT13A	Travel Plans and Contributions

Emerging Local Plan

2.2 The consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan is currently subject of an eight week public consultation which started 18 July 2016. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation (in accordance with paragraph 216 of the NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. Relevant plan policies include;

SD1	Sustainable Development
EC3	Loss of Employment Land
EC5	Tourism
D1	Landscape and Setting
D2	Placemaking
D4	Conservation Areas
R1	Retail Hierarchy & Sequential Approach

2.3 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key

relevant policy issues and it is against this policy Framework that the proposal should principally be addressed.

2.4 The essence of the NPPF is the presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework taken as a whole; or (2) specific policies in the framework indicate development should be restricted (paragraph 14). A footnote to paragraph 14 gives examples of policies where the presumption in favour of sustainable development does not apply. They include policies relating to designated heritage assets and locations at risk of flooding. Both of these policy areas are relevant to the current application. Therefore, in this case, the presumption in favour of development does not apply. Instead, the application should be judged against, among other things, policies in sections 10 and 12 of the NPPF, which are specific to these areas (flood risk and heritage assets respectively) and which are considered later in this report.

3.0 CONSULTATIONS

INTERNAL

PLANNING AND ENVIRONMENTAL MANAGEMENT

Archaeology

3.1 As an evaluation was carried out on part of the site in 2003 by On-Site Archaeology with little in the way of results, a watching brief will be sufficient as the next archaeological stage for this application.

Conservation

3.2 The building has been redesigned so that its massing, scale and materials relate well to the surrounding natural environment. The majority of trees which screen the site can be retained and enhanced. Development will initially appear as an intrusion into the area as the workshop buildings were low, but its form and footprint have been modelled to appear more of a transition between the existing taller 4&5 storey urban block adjacent and the low scale leisure uses to the south. A concern remains that the tiered entrance decks and the platform lift could harm trees important to the setting of the site and the conservation area. This aspect of the scheme should be reviewed to avoid incurring harm.

3.3 Officer observations are as follows -

- There is a reduction to 4no floors in height from 5no floors (as submitted) facing Terry Avenue. The raised ground floor remains the same. The top floor includes a mezzanine floor under a sloping roof. Most importantly this has allowed the eaves line to be lowered to 13.8m (from ground) which is compatible with the mature tree canopy of 14-16m high.
- The main elevations would be expressed as a highly articulated three storey brick box over a deep plinth. The brickwork parapet (10.8m from ground) would align approximately with the fourth floor of the adjacent apartment block of five storeys. So the building would appear less dominant than before and use elements of a residential scale. The elevation facing Terry Avenue would have deeply set windows, "hit and miss" balconies, and oriel windows to be of interest on the longer public facade.
- The top floor would be set back from the parapet to reduce its prominence in the wider environment and next to the apartment block.
- The use of warm multi-brickwork would be compatible with brickwork in the area and the copper coloured metal cladding proposed for the roof, and for various blanking panels, would be compatible with the colours of the surrounding natural environment.
- The westernmost block close to Lower Ebor Street would have a parapet height of 10.8m (from ground) which is approx 1.5m higher than the ridge of the adjacent terraced house situated the equivalent of 3no houses away. It is the square profile of this solid block which appears incongruous with the terrace, rather than the height.
- The footprint remains as before. This would allow a fringe of trees to be planted adjacent to boundaries south and west and also within the rear courtyard. The latter trees are most important to serve as a buffer between the new development and houses in Lower Ebor Street. This street is particularly narrow and long, and existing views out towards the greener riverside environment contribute significantly to the amenity of the street. The replacement trees need to be semi-mature when planted.

FLOOD RISK MANAGEMENT TEAM (FRMT)

3.4 No objection. The revised site-specific flood risk assessment demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Officers require conditions to secure flood risk mitigation; to ensure the amount of flood water storage on site is not reduced, that surface water run off rates from the site are reduced and that

procedures for flood warning and evacuation are put in place.

3.5 Comments on the proposals are as follows:-

Flood plain storage

- An open undercroft area will be provided under the building footprint to provide flood storage, it will be designed with open sides, thus allowing potential flood water to enter and exit the area unhindered. Providing the undercroft area and maintaining the site levels as existing will maintain the volume of flood plain storage within the site.
- Additional flood plain storage has been provided on the site as a consequence of the recent demolition of buildings, this equates to a volume of circa 6300m³ based on the modelled 1:100 year climate change flood level of 10.590m AOD.

Finished floor levels

- The habitable/accommodation ground floor of the proposed hotel will be set at a finished floor level (FFL) of 11.200m AOD = 600mm above the Modelled flood level (1:100 + 20% cc event) of 10.59m AOD.

Flood warnings

- The building owner/landlord/management company must ensure the onsite facility management subscribe to the Environment Agency flood alert/warning services.
- The applicant's operating business (Roomzzz Apart Hotels) must implement a flood risk plan/policy where appropriate staff is assigned to receive the Environment Agency flood warning and action the flood plan.
- Through the hotel operators booking system potential guests must be advised of the possibility of disruption during their stay should potential flooding events be imminent.

Evacuation

- A safe route in and out of the site has been identified and provided.

Environment Agency (EA) Flood Defences

- The applicant has made an offer to make improvements to the EA flood defences but the FRMT are unsure as how this could be implemented through the planning process. Officers understand a legal agreement would be put in place between

the EA and the owner to allow access for maintenance of their flood defence and consent would have to be sought from the EA to carry out works within their 8m easement of the flood defence.

3.6 The drainage proposals are agreed to by officers and should be secured through condition also. The proposals establish the following principles -

- Foul water drainage will discharge to the existing sewers utilising the existing connections or alternatively a direct connection to Yorkshire Water foul or combined public sewer.
- Surface water drainage shall discharge to the Yorkshire Water 1200mm surface water public sewer to the south or direct to the River Ouse. Maximum permitted discharge rate based on 70% of the existing Brownfield rate of 6.82 l/sec.
- Onsite attenuation would 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.

HIGHWAY NETWORK MANAGEMENT

3.7 Officers have no objection in principle to the proposed development.

3.8 In accordance with national guidance the net impact of development proposals has to be considered, that being the difference between the development proposals and the level of traffic which could be generated by the existing lawful use without the need for further planning consent.

3.9 The site previously had a commercial use. In addition the authority has previously considered and approved a 3620 m² Gross Floor Area office block on the site (13/01291/FULM). Whilst this consent has not been implemented the principle and level of traffic generation has been established.

3.10 In relation to the lawful (historic) use of the site and the consented office scheme the change in volume of traffic using Terry Avenue as a consequence of the proposed hotel would be negligible. The typical level of traffic movements, at peak times, would be estimated as follows :-

Previous industrial use - in the region 13 movements at peak times
Approved office use = 60
Proposed hotel = 30

3.11 The redevelopment of the site would also be likely to lead to a reduction in the number of HGVs visiting the site over that which could be generated by the historic use of the site which is to the benefit of the local area.

3.12 Whilst the scheme only provides 4 car parking spaces this would not raise issues which would prevent the granting of planning consent. Sufficient space has been provided within the site to enable guests to arrive, check in/drop off luggage then park their vehicle elsewhere. It is not considered that on-street parking will become an issue as the surrounding streets are protected by a number of different waiting restrictions which will prevent indiscriminate parking or increased pressure on resident parking schemes.

3.13 Officers recommend conditions to secure highway improvement works along Terry Avenue (to continue the footpath and give pedestrian priority), the layout of the internal area (which includes servicing, drop off and parking areas), provision of cycle parking and for a travel plan to be developed, to encourage sustainable travel.

PUBLIC PROTECTION

Noise

3.14 Officers request planning conditions that require:-

- Agreement of construction management plan
- Noise levels from any plant/machinery to be approved, so such installations do not cause noise disturbance to surrounding residents
- Deliveries only to be allowed between 08.00 and 18.00 / 09.00 and 17.00
Sundays

3.15 It is noted that should guests on site cause noise disturbance, the council would have the power to take action under the Environmental Protection Act 1990 if a nuisance is determined.

Air quality

3.16 When 26 car parking spaces were proposed officers had asked for an electric vehicle charging point and at least one dedicated parking space. Now car parking numbers have reduced, officers consider a dedicated parking space for electric vehicle need not be provided, but a charging facility should still be installed. This would be secured through condition.

Land Contamination

3.17 Conditions are recommended to secure site investigation and if needed remediation and verification.

3.18 The proposed development site has previously been used as a dye works, a timber yard. These past activities have the potential to give rise to land contamination. The Geo-Environmental Report submitted includes the results of a basic site investigation, which did not reveal any significant contamination. However, the investigation does not fully characterise the ground conditions at the site. Soil and water samples were only taken from two locations at the site and they were not analysed for fuel oils or solvents, which are typically associated with dye works and timber yards. In addition, no samples were taken in the vicinity of the former dye works buildings (where contamination is more likely to be present) or in the proposed areas of soft landscaping (where future site users are more likely to come into contact with any soil contamination). Further investigation work is required and remedial action will be needed if land contamination is found to be present.

EXTERNAL

CANAL & RIVER TRUST

3.19 No objection. Suggest a planning condition to agree a suitable landscaping scheme due to the amenity value of existing trees both on site, and between the site and the river.

ENVIRONMENT AGENCY

3.20 This low-lying site is situated adjacent to the River Ouse and is at a high risk of flooding. It lies within flood zone 3ai according to York's Strategic Flood Risk Assessment (SFRA). The SFRA states that this flood zone is only appropriate for 'less vulnerable' uses.

3.21 As a hotel is considered to be 'more vulnerable' development, the council would need to deviate from its policy guidance in order to progress this application.

3.22 The EA advised that if, after careful consideration of the planning balance, the council decided to approve this development against the advice within its SFRA, the following conditions be included on any decision:-

- That the development occurs in accordance with the submitted Flood Risk Assessment (FRA) in particular -
 - The undercroft area shall remain available for the storage of flood waters at all times. A maintenance regime shall be put in place to ensure that any materials (such as silt) which are deposited during a flood are removed from site to ensure that there is no loss of flood storage.
 - Finished floor levels shall be set no lower than 11.2m above Ordnance Datum (AOD)

- A safe route into and out of the site shall be identified and provided.
- That there is no raising of ground levels
- The evacuation plan which shall include details regarding the closure of the hotel before the safe access/egress route is cut-off is agreed.

3.23 The developer has advised the EA that they could increase the height of the flood wall adjacent the site if development were to go ahead. The EA do not require this work to be secured as part of this application but advise they would enter into discussions with the developer to agree and secure this work should the scheme go ahead.

3.24 It is noted that formal consent would be required from the EA for any works within 8m from the flood defences.

MICKLEGATE PLANNING PANEL

3.25 The panel does not object to the principle of hotel use for this site.

3.26 However, on the original scheme the panel had concerns that the top floor and roofline of the building was not of high enough design quality and would be visually intrusive on views from the river.

3.27 The panel is also concerned about the potential increase of traffic along Terry Avenue. Whilst some visitors may arrive by public transport, the majority are likely to come by car. There is a concern that there is insufficient parking provision, which would in turn impact on the local area. Also, given that Terry Avenue is the only means of access for visitors, and that flooding is not unusual, there is a concern about where cars would go in the event of such an event.

YORKSHIRE WATER

3.28 The revised 'Drainage and Flood Risk Statement' (v12 dated September 2016) is satisfactory from Yorkshire Water's viewpoint. In summary, the report states;

- Sub-soil conditions do not support the use of soakaways.
- A watercourse exists near to the site - connection subject to Environment Agency requirements.
- If a direct connection to river is evidentially ruled out, surface water will discharge to public surface water sewer, via storage, with a restricted discharge (of 6.82 litres/second).

3.29 Officers have made the following recommendations and have acknowledged the applicants have addressed these matters -

- Cycle parking should be secure
- The use of CCTV is recommended.
- There should be site management to deal with anti-social behaviour
- Access areas should be well lit.

PUBLIC CONSULTATION

3.30 There was a second round of public consultation when revised plans were received. Comments have also been received from residents who attended the applicant's second public consultation event in September.

3.31 In total 74 objections have been received and 1 comment in support.

3.32 The thrust of objections are around increased noise and disturbance, in particular late at night, in what is a tranquil area; the impact on Terry Avenue due to increased traffic; concerns about guests parking in surrounding streets and flood risk; that it would be inappropriate to develop this site where there is known flood risk as the hotel would have to close annually due to flooding and there are safety concerns if the site had to be evacuated. Then objections are grouped and summarised below:-

Design & visual impact

- The building in the revised scheme would still be out of scale and character with the setting and would reduce light gain into properties on Lower Ebor Street.
- The trees currently provide an attractive vista at the end of the street. This view would be lost, replaced by an imposing building which would be out of character with the terraced street.
- Development will cause a tunnelling effect, due to its scale and that of the neighbouring building.
- Lack of interest on the side elevation facing Dukes Wharf (comment on original scheme)
- Out of keeping with the tranquil and recreational character of Terry Avenue due to increased traffic.

Amenity

- There is a lack of on site supervision and accommodation rates are based on per room, rather than number of guests. It is suggested the rooms will be attractive with visitors coming to York to party, rather than families.

- The site is within a quiet residential area, including Terry Avenue. There is concern from local residents that there would be undue late night disturbance; noise and anti-social behaviour from guests (up to 200), coming and going either on foot or by taxi. In particular those returning from town intoxicated late at night. There would be far more late night disturbance compared to the previously approved office scheme.
- Noise and disruption along Terry Avenue during the construction period, which residents have advised could be up to 12 months.
- Noise from delivery vehicles. The building would be over-bearing; it would overlook rear yards and lead to a loss of light.
- Loss of mature trees within the site will have an adverse effect on neighbour's outlook. The landscape vista at the end of the street would be lost; replaced by an inappropriate building.
- Concerns over impacts on structural integrity of houses and the flood wall during construction.
- The recent success of the 'Bishy Road' community has been built on a balance between small local businesses and a surrounding residential area. The proposed hotel will disrupt this equilibrium and represent an irreversible change in the nature of the local community.

Highway safety

- Terry Avenue can not accommodate the extra traffic that would result as a consequence of this development.
- Terry Avenue is primarily for recreation. It is one way only and single lane and pedestrians and cyclists tend to use the road. The road is already used by caravans and taxis who can drive without care. Additional vehicle movements would have an adverse effect on safety and the setting.
- There is no assessment/detail of arrangements if Terry Avenue were to flood (which occurs annually) and guests would rely upon parking in the surrounding streets.
- Inadequate car parking. There is concern guests will park in surrounding streets (which have no capacity), in particular on Lower Ebor Street and in the private car park serving Lower Darnborough Street. This will harm residential amenity and cause tension.

Flood risk

- To grant permission for the development would contravene York's SFRA which states hotels should not be allowed in zone 3ai. It would be unlikely the building could be evacuated in an extreme flood event, given the lack of warning times.
- There should not be a hotel developed on a site which floods frequently. There would be considerable flood risk if the development needed to be evacuated and it is illogical (and surely unviable) to develop on the site, when the hotel would have to be closed for months each year as Terry Avenue would be flooded.

- Residents asked for re-assurances development will in no way effect integrity of flood defences. There was concern Lower Ebor Street would be susceptible to flooding if the escape onto Ebor Street (which is no longer proposed) were used in times of flooding.
- Lower Ebor Street is identified as emergency escape route. Comments advise that the road is narrow, therefore difficult for vehicles to access and the end of the street did flood in 2015. It is therefore queried whether this means of escape is suitable.

4.0 APPRAISAL

KEY ISSUES

4.1 The key material planning considerations in consideration of this scheme are:-

- Principle of the proposed use
- Flood risk
- Impact on the character and appearance of the conservation area
- Residential amenity
- Highway safety
- Sustainable design & construction
- Archaeology
- Biodiversity

ASSESSMENT

PRINCIPLE OF THE PROPOSED USE

Relevant planning policy

4.2 The application site is outside of the city centre, as defined in the 2005 Draft Local Plan and also the emerging plan. As such, based on paragraph 24 of the National Planning Policy Framework, because a hotel is regarded as a 'main town centre use' a sequential test is required to show the proposed development could not be located in the city centre.

4.3 The NPPF states that the "purpose of the sequential test is to ensure main town centre uses are 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".

4.4 Policies R1 and R2 of the emerging Local Plan require that main town centre uses are directed to the city, district and local centres. R2 states that proposals for main town centres will be resisted where they would have an adverse effect on the

vitality and viability of existing centres. EC5: Tourism states that the city centre will be the favoured location for hotels, followed by edge of centre sites.

4.5 Of the 2005 Draft Local Plan (DCLP), policy V3 states planning permission will be granted for hotels provided the proposal:

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

4.6 Policy E3b relates to sites that have been in employment uses. It states planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

4.7 National advice in the NPPF asks for more flexibility than the approach required by E3b. It states "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".

ASSESSMENT

Application of sequential test

4.8 The application site has no designation in the emerging Local Plan. In accordance with NPPF requirements the application was supported by a sequential assessment.

4.9 The assessment details city centre sites the applicants had previously identified and subsequently discounted for varying reasons.

4.10 Among the sites previously considered include Holgate Villas (where permission was granted for a hotel, but the building instead was redeveloped as residential), sites along Piccadilly and at the former fire station, which did not meet the applicant's requirements and at Hungate (the site adjacent the Hiscox offices) where another operator has acquired an option to re-develop. Officers are satisfied a reasonable effort was made to acquire a city centre site.

4.11 There are no preferable alternative, deliverable or designated sites for hotel developments identified in the 2005 or the emerging local plans. As such the proposed development passes the sequential test. The application site is a preferred alternative to city centre, according to the NPPF, because it is an edge of centre site in an accessible location; within walking distance of the city centre. The re-development of the site would compliment the vitality and viability of the city centre and the nearest identified local centre in the emerging Local Plan; the Bishopthorpe Road area.

Loss of employment land

4.12 Considering NPPF policy (paragraph 22), to take a flexible approach in the re-use of former employment sites, there is no objection to the loss of employment land on the following grounds –

- To re-instate the former industrial use of the site could potentially be impeded due to the need to prevent noise having an undue impact on neighbour's amenity.
- To re-introduce goods vehicles along Terry Avenue could have an undesirable effect on safety and what is now the established character of the street; a popular recreational route within the conservation area.
- There has been no credible interest in developing the consented office scheme, granted planning permission over 3 years ago.
- To accommodate the proposed use, which is within a growing sector, accords with the thrust of the NPPF; to promote economic growth.

Impact on the city centre

4.13 Due to the size of the proposed development and its location, at the edge of the city centre the NPPF recommends undertaking an impact assessment on the vitality and viability of the city centre.

4.14 Existing hotels in the city centre benefit from their proximity to the cities main attraction, its historic core and proximity to the train station. Hotels in the city have high occupancy rates. This site is at the edge of centre, in a sustainable location and well located for walking into the city centre and its attractions. Due to the scale proposed hotel and the strength of the sector in the city the proposed development would compliment the existing offer. It would not have a significant adverse impact on the vitality and viability of the city centre.

FLOOD RISK

Relevant planning policy

4.15 According to national policy and the Environment Agency flood maps, the site is within Flood Zone 3. According to national policy the proposed hotel use can be allowable in zone 3 provided the sequential and the exception tests have been passed.

4.16 However the site is locally designated (in the York Strategic Flood Risk Assessment) as being within Flood Zone 3a(i), because the site is undefended from flooding, where there is an annual probability of flooding of up to 1 in 25-year (4%) or greater. The York SFRA advises against hotel development in Flood Zone 3a(i).

4.17 Because of flood risk at the site the applicants have developed a robust FRA (the latest version is version 11) in consultation with the EA. The assessment explains how flood risk would not have an undue impact on the proposed business (the hotel would have to close if Terry Avenue were inundated), the proposed strategy for installing a flood risk warning system, the means of escape and how the development would not increase flood risk elsewhere.

4.18 The assessment confirms the hotel would have to close in times of flooding, as the access is via Terry Avenue. The applicants have reviewed the historic frequency of such events (gaining information from the caravan club next door and the EA) and are satisfied they are irregular and would not have an undue effect on the business.

Sequential test

4.19 The aim of the sequential test is to keep development out of flood zones 2 and 3 where possible. The applicants have undertaken a rigorous sequential test, as summarised in paragraphs 4.7 to 4.11, which explains why they have been unable to identify a sequentially preferable site for the scheme. Flood risk aside, the site is also sequentially preferable as it is previously developed land at the edge of the city centre.

Exception test

4.20 For the Exception Test to be passed: it must be demonstrated that a) the development provides wider sustainability benefits to the community that outweigh flood risk and b) a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

4.21 In assessment of wider sustainability benefits the NPPG advice is as follows -

“Local planning authorities will need to consider what criteria they will use in this assessment, having regard to the objectives of their Local Plan’s Sustainability Appraisal framework, and provide advice which will enable applicants to provide the evidence to demonstrate this part of the Exception Test is passed.

If a planning application fails to score positively against the aims and objectives of the Local Plan Sustainability Appraisal or Local Plan policies, or other measures of sustainability, the local planning authority should consider whether the use of planning conditions and/or planning obligations could make it do so. Where this is not possible, the Exception Test has not been satisfied and planning permission should be refused”.

4.22 The scheme would regenerate a previously developed site and improve the vitality and viability of the area. The building will meet the required BREEAM targets and is in a sustainable location; it is not dependent on private car use. In addition the applicants have responded to public objection to the scheme and reduced the height of the proposed building; it is lesser in scale than the approved office scheme for the site (that could still be implemented) and a detailed landscaping scheme has been prepared which would enhance the setting and biodiversity within the currently derelict site. These are wider sustainability benefits that meet with the York Sustainability Appraisal and justify the scheme.

4.23 The NPPG gives the following advice on the content of site specific flood risk assessments -

- Consider how the site/building will be protected from flooding, including the potential impacts of climate change, over the development’s lifetime
- Ensure that the proposed development and the measures to protect the site from flooding will not increase flood risk elsewhere
- Prevent run-off from the completed development causing an impact elsewhere
- Are there any opportunities offered by the development to reduce flood risk elsewhere?
- What flood-related risks will remain after the measures to protect the site from flooding have been implemented?
- How, and by whom, will these risks be managed over the lifetime of the development? (E.g., flood warning and evacuation procedures).

4.24 The NPPG also advises as follows –

- Appropriate flood warning and evacuation procedures at any site with transient occupants are a requirement.
- To mitigate the impact of flood risk it is especially important to look at ways in which the development could help to reduce the overall consequences of flooding

in the locality, either through its design (recognising that some forms of development may be more resistant or resilient to floods than others) or through off-site works that benefit the area more generally.

- Where access and egress is important to the overall safety of the development, this should be discussed with the local planning authority and Environment Agency. Access considerations should include the voluntary and free movement of people during a 'design flood', as well as the potential for evacuation before a more extreme flood.

4.25 The building itself would be reasonably safe and defended from flood risk. The finished floor level is above that required by policy (600mm above the 1 in 100 year flood level); the building would not have flooded during the 2015 flood event.

4.26 The access to the site is from Terry Avenue. The intent is for the site to be evacuated if there is a flood, rather than for it to continue to operate. This would be in a similar manner to the caravan site. The arrangements are detailed in the FRA which identifies measures to monitor flood water, the trigger point at which the hotel would be evacuated (when a flood warning is issued by the EA) and details the elevated evacuation route via the caravan park. The need for the emergency services to be involved (using a hoist to lift people over the flood wall) would be in a highly unlikely event whereby no flood warning had been issued by the EA, the applicant's sensors had not detected increasing water levels, the site had been inundated, and the building were still inhabited.

4.27 There will be no increase in flood risk elsewhere due to the following aspects of the proposal -

- There would be no reduction in flood water storage space on the site. The proposed building will have an undercroft designed to flood, in a similar manner to the previously approved scheme. The situation would be improved in comparison to when there were previously buildings on-site.
- In accordance with CYC requirements in the SFRA the existing surface water run off rate would be reduced by 30%.
- The applicants have also proposed to increase the height of the existing flood wall by 600mm. Such works would be undertaken in conjunction with the EA if they were to occur. They are not necessary to make the scheme acceptable in planning terms but would have benefit.

4.28 The proposal satisfies national flood risk requirements and the Environment Agency is satisfied that the development can be made safe subject to planning conditions. However, the York Strategic Flood Risk Assessment (March 2013), locally classifies the Site as Zone 3(a)(i), and advises a presumption against hotel development. This is also a material consideration, that should be read in conjunction with the NPPF, the site specific FRA and EA maps. In this case, Officers consider deviation from the local policy can be justified on the following grounds -

- The site has been previously developed and there is already consent in place for re-development; an office comprising 3624 sq m floor space with the capacity for some 300 employees.
- The proposed use would involve people sleeping over-night onsite; this is the only material change to the approved scheme in terms of flood risk. However the site specific FRA submitted demonstrates the building and its occupants would be reasonably safe from flood risk.
- The local designation is as a consequence of the current condition of the site i.e. it is undefended from flooding. The scheme proposes a design solution to address this; the building would be defended from flood risk. Also as required by national policy flood risk elsewhere would not be increased as flood water storage on-site would be increased (since the industrial buildings which previously occupied the site have been demolished) and surface water run-off rates would be reduced.

IMPACT ON THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.29 Of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) Section 72 requires the Local Planning Authority when determining planning applications for development within a conservation area to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

4.30 The National Planning Policy Framework advises that proposals should sustain or enhance conservation areas. If proposals would have a harmful impact, in order to be justified there must be demonstrable public benefits that would outweigh the identified harm.

4.31 The NPPF requires good design and advises that proposals should aim to:

- Function well and add to the overall quality of the area
- Create and sustain an appropriate mix of uses, including green and public spaces
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- Be visually attractive

4.32 The building's footprint and massing has been approved previously, being regarded as an acceptable response to the setting; providing a positive frontage to the riverside and being lower in scale at the rear so not to dominate the terraced housing. The revised pitched roof form will compliment the setting and compared to the approved office scheme and the original submission, reduce the prominence of the proposed building.

4.33 The proposed building would appear in a landscaped setting, set back behind what will become a landscaped garden between it and Terry Avenue. The boundary fence and low lying vegetation adjacent Terry Avenue would be removed. For visual amenity trees would be introduced alongside boundaries with the caravan park and Lower Ebor Street and in the courtyard at the rear. Existing planting at the north boundary would remain as would the trees lining Terry Avenue. A condition is proposed to agree the detailing of the hard landscaping by the front entrance, so that it would not damage trees. The applicants advise the platform lift at the front entrance would require a concrete base, no deeper than 30cm, and other items would be akin to domestic garden deck and could be accommodated without tree root damage. Any future works to trees fronting Terry Avenue would require consent as they are in a conservation area.

4.34 The buildings materials would be harmonious with the setting – red brick is intended to respect buildings in the Clementhorpe area. The timber and brown copper cladding; secondary materials, would compliment the brick and the landscaped setting. Terry Avenue would be improved by continuing the footpath by the site's vehicle entrance.

4.35 The scheme meets the NPPF criteria on design. A contemporary scheme, of good quality architecture, is proposed in a landscaped setting. Considering the site is presently gated and derelict, the character and appearance of the conservation area would be enhanced.

Secure by Design

4.36 A more open aspect onto Terry Avenue would be introduced to help identify the hotel entrance. There will be natural surveillance, from the reception / residents lounge area and guestrooms which look onto the landscaped surrounds. This increased surveillance and change in use of the site would deter the anti-social behaviour previously associated with a site when it was vacant/un-occupied. As such it is not proposed to have a fully gated site with restricted access. This could be revisited at a later date if necessary.

RESIDENTIAL AMENITY

4.37 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. DCLP 2005 policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

Impact on Dukes Wharf

4.38 The proposed building would not have an undue impact on Dukes Wharf. The scheme has been designed so the elevation of Dukes Wharf which looks into the site would be orientated so windows looked either beyond the front of the proposed building or toward the courtyard amenity space at the rear. Outlook would be improved as a consequence of landscaping proposed for the site. The buildings would be some 22m apart; windows on the proposed building would be orientated to look away from Dukes Wharf. Dukes Wharf is to the north of the proposed building and would not be overshadowed or suffer a loss of light.

Impact on Lower Ebor Street

4.39 The rear wing of the building would be aligned with the terrace of houses on Lower Ebor Street. The wing would be higher than the terrace, but spaced 15 m away. The massing and footprint of this part of the building are the same as the approved office scheme.

4.40 There are no windows that would unduly overlook neighbouring houses or yards. The rear elevation of the main block would have windows looking towards Lower Ebor Street. They would look indirectly towards back yards on the end houses. The yards would be approx 28m away and trees are proposed at the site boundary to add amenity value.

4.41 The building would not be unduly over-dominant. There would be no undue overlooking and based on BRE guidelines no impact on sunlight or natural light.

4.42 Residents have raised concern there would be late night disturbance as a consequence of the proposed hotel development; that there would be increased activity late at night. Guests returning would create extra noise, either by traffic movements or raised voices which would exceed current background noise levels. The concern is that night time noise levels are currently low in the area due to lack of activity and as those who use Terry Avenue respect it; this would not be the case with transient guests.

4.43 The walkways on both sides of the river are popular routes for pedestrians. The site is next door to the caravan club which has capacity for around 100 pitches and space for camping. Whilst residents concerns are acknowledged this noise issue has not been raised as a potential cause of concern from the police and we do not have substantiated evidence that guests of the hotel would create any more noise or disturbance compared to other users of the public route.

HIGHWAY SAFETY

4.44 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.

Access arrangements

4.45 The scheme will include alteration at the site access, to give pedestrians priority, through continuing the footpath. This would slow vehicle speeds and to give pedestrian priority is advocated in the NPPF.

4.46 There would be 4 car parking spaces on site (down from 26 as visitor car parking is no longer proposed in the undercroft), to be used by staff and disabled guests only. Guests arriving by car would be encouraged to use Nunnery Lane car park. The applicants have entered into discussions with the council over arrangements whereby spaces in the car park would be allocated to the hotel. This does not raise any capacity issues.

4.47 All the surrounding streets, apart from Lower Ebor Street are covered by the res-park. The only site access would be from Terry Avenue. As such it is unlikely guests would park on surrounding residential streets.

4.48 The site layout incorporates a drop off point, provision for deliveries and there would be cycle parking in the undercroft (so covered and secure).

4.49 Terry Avenue already provides access to the caravan park and Rowntree Park. Due to the access arrangements there would not be a material change in volumes of traffic using Terry Avenue. Furthermore there would be less traffic (and fewer HGV) using Terry Avenue in comparison to the historic industrial use of the site (when there were over 20 car parking spaces) and also compared to the approved office scheme which had 22 car parking spaces on site. Note that the office scheme can potentially still be implemented.

Sustainable travel

4.50 A travel plan will be secured through a planning condition; to promote sustainable means of travel and ensure those arriving by car are aware of formal arrangements and that there is no parking onsite. The cycle parking provision is adequate based on Local Plan standards. There would be 24 spaces at the outset which would be both covered and secure. The applicants are planning to offer a

bike hire service to guests. An electric car charging point can also be secured through planning condition.

SUSTAINABLE DESIGN & CONSTRUCTION

4.51 Due to the size of the proposed development under current local requirements - in the Sustainable Design and Construction Interim Statement - it is a requirement the scheme achieves a BREEAM rating of at least Very Good. A BREEAM pre-construction assessment has been undertaken which shows that the rating can be comfortably achieved. The required rating would be required through a planning condition.

ARCHAEOLOGY

4.52 The site is within an area of nationally designated archaeological importance. DCLP 2005 policy HE10 requires archaeological deposits of national importance to be preserved in situ. To fulfil this requirement developers are required to undertake an archaeological survey to assess archaeological value.

4.53 The investigation undertaken by YAT informs that until the post medieval period the site was undeveloped. Officers are content that due to the low potential for archaeology of importance to be present, a watching brief on groundworks would be adequate in this case.

5.0 CONCLUSION

5.1 Officers recommend that permission be granted, subject to conditions on the following grounds -

- The principle of developing a city centre use at this edge of centre site has been accepted previously and is again justified for the proposed hotel use; there would be no material impact on the vitality and viability of the city centre.
- The scheme adheres to the design principles approved previously. The design and proposed materials are appropriate to the locality and the landscaping scheme would improve the condition of the site. There would not be harm to the conservation area.
- The building would be reasonably safe from flooding and would not increase flood risk elsewhere. Appropriate management arrangements would be put in place to protect future users. The proposal meets the requirements of the NPPF sequential and exception tests and is acceptable when considered against national planning policy on flood risk. There is justification to outweigh the presumption against developing a hotel on this site established in the local SFRA

which dates from 2013, when read in conjunction with the NPPF and Environment Agency advice.

- The scheme discourages private car use and the car parking provision on site is minimal. There would be no material impact on highway safety along Terry Avenue and its use for recreation would not be compromised.
- Terry Avenue is a popular recreational route and the site is next door to a caravan site. There is no substantiated evidence that users of the hotel would cause additional noise disturbance compared to other users of the avenue at night. The scheme would improve the appearance of the site and the building has been designed so there would be no undue impact on neighbour's amenity. There are no amenity grounds to oppose the application. Officers' view is that there is no unacceptable harm to amenity on which grounds the application could reasonably be refused.
- The scheme is policy compliant in other respects.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Development in accordance with approved plans:-

Site Plans

P(01)AP - 001 revision B, 002 B

Floor Plans

P(02)AP - 000B, 001B, 002B, 003B, 004B, 005B, 006B

Elevations

P(04)AE - 001B, 002B, 003B, 004B

Materials and finishes

P(06)AM001 B

P(06)AM002 B

Landscaping Proposals

L001B, L002B, L003B, L004B, L001_PO1

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

3 Investigation of Land Contamination

Prior to development commencing, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. 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:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- 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'.

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. As such it is necessary works commence before construction.

4 Submission of a Remediation Scheme

Prior to development commencing, 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 approved 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 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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. As such it is necessary works commence before construction.

5 Drainage

Prior to development commencing, the following drainage details shall be approved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

- a) Site specific details of the flow control device manhole limiting the surface water to the 6.82 lit/sec.
- b) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- c) Details of the future management / maintenance of the proposed drainage scheme.

Reason: To avoid increased flood risk. Details are required pre-commencement because this infrastructure needs to be installed at the outset of the construction process.

6 ARCH2 Watching brief required

7 Construction Management

Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the 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.

The CEMP shall detail times/types of working and times of deliveries.

Reason: To protect the amenity of local residents and businesses

8 HWAY31 No mud on highway during construction

9 Tree protection during construction

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, 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 and locations of protective fencing.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. Unless otherwise approved by the Local Planning Authority, none of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which make a significant contribution to the amenity of the area.

10 Materials

Samples of the external materials to be used shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the building. The development shall be carried out using the approved materials (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction of the pertinent building. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

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

11 Large scale details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development and the works shall be carried out in accordance with the approved details.

- Typical sections of each elevation at 1:50
- Plinth detail
- Gable end
- Plant louvres in roof
- The tiered entrance platform (including foundation design)
- Details of any increase in height to the flood defence wall

Reason: So that the Local Planning Authority may be satisfied with these details, in the interests of the character and appearance of the conservation area.

12 Verification of Remedial Works

Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and 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.

13 Hard landscaping / servicing arrangements

Prior to first occupation or use, the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

14 Cycle parking/storage

The cycle storage facilities as shown on the approved floor plans 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 storage and to encourage cycle use in accordance with Local Plan policies GP1 and T4 and section 3 of the National

Planning Policy Framework.

15 Electric vehicle charging facilities

An electric vehicle recharging point shall be provided on-site prior to first use of the development hereby approved and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

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

INFORMATIVE: Electric Vehicle Recharging Point means a 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.

16 Terry Avenue improvements

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Required works - continuation of the pedestrian priority footpath along Terry Avenue, past the vehicle entrance to the site, as shown on the approved site plan.

Reason: In the interests of the safe and free passage of highway users, and to promote pedestrian movement in accordance with Manual for Streets.

17 Flood risk

The development hereby approved shall be carried out and operated in accordance with the JPG Drainage and Flood Risk Statement AMF/DFS/4455.v11 at all times, including in particular the following mitigation -

- The undercroft area shall remain available for the storage of flood waters at all times. A maintenance regime shall be put in place to ensure that any materials (such as silt) which are deposited during a flood are removed from site to ensure that there is no loss of flood storage.
- Finished floor levels shall be set no lower than 11.2m above Ordnance Datum (AOD)

- A safe route into and out of the site shall be identified and provided

Reason: To prevent flood risk.

18 Flood warning and evacuation plan

A detailed flood warning and evacuation plan shall be agreed in writing by the Local Planning Authority prior to first use of the development hereby approved and shall be adhered to at all times. This plan shall include details regarding the closure of the hotel when there is no access via Terry Avenue.

Reason: To prevent flood risk.

19 Landscaping

A detailed landscaping scheme, following the principles shown on the approved landscaping plans, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The development shall be carried out in accordance with the approved details.

Details shall be provided showing how the landscaping/stepped entrance around the front/east entrance will be introduced without harm to tree roots.

The hard landscaping measures shall be implemented in accordance with the approved scheme prior to first occupation.

The soft landscaping measures shall be implemented in accordance with the approved scheme within 6 months of first occupation.

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: In the interests of visual amenity and the character and appearance of the conservation area.

20 Travel Plan

A travel plan, for employees and visitors; setting out measures to promote sustainable travel and reduce dependency on private car journeys, shall be submitted to and approved in writing by the Local Planning Authority within six months of first use of the development hereby approved. The plan shall specifically explain how guests arriving by car will be informed of parking arrangements/local car park facilities and details of measures to prevent vehicles using Terry Avenue

and indiscriminate parking on local streets.

The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated and provided to the Local Planning Authority annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

21 BREEAM

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'

22 Ground levels

There shall be no raising of ground levels as part of the development. All excess spoil arising from the works shall be removed from site.

Reason: to ensure that there is no loss of flood storage as a result of the works, and that flood flows are not pushed onto others.

23 Plant / Machinery

The combined rating level of any fixed plant or equipment installed at the site shall not exceed 35dB(A), measured at the site boundary, when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of surrounding occupants from externally generated noise and in accordance with the National Planning Policy Framework.

24 UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (cleanup) 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.

INFORMATIVE: 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 2A of the Environmental Protection Act 1990.

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.

7.0 INFORMATIVES:

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

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

2. REQUIREMENT FOR EA PERMIT

Any works to or within 8m of the toe of the defence will require a permit under the Environmental Permitting (England and Wales) Regulations 2010 from the Environment Agency. A permit will also be required for any proposed works or structures, in, under, over or within eight metres of the top of the bank of the River Ouse, designated a 'main river'. This was formerly called a Flood Defence Consent. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website:

<https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> .

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