

COMMITTEE REPORT

Date: 21 January 2016 **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 (class C1) and a drive-through restaurant (class A3) at ground floor level, with associated parking, landscaping and access, and 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 subject to Section 106 Agreement

1.0 PROPOSAL

APPLICATION SITE

1.1 The application site is presently vacant. It was once part of the former gasworks site, which remains to the northeast. The land to the north of the site has recently been regenerated. There are offices and flats which sit between the river and the completed part of the planned link road between Heworth Green and Layerthorpe. To the south are a bicycle shop with flat above and a supermarket with car parking. There is a parcel of land to the east of the site which remains undeveloped.

1.2 The site was designated for redevelopment (residential and offices) in the 2005 Draft Local Plan. It is predominantly in flood zone 3.

PROPOSALS

1.3 This application is for a hotel with 128 bedrooms with an ancillary restaurant at ground floor level. There would also be a separate commercial unit at ground level, a drive through restaurant with 165 sq m customer floor space.

1.4 The building is positioned to avoid the blast zone of the gas holder to the northeast and is surrounded by 90 car parking spaces and landscaping. It is proposed to continue the river walkway along the Foss, which has been established alongside recent development to the north. The application also proposes completion of the final section of the James Street/Heworth Green Link Road, as the proposed new access road to the development follows the line of the final section. In order to facilitate construction of this final section, the s106 agreement would

require the developer to enter into a s278 Highways Agreement to construct the interfaces with Eboracum Way and Layerthorpe, including a traffic signal controlled junction. The S106 Agreement also proposes that the Council contributes £290,000 towards the highway works to facilitate completion of the link. The provision of infrastructure which is secured through a s278 Highways Agreement is not subject to the pooling restrictions imposed by the Community Infrastructure Levy Regulations 2010 as amended.

SITE HISTORY

1.5 Planning permission was granted for a similar development in June 2012 (application 11/02210/FULM). It has not been possible to implement the previous permission as the hotel could not go ahead until the gasholder 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.

1.6 Due to lack of progress in de-commissioning of the gasholder the applicants have developed an alternative scheme, with the building re-positioned outside the blast zone.

1.7 This application initially came to committee in October 2014. Members supported the officer's recommendation to approve subject to an S106 agreement. The application is brought back to planning committee as there are now alterations to the scheme. Of note there is clarity over the proposed ground floor uses – an ancillary restaurant to the hotel and a separate cafe/restaurant with drive-through facility. The latter now has a reduced floor-space which has influenced the foot print of the building. The changes are highlighted on drawing A50 03.

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:
Floodzone 2 GMS Constraints: Flood zone 2
Floodzone 3 GMS Constraints: Flood zone 3
Hazardous Premises GMS Constraints: Transco

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes 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
CYGP4A	Sustainability
CYGP6	Contaminated land
CYGP15	Protection from flooding
CYT4	Cycle parking standards
CYE1A	Premier Employment Sites
CYV4	Allocation of hotel sites
CYT2B	Proposed Pedestrian/Cycle Networks
CYNE7	Habitat protection and creation
CYNE8	Green corridors
CYED10	Student Housing

2.3 Draft York Local Plan (2014) Publication Draft

At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (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 draft policies include;

SD1	Sustainable Development
DHE1	Design & the Historic Environment
DHE4	Building Heights & Views

2.4 Relevant sections of the NPPF:-

- 1; Building a strong, competitive economy
- 7; Requiring good design
- 11; Conserving and enhancing the natural environment

3.0 CONSULTATIONS

3.1 There has been no external re-consultation due to the minor nature of the alterations to the scheme previously brought to planning committee. Previous comments and those from internal consultees are summarised below.

ENVIRONMENTAL PROTECTION UNIT

3.2 Officers raise issue with possible noise disturbance from the drive-through restaurant and during construction. Conditions were applied to the previous recommendation, to control opening and delivery times and to require that any plant/machinery is below the existing background noise level, in the interests of residential amenity. A construction management plan was recommended to be

agreed via condition, but instead a condition was applied restricting times of construction.

3.3 Planning conditions were recommended to deal with land contamination, including the requirement for monitoring after the remediation strategy had been implemented to ensure the remediation had been a success.

PLANNING AND ENVIRONMENTAL MANAGEMENT

Ecology

3.4 Officers recommended enhancement of the wildlife corridor along the river, and avoiding light pollution in the area (where the river walkway were proposed). It was asked for bat and bird habitat features to be introduced.

Landscape

3.5 Officers are happy with the quality of the planting stock and tree pit details and recommend a standard planning condition to secure implementation of the landscaping scheme and to give 5 years to allow it to establish. Officers did make the following recommendations to the scheme submitted 23 Dec 2015, which has subsequently been amended.

- Proposed trees are Rowans, the performance of which can vary enormously, and have not shown great success in York. Officers suggest half of these be exchanged for a couple of other species, such as *Pyrus calleryana* and more of the *Acer campestre* 'Emerald Queen'; this would not compromise the principles of single-species groupings.
- Officers queried the use of the Privet (*Ligustrum ovalifolium*) at the rear, between the building and the river, as it would grow a lot taller than the herbaceous component – the Rudbeckia and Carex, proposed for the shrub planting areas.
- The tree pit details are suitable, though it was recommended subsoil be imported to a poor, contaminated site such as this. Furthermore, a lot depends on the contractor and regular maintenance operations as to whether the trees will survive in the narrow planting beds.
- It would be appropriate to plant 2 or 3 individual trees, (introducing another species such as *Fagus orientalis* 'Iskander') just within the planting blocks at the end of each step of the west elevation of the hotel and within the grassed area near to the ramp. These could fit just outside of the sewer easement zone.
- The tree protection area – 'protection fencing' is good, which should keep all development operations outside of the root protection zones. However a riverside footpath is to be constructed between the existing trees, we will need

a construction detail and method statement for this. This can be a planning condition.

HIGHWAY NETWORK MANAGEMENT

3.6 Officers do not have any safety concerns over the changes to the internal layout. Officers are content for the scheme to be approved subject to conditions and a legal agreement 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

3.7 As reported previously, officers recommended approval based on the scheme for compensatory surface water storage dated 9 October 2014 and subject to agreement of the site specific drainage scheme.

POLICE ARCHITECTURAL LIAISON OFFICER

3.8 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)

3.9 No comment.

ENVIRONMENT AGENCY

3.10 No objection provided the development were carried out in accordance with the submitted FRA.

PUBLICITY

3.11 There were six objectors to the scheme.

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)

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.

4.0 APPRAISAL

VARIATIONS TO THE SCHEME

4.1 The variations to the scheme previously presented to committee are as follows –

- The proposed site plan (revision P) shows the difference in the building footprint and clarifies the detailed layout of the hotel.
- The vehicular route for the drive-through has been altered.
- Cycle parking
- The staff cycle storage for the hotel has been moved out of the building and is now within a separate store. The storage is in a similar location on site; beyond the service yard area.
- Cycle parking provision has varied as follows -
 - Previous provision - 15 staff and 12 visitor spaces
 - Proposed provision -
 - Retail – 9 covered and secure, 8 uncovered Sheffield stands by entrance
 - Hotel – 16 covered, 8 within a secure building, 8 by the entrance
- The accessible parking bays have been re-configured, they were all to the immediate north of the building previously.
- Plant enclosure
- The indicative plant enclosure that would be at roof level is now shown around 1m higher, at 2.3m high. It is also around 3m longer.

ASSESSMENT

4.2 There has been no material change in national planning policy which affects whether the development is acceptable in principle; the site has been identified for regeneration in the Draft 2005 Local Plan and there is a desire to complete the link road between Heworth Green and Layerthorpe.

The issues that require consideration are as follows -

- Visual impact of the altered layout and changes to the plant enclosure to the roof
- Residential amenity
- Flood Risk as a consequence of the altered footprint and configuration of uses within the building

Visual impact

4.3 The Nation 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.

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

4.5 The ground floor building footprint has been reduced since the previous scheme. The approved larger footprint gave a more human scale to the building and helped screen the service yard and a car parking area in views from the proposed new link road. The ground floor restaurant still steps out beyond the upper floors, where hotel rooms are proposed. A reasonable active frontage at ground level is retained and the design has not been compromised. The soft landscaping scheme demonstrates trees and low level planting will reasonably hide the car parking areas around the proposed building.

4.6 The approved scheme showed two roof top enclosures which were intended to conceal plant. It is now known some of the plant would be around 2.3m high, and would exceed the height of the approved enclosure by approximately 1m.

4.7 The rooftop enclosure will be prominent in views and as approved was utilitarian in appearance, shown as a simple louvred panel. The increased height would draw more attention to this enclosure. More thought is needed into the design, so this element complements, rather than detracts from the appearance of the building.

This could be achieved by variation in the shape of the enclosure and use of materials. Officers are awaiting further details of the design intent for the enclosure design. A planning condition is recommended to agree the detail of this important aspect of the scheme.

4.8 The species of trees proposed has been extended and trees have been added by the river side of the building, as recommended by the council's landscape architect. Tree planting is added by the river where possible, but is restricted by the required easement due to a Yorkshire Water sewer in this area. There will be wildflower planting by the new river walk and the setting would be improved; an improvement in biodiversity as recommended in the NPPF. The revised scheme is acceptable and can be secured by a planning condition.

Residential amenity

4.9 The NPPF 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.

4.10 The alterations to the proposals move the ordering/collection points of the drive-through restaurant further away from the flat, which is above the bike shop on Layerthorpe. There is a slight improvement in this respect. There are no other changes which have a material impact on amenity in relation to the previous iteration.

Highway Network Management

4.11 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.

4.12 There remain no objections on highways grounds. The overall cycle parking provision has increased. There is a reasonable amount of secure space and there is space for guests/customers at main entrances. There are direct pedestrian routes into both aspects of the scheme, and an additional footpath from the link road into the site has been provided. Officers have not raised concern with the reconfigured internal layout and there are no changes in detail to the proposed link road and continuation of the riverside walk.

4.13 To enable vehicle access proposals show the continuation and completion of the link road between Heworth Green and Layerthorpe. A legal agreement would facilitate delivery of the link road by requiring the developer to carry out modification works to the highway under S278 at the interfaces with Eboracum Way and Layerthorpe, including a traffic signal controlled junction. Because the highway design is of a specification over and above the need to serve the development itself, the Council would make a contribution towards funding of the highway infrastructure, of £290,000 , and this would be set out in the S106 legal agreement.

Flood Risk

4.14 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 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.

4.15 The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. If the development cannot be located in zones with a lower probability of flooding, the Exception Test can be applied if appropriate.

4.16 For the Exception Test to be passed it must be demonstrated that the development provides wider sustainability benefits that outweigh flood risk and a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime without increasing flood risk elsewhere.

Sequential Test

4.17 The development was judged to pass the sequential test previously and this remains applicable. The site was allocated for development and identified for regeneration in the 2005 Draft Local Plan (policy SP9). Regeneration of Layerthorpe and completion of the link road is a long-term council aspiration. The position of the building on site is dictated by the need to be a certain distance from the gasholder.

Exception test

4.18 The site specific FRA demonstrates the development would be reasonably safe from flooding and there would be no increased flood risk elsewhere. A change from the previous iteration is that there are some hotel guest rooms at ground floor level. The change is acceptable because the finished floor level is adequate to reasonably protect the building from flood risk (11.15 AOD which is more than 600mm above the 1 in 100 flood level and meets local requirements and those imposed by the EA). The development is designed so it would be reasonably safe from flood risk and there would be a suitable means of escape. There would be no reduction in flood

water storage on site and no increase in surface water run-off rates. There is demonstrable public benefit due to the regeneration proposed of a brownfield site and infrastructure improvements in the creation of the river walkway and the completion of the link road.

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 2005 Draft 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 agreement of the design proposals for the plant room enclosure at roof level and a legal agreement requiring -

- That the Developer facilitate the construction of the final section of the James Street/Heworth Green Link Road between the interfaces with Eboracum Way and Layerthorpe by entering into a Section 278 Highway Agreement to carry out modifications to the interface of Layerthorpe including the proposed traffic signal controlled junction and the interface of Eboracum Way
- That the Council would contribute £290,000 towards highway works to facilitate the completion of the final section of the link road including the interfaces with Eboracum Way and Layerthorpe (including a traffic signal controlled junction)
- That the Developer construct a Riverside Walk/Cycleway continued through site, with provision for public access.

6.0 RECOMMENDATION: Delegate to officers to agree design of the roof-top enclosure and then approve subject to Section 106 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 -

Site Plans

A50 - 00,01C, 02, 03P

Sections (revision number pending agreement of roof top plant)

A50 - 04

A52 - 00

Security Plan
A50 05D

Floor Plans
A51 - 00A, 01H, 02H, 03F

Elevations (revision number pending agreement of roof top plant)
A53 - 00, 01

Large scale detail
A53 - 02D

Sub-station
A55 – 00E

Landscaping
L 001, 101A, 102B, 103B, 104B, 201B

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

3 Drainage 1

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.

Details to include -

- a) The site shall be developed with separate systems of drainage for foul and surface water on and off site.
- b) Peak surface water run-off from the development restricted to 2.0 l/sec/ha.
- c) Storage volume calculations, using computer modelling shall be provided, and shall accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- d) Site specific details of the flow control device manhole limiting the surface water to the above rate.
- e) 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.

f) Details of any off-site works.

Reason: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

4 Land contamination 1

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), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by 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.

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.

5 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.

6 VISQ7 Sample panel ext materials to be approved

A sample panel of the brickwork to be used on this building 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 building works. This panel 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: In the interests of visual amenity

7 Construction of Eboracum Way

Eboracum Way shall be constructed in accordance with the approved plans prior to first use of the development hereby approved.

Reason: To ensure suitable access into the site in accordance with paragraph 35 of the National Planning Policy National Planning Policy Framework.

8 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.

9 Landscaping

The development shall be carried out in accordance with the approved soft landscaping plans.

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

- hard surfacing materials;
- any new boundary treatment;
- furniture such as litter bins and any free-standing signs;
- a detailed plan showing the river walk section (including any lighting and new

balustrade between the walkway and the river);

- method statement to confirm tree protection measures during construction of river walkway.

The landscaping schemes 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: In the interests of visual amenity in accordance with paragraph 58 of the National Planning Policy Framework.

10 Plant enclosures

Details of the plant room enclosures (to include design and materials) 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.

Reason: In the interests of visual amenity.

11 Land Contamination 2 -verification report

A verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority, within the timescales agreed within the site investigation scheme and verification plan. 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 any plan (a "post remediation monitoring and maintenance plan") for post remediation monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that verification of the remedial works is undertaken to protect human health, controlled waters, property and ecological systems. To ensure that post remediation groundwater monitoring proposals are carried out in order 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 Land contamination 3 - Post remediation monitoring

The post remediation monitoring and maintenance plan shall be implemented as approved. Reports on monitoring, maintenance and any contingency action carried out in accordance with the post remediation monitoring and maintenance plan shall

be submitted to the local planning authority as set out in that plan, this should 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 monitoring programme 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.

13 BREEAM

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.

14 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.

15 There shall be adequate facilities for the treatment and extraction of cooking odours. Prior to commencement of use of the site, full details of the extraction plant or machinery and any filtration system required shall be submitted to and approved by the local planning authority in writing. The system, as approved, shall be installed and fully operational before the first use of the site and shall be retained and appropriately maintained thereafter.

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

16 Cycle parking

The area shown as cycle storage on the approved site plan 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. External spaces shall use Sheffield type stands unless otherwise agreed.

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.

17 Travel Plans

Within 6 months of first use of the hotel, 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 6 months of first use of the restaurant, a travel plan (for employees and 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.

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.

18 NOISE7 Restricted hours of construction

The hours of construction, loading or unloading on the site shall be confined to 8:00 to 18:00 Monday to Friday, 9:00 to 13:00 Saturday and no working on Sundays or public holidays.

Reason: To protect the amenities of adjacent residents.

19 Drive-through restaurant opening times

The drive-through restaurant/cafe unit (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 Times of deliveries

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 Flood risk

On site compensatory storage for flood water shall be provided in accordance with the Bailey Johnson Hayes proposals dated 09.10.2014 (document M1496 FC-01-03).

Reason: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

22 Drainage 2

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

Reason: To avoid flood risk, in accordance with the York 2013 Strategic Flood Risk Assessment.

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

Reason: To prevent pollution of the water environment.

24 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.

25 Unexpected contamination

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.

26 External lighting

External lighting shall not exceed light limitations for areas classed as E2 in the ILE Guidance Notes for the Reduction of Obtrusive Light (GN01:2011).

Reason: To avoid light pollution and in the interests of residential amenity, in accordance with paragraph 125 of the National Planning Policy National Planning Policy Framework.

27 Advertisements

Any advertisements to be placed on the ground floor fascia panels to the building shall 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.

7.0 INFORMATIVES:

Notes to Applicant

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

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

2. 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

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323