

**Item Number:** 8  
**Application No:** 19/00366/MFUL  
**Parish:** Pickering Town Council  
**Appn. Type:** Full Application Major  
**Applicant:** Jomast Developments Ltd  
**Proposal:** Demolition of existing buildings and erection of an 84 bedroom hotel with ancillary restaurant/bar, erection of 3no. light industrial units (Use Class B1 (b and c), creation of habitat area for Great Crested Newts and associated access, parking, drainage and landscaping  
**Location:** Meadowfield 40 Thornton Road Pickering North Yorkshire YO18 7HZ  
  
**Registration Date:** 2 April 2019  
**8/13 Wk Expiry Date:** 2 July 2019  
**Overall Expiry Date:** 2 August 2019  
**Case Officer:** Jill Thompson **Ext:** 43327

#### CONSULTATIONS:

<b>Flood Risk</b>	No comments received
<b>Natural England</b>	No comments
<b>Highways North Yorkshire</b>	Recommends conditions
<b>Pickering Town Council</b>	Concerns
<b>Vale Of Pickering Internal Drainage Boards</b>	No objections to the proposals
<b>Yorkshire Water Land Use Planning</b>	Recommend conditions
<b>Alan Tomlinson</b>	Recommend approval with comments
<b>Flood Risk</b>	Further information requested
<b>Yorkshire Water Land Use Planning</b>	No observation
<b>Sustainable Places Team (Environment-Agency Yorkshire Area)</b>	Comments
<b>Archaeology Section</b>	Recommend conditions

**Neighbour responses:** Mrs Amanda Green, Mr Richard Kimmings, Mrs Lindsay Lee, Mr Alan Collinson, Stephen Williams, Mr Cameron Holmes,

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#### Site:

The application site lies on the eastern side of Pickering, to the south of Thornton Road/ the A170. It immediately abuts the western side of the Thornton Road Industrial Estate. The site is predominantly a grassed field of c. 1.59 hectares bounded by hawthorn hedges. A derelict bungalow is located in the north of the site, facing the road. A dilapidated shed is situated towards the middle of the western boundary of the site in a patch of hawthorn scrub.

#### Planning History:

90/002488/OLD – Outline permission granted for the erection of a bungalow with integral garage.  
10/01069/MFULE – Planning permission for 116 dwellings was dismissed on appeal. The current application site formed part of a wider site which was the subject of this appeal.

15/00423/OUT – Outline permission granted for 5 dwellings and vehicular access, together with the demolition of existing dwelling and buildings.

**Proposal:**

The application proposes the erection of a Premier Inn hotel (Use Class C1 – Hotel) comprising of 84 bedrooms and a ground floor ancillary restaurant and bar. It also includes the erection of a second building which is proposed to be subdivided into three light industrial units (Class B1(b) - Research and development and B1(c) - Industrial processes which can be carried out in a residential area).

Both of the proposed buildings are rectangular in shape and are located towards the eastern side of the site, positioned on a north- south alignment. Car parking and road access to the buildings run parallel, through the other section of the site. Access to the site is from the A170 and is positioned at the location of the existing access to the site which previously served the bungalow. The proposal includes a landscaped area at the front of the site adjacent to the A170 and a pond/ecological area in the south-western corner. A small service area for the hotel is located between the hotel building and the landscaped area on the site frontage.

The hotel building is proposed to be sited towards the northern end of the site. The rear elevation will face towards the east and the front elevation is orientated into the site, facing west. The proposed building combines two and three storey sections with mono pitched roofs. The 2 storey section measures 8 m to eaves height and 10.2m to ridge. The three storey section measures 10.5m to the eaves and 12.7m to ridge. The proposed hotel will have a total gross internal floor area of approximately 1265 sqm. The pallet of materials proposed includes red brick, render, zinc cladding, grey roof and powder coated grey aluminium windows and steel doors. The main entrance to the building is via a single story section on the western elevation, which is defined by glazed doors, a covered area and larger windows.

The application proposes 93 car parking spaces to service the hotel. This includes 5 disabled spaces, 2 electric charging point spaces and 8 spaces dedicated for staff parking. A covered shelter for 10 bicycles is also proposed to serve the hotel and the business units.

The business units are included within one single storey building with a single pitched roof. The building measures 4.4m to eaves and 6.2 m to ridge height, with a proposed gross internal area of approximately 985 square metres. The proposed building is steel framed, with coated grey profiled metal cladding for the walls and roof. 11 car parking spaces are proposed to serve the proposed business units, two of which will be for disabled users.

**Supporting Technical Information and Consultation Statement**

The application is supported by a range of technical and other supporting information including:

- Design and Access Statement
- Planning Statement and Sequential Assessment
- Aborigicultural Survey
- Aborigicultural Impact Assessment
- Phase 1 Geoenvironmental Desk Study
- Transport Statement
- Drainage and Flood Risk Statement

- Ecological Appraisal
- Economic Benefits Statement
- Historic Field Impact Assessment
- Environmental Noise report
- Operational Noise Management Plan
- Construction Environmental Management Plan
- Plant Noise Technical Note
- Transport Assessment

The application is also supported by a Statement of Community Involvement (SCI) which outlines the consultation and involvement undertaken by the developer in the preparation of the application. The SCI confirms that the development was the subject of a pre-application enquiry. It also confirms that as part of the pre-application consultation, the developer distributed a leaflet to 132 local residential properties and businesses and also provided ward and parish councillors with leaflets outlining the proposal and seeking views. A meeting with Pickering in Business also took place in March 2019. A response to the issues raised as part of the pre-application consultation is provided in the applicant's SCI and addressed in other material supporting the application.

It is considered that the SCI meets the broad requirements of the Council's Statement of Community Involvement and that the work undertaken addresses national requirements for applicants to engage with local communities prior to submitting planning applications for major development proposals.

### **Consultations and application chronology**

The application has been subject to three periods of public consultation. Following consultation on the material initially submitted, an initial re-consultation was undertaken to cover revisions to the design of the hotel, access and further supporting technical information. A final consultation covered further revisions to the access to the site.

A brief summary of the position of statutory and non- statutory consultees is included on the front sheet of the report and issues raised are addressed in the relevant appraisal sections of the report.

There is one objection to the application although this does not relate to a material planning consideration. The objection is from the owner of a guest house in Thornton-Le-Dale raising concerns that the hotel (with 84 bedrooms) will have a devastating effect on existing B&B businesses in the local area.

In response to the application as it now stands, the Town Council has reiterated earlier comments made regarding access. These include:

- Concern that HGV's would need to cross traffic lanes to access/egress the site
- Speed of traffic on the A170 could make access difficult
- Pedestrian crossing should be installed to allow access the footpath on the other side of the road to allow users to walk into town
- Access would be better through the Industrial Estate

In response to earlier iterations of the scheme, the Town Council raised additional comments:

- Environmental concerns should be addressed such as solar panels and additional wildlife habitats
- Questioned whether the development fitted into the local setting of Pickering as a historic market town.

The occupier of 36 Thornton Road, a residential property neighbouring the site has no objections to the scheme. The occupier has confirmed that this follows revisions to the location of the access to the site and proposed landscaping enhancements and acoustic fencing along the property boundary.

## **Planning Policy**

The Ryedale Plan – Local Plan Strategy (2013). Policies:

- SP1 General location of development and settlement hierarchy
- SP6 Delivery and distribution of employment land and premises
- SP7 Town centres and retailing
- SP8 Tourism
- SP12 Heritage
- SP13 Landscapes
- SP14 Biodiversity
- SP16 Design
- SP17 Managing air quality, land and water resources
- SP18 Renewable and low carbon energy
- SP19 Presumption in favour of sustainable development
- SP20 Generic development management issues

National Planning Policy Framework and Planning Practice Guidance

## **Appraisal**

### **Principle of Development**

The principle of the development is informed taking account of strategic policies of the development plan and other material considerations.

Pickering is identified as a Local Service Centre in the development plan and a centre for tourism in Ryedale. The proposed hotel and business units would align with the strategic role of the town as established by the development plan. In this respect and in broad terms, the proposal aligns with Policy SP1 (General location of development and settlement hierarchy) of the Local Plan Strategy.

The site is located on the edge of the town and outside of the Town's development limits. As such, the proposal needs to be considered against specific policies which apply to the uses proposed in such a location.

The proposed hotel and ancillary bar/restaurant is an element of the application which is a 'main town centre use' within the definition of the term in national policy. Policy SP7 (Town Centres and Retailing) of the Local Plan Strategy makes it clear that Town Centres will be the focus of, for example, commercial, leisure and tourism activity. National policy (NPPF, Chapter 7: Ensuring the Vitality of Town Centres) makes it clear that "*Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date development*

*plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available should out of centre sites be considered.” It goes on to state that “When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored”*

The application site is in an ‘out of centre’ location. The application is accompanied by a sequential assessment in order to demonstrate that no ‘sequentially preferable’ sites exist within or on the edge of Pickering Town Centre or in more accessible ‘out of centre’ locations. Following discussions over the application of the sequential test, this work was refined to assess the availability of sites with the capability of accommodating the hotel (and ancillary bar and restaurant) only. The applicant’s sequential assessment indicates that there are no sequentially preferable sites available to accommodate the proposed hotel. It is considered that the conclusions of the assessment are robust and that the proposed site is sequentially preferable to other available sites, for the development proposed.

The site is adjacent to the existing Thornton Road Industrial Estate. Although the proposal is not technically an expansion to the industrial estate, the scheme and the three business units will, for all intents and purposes function as an expansion to this existing Industrial estate.

In general, the location of the proposed uses aligns with Policies SP6 (Delivery and Distribution of Employment /Industrial Land and Premises), SP7 (Town Centres and Retailing) and national policy as it applies to Town Centre uses.

## **Design**

The proposed hotel building is a contemporary, modern design both in terms of the pallet of material proposed as well as its proposed built form. The site has a strong visual connection with the neighbouring industrial estate and a modern design is considered to be an appropriate response to the context provided by the surrounding townscape. The approach ensures that the proposed development is readily identifiable and understood as a new building which does not attempt to compete with traditional local vernacular and the historic core of the town.

The site slopes gently in a north –south direction. Elements of the design of the building, including the use of mono-pitched roofing and the combination of two and three storey sections help to ground the building on the site and also break the mass of the building. A number of design features are also incorporated to provide some vertical emphasis, to help counter the predominant horizontal form of the building and to visually break the length of the building. These include vertical zinc panels between windows and vertical relief between the different sections of the building.

The proposed industrial units are utilitarian in design and are proposed to be constructed using contemporary materials. The buildings are low profile and are broadly consistent with the character of the neighbouring industrial estate.

The approach to the development of the site as a whole has taken account the context of the site and some of its existing features. The includes for example: a landscaped frontage to the A170; the retention of boundary hedges; habitat creation to the lower lying south –west corner of the site; layout which emphasises the linear nature of the site; clear pedestrian and vehicular routes through the site.

In terms of design, the proposed development is considered to comply with the relevant criteria of Policy SP16 (Design) and SP20 (Generic Development Management Issues)

The application is supported by information relating to the environmental credentials of the development, particularly in terms of energy and resource usage. The information confirms that the main construction materials will be of an A or A+ rating in terms of the BRE Environmental Assessment Method Green Guide. It goes on to note that a range of measures

will be used by Premier Inn to conserve resources including measures to control water usage, lighting controls, selective heating and low refrigeration use.

Policy SP18 (Renewable and Low Carbon Energy) requires proposals over 1,000 sqm of floorspace to demonstrate that meets the highest BREEAM standard that is feasible and viable for the development. The applicant has confirmed that at this stage in the design process, a precise specification for the hotel building has not been confirmed with Premier Inn. Notwithstanding this, the applicant has confirmed that Premier Inn has specified that the building should be designed to achieve a 35% improvement in Building Regulations in terms of energy usage and conservation. The applicant has agreed to a condition that will require that in achieving this level of improvement, measures from each level of the energy hierarchy, including on-site renewable energy generation shall be employed within the scheme. It is considered that this will ensure that the scheme will contribute to the delivering the policy requirements of SP18.

### **Landscape, Visual Impact, Trees and Landscaping**

The site is located in the Vale of Pickering and close to the edge of the Fringe of the Moors Area of High Landscape Value. The scale of the proposed building will mean that it will be visually prominent in this position, particularly when approaching the site from the east and from views from the public footpath along elevated land to the north. The landscape and visual impact of the proposed hotel building is mitigated by the fact that the proposed development is adjacent to an existing industrial estate and is not disconnected or isolated from existing built development of a similar form and character in the landscape.

The visual impact of the proposed development will, for the most part be mitigated by the proposed retention and enhancement of existing boundary hedges and trees together with additional tree planting at the front of the site and within the site. The proposed landscaping will not screen the hotel building from view. However, in conjunction with design features which reduce the mass of the building, it will help to soften the appearance of the building and ‘ground ‘it in the landscape.

The low profile nature of the proposed business units, together with their position at the rear of the site will mean that these buildings are not visible or prominent from existing public views. In this respect, the proposal is considered to comply with Policy SP20 (Generic Development Management Issues)

The landscaping scheme proposes native hedge and shrub mixes and native as well as some ornamental tree planting. The proposed native tree planting is mainly to the boundaries of the site, with the use of more ornamental species within the landscaped areas within the site. The proposed development will result in the limited removal of existing trees and areas of tree scrub on the site, however, the additional tree planting significantly outnumbers the loss of single trees. The proposed landscaping scheme is acceptable in terms of Policies SP13 (Landscapes) and SP16 (Design).

### **Ecology**

The application is accompanied by an ecological appraisal. It notes that the boundary hedgerows and trees provide good habitat for foraging and commuting bats and nesting birds and good terrestrial habitat for amphibians. The site is in close proximity to ponds with known Great Crested Newt breeding activity and, together with surrounding land, forms good connecting habitat with the potential to support a meta-population of Great Crested Newts in the wider area. This is supported by previous survey information. Against this context, the ecological appraisal concludes that the site is optimal foraging and commuting amphibians. Landscaping proposals for the site include the retention of the majority of field boundary

hedgerows. It is considered that the loss of some existing hedgerow (primarily along the site frontage) and a small number of boundary trees will be mitigated by replacement native tree and hedge planting, together with additional native shrub planting along the southern boundary of the site.

The development will result in the loss of foraging habitat and potential hibernation sites for Great Crested Newts. To mitigate and compensate for this impact, the proposal includes both terrestrial and aquatic habitat creation measures. These include the installation of a 10m by 20m pond as well as additional scrub, hedgerow enhancement, species rich grassland and x4 hibernacula. These features will form a 'Great Crested Newt receptor area' focussed in the south/south-western part of the site. This area will provide connectivity to surrounding foraging habitat and existing breeding ponds.

The Council's ecological advisor considers that the proposed scheme of mitigation for newts is robust and is confident that Natural England will grant a licence for the development. Natural England has not commented on the application.

The ecological appraisal also advises a number of other measures to support biodiversity, including the use of bat bricks and bird boxes. A condition is proposed to secure these measures.

Whilst the loss of Great Crested Newt foraging habitat weighs against the proposed development, this is tempered by the proposed mitigation and compensation proposals.

### **Economic Issues**

Ryedale has a limited national hotel chain presence and currently there are no 'budget' chain hotels operating in the District. The proposed hotel would address this and would contribute to improving the choice of visitor accommodation in the District. In this respect, the proposal would support Ryedale's visitor economy in line with Policy SP 8 (Tourism).

The application is supported by an economic benefits statement prepared by Turley Economics, which outlines the quantifiable economic impacts of the proposed hotel development during its construction phase and operational lifetime. This concludes that during the construction phase, the proposed development is estimated to have the potential to generate 45 temporary construction jobs and a £3.7 million annual uplift in productivity within the Yorkshire economy. On completion, the proposed development is estimated to have the potential to generate 25 gross (fte) jobs; £1.4m annual contribution to economic productivity within the North Yorkshire economy of which £1.0m could be local to Ryedale. In addition, it is estimated that the hotel will create an additional salary expenditure of c. £430,000. The statement also estimates that the scheme will generate c.£130,000 business rate revenue pa and will generate up to 60,800 additional leisure and business visitors to North Yorkshire annually, with an uplift in visitor expenditure of an additional £2.8m to the wider economy each year.

The Economic Benefit Statement and Planning Statement also reference the training programmes and tailored employment schemes that Whitbread/ Premier Inn provide, some of which are specifically designed to support specific groups such as young people and people with disabilities into work.

The Thornton Road Industrial Estate is a popular location for small-medium sized business in northern Ryedale with little vacant space. The three proposed business units will provide additional industrial space for small businesses, in close proximity to the existing industrial estate. The proposed units reflect the type and size of units required to address local need and requirements. An increase in business space of this nature will result in benefit to the local

economy.

The direct and indirect economic benefits arising from the proposed development weigh significantly in favour of the application.

### **Heritage Assets**

The site forms part of Pickering's historic strip field system which area a non-designated heritage asset. Whilst the proposed development would retain the rectangular shape of the site, the development of the site would result in the loss of an existing undeveloped strip field. The loss of the non-designated asset is a factor which weighs against the development of the site. NYCC Heritage Services has noted that there is the potential for archaeological remains within the site. Conditions relating to archaeological mitigation recording are recommended.

### **Neighbouring Amenity and Land Uses**

The proposed development will result in increased activity in the area, with potential for increased noise and disturbance.

Supporting information has been provided by the applicant to outline the profile of activity associated with a Premier Inn hotel. This demonstrates that most activity/trips occur in the morning between 7.00-9.00am and in the evening. Activity in the afternoon/ evening is spread across a longer period of time, 17.30-23.00.

Number 36 Thornton Road is the nearest residential property to the site. Amendments to the position of the access into the site, the road through the site and proposed acoustic fencing have addressed concerns relating to the impact on the amenity of the occupier of this property in terms of increased activity, noise and disturbance.

Information supporting the application also points to Premier Inn's 'Good Night Guarantee' – a refund in the price of accommodation if a guest does not have a good night's sleep. It makes it clear that management arrangements are in place to deal with any noisy or anti-social behaviour and that this is integral to the company's family friendly business model.

Mechanical plant serving the hotel is noise generating. At present, the current design of the scheme is at RIBA stage 2 and as such, the precise location and technical specification of the plant to be used has yet to be confirmed. The applicant has provided technical information and an acoustic report which together indicate that plant noise will be capable of being mitigated to an acceptable level in relation to neighbouring residential properties. It indicates that mitigation will be achieved either through the positioning of the plant within an internal plant room, in a position which is shielded by the hotel building itself or within a compound with an acoustic barrier. The supporting information proposes a condition to limit noise levels to acceptable levels (below 49 db during the daytime and below 33 db at night). The Environmental Health Officer is confident that this can be achieved and that with appropriate noise mitigation, an adverse effect can be avoided.

It is not considered that the proposed industrial units will result in specific amenity issues for the occupiers of neighbouring residential properties. The B1 use classes proposed are considered to be acceptable uses which can be carried out without causing detriment to residential amenity. The proposed development is positioned between Thornton Road Industrial Estate and residential development on the edge of the Town. Uses on the industrial estate are largely unrestricted in terms of the nature of industrial activity and operational hours. In this respect, the proposed scheme will act as a buffer between these land uses.

It is considered that the proposed development will not have implications for the continued operation of the Thornton Road Industrial Estate.

The application is supported by a Construction Environmental Management Plan (CEMP) to mitigate impacts associated with the construction phase. This will be secured by condition if permission is granted.

### **Highways/Access and Parking**

Access to the site is proposed by means of a priority junction at the front of the site on the A170. Following revisions to the scheme, the access is positioned at the location of an existing access into the site.

The application is supported by a Highway Assessment and NYCC (Highways) has confirmed that the access will operate within capacity, including during peak summer traffic flows and that appropriate visibility for the access is available within the existing highway boundary. This will require removal of a section of the existing hedge along the front of the site. NYCC (Highways) has confirmed that the geometry of the access will allow the majority of the vehicles expected to use the site, including refuse vehicles to easily access the site. Maximum length HGV's can be accommodated using the full width of the carriageway, although it is noted that these are unlikely to visit the site frequently. Additional widening of the access would assist maximum length HGV's but it is considered that this would be to the detriment of pedestrians who would have to cross a wider site access. To that end, the Local Highway Authority consider the access arrangements to be satisfactory.

The scheme will require a widening of the footpath along the site frontage which will provide a suitable link to the wider footway network and nearby bus stops. A formal crossing facility is not proposed on the A170 at the site entrance. It is considered questionable whether this is on a specific desire line. On the basis that such facilities are located on the A170 and on desire lines to and from the Town Centre, the lack of a crossing in this position is acceptable.

Proposed levels of car parking are considered to be acceptable for the uses proposed.

The Local Highway Authority has no objections to the proposal and conditions, including the requirement for a travel plan, are recommended. In this respect, the proposal is considered to comply with the relevant criteria of Policy SP 20 (Generic Development Management Issues).

### **Drainage and Ground Issues**

Yorkshire Water has provided comments on the application and recommends conditions to protect the local aquatic environment and its drainage infrastructure. The Lead Local Flood Authority (LLFA) has requested further information to demonstrate the operation of sustainable drainage proposals. Further information has been provided by the developer and at the time of writing the report, a final response from the LLFA has not been received.

A Phase 1 Geoenvironmental Desk Study Report has been prepared in support of the application. It concludes that the site is of low-medium risk of contamination but that to fully assess environmental risks and geotechnical constraints, a Phase 2 intrusive investigation will be required. A condition is proposed to require the preparation of the Phase 2 investigation report.

Subject to confirmation that drainage details satisfy the requirements of the LLFA, the proposed development will meet the requirements of Policy SP17 (Managing Air Quality, Land and Water Resources).

### **Other Issues**

The objection to the application relates to concern that the hotel will have a detrimental impact

on existing B&B businesses. The issue raised relates to competition in the market and is not a material consideration in the decision-making process.

### **Conclusion**

It is considered that a number of the impacts associated with the development can be satisfactorily mitigated, including impact on neighbouring amenity and the loss of Great Crested Newt foraging habitat, which is mitigated and compensated for. The design of the scheme is considered to be an appropriate response to the site in this location, with the modern, contemporary design approach helping to mitigate landscape impact. The positive economic benefits of the hotel development to Pickering and the District as a whole are significant and the additional business units proposed will also contribute to meeting the needs of the local economy. The benefits of the scheme are considered to outweigh the loss of the non-heritage asset – the mediaeval strip field. On balance, approval is recommended.

### **Recommendation**

Approval subject to the following conditions and subject to any additional requirements of the Lead Local Flood Authority.

### **RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before three years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2            The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Site Location Plan Drawing no. P407 Rev C  
Proposed Sit Plan Drawing no. P403 Rev N  
Landscape Details Drawing no. R/2216/1E  
Proposed Elevations Hotel Drawing no. PSK200 Rev A  
Proposed Elevations Hotel Drawing no. PSK200  
Proposed ground Floor Plan Hotel Drawing no. P100 Rev F  
Proposed First Floor Plan Hotel Drawing no. P101 Rev B  
Proposed Second Floor Plan Hotel Drawing no. O102 Rev D  
Proposed Long Elevation AA Drawing no. P203 Rev E  
Industrial Units Proposed Elevations Drawing no P202 Rev A  
Proposed Industrial Unit Floor Plans Drawing no P106  
Landscape Details Drawing no R/2216/2B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3            No deliveries shall take place between the hours of 11pm and 7 am.

Reason: In order to protect the amenity of nearby properties and to satisfy Policy SP20 of the Local Plan Strategy.

- 4            Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015, there shall be no change of use from the B1 Use Classes

hereby granted, unless a planning application for such a change of use has been submitted and approved in writing by the Local Planning Authority.

Reason:- In order to ensure that the units hereby approved are available for their intended use ; to meet the identified employment needs within the area and in order to protect the employment operations on this site and the adjoining sites from possible complaints and in the interests of sustainable development. The condition is required to satisfy Policies SP6, SP19 and SP20 of the Local Plan Strategy.

- 5 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse or any other items shall be stacked or stored outside of any building on the site without the prior approval in writing of the Local Planning Authority.

Reason:- To ensure that the external appearance of the area is not prejudiced by the external storage of materials and to satisfy Policy SP20 of the Local Plan Strategy.

- 6 No part of the hotel development to which this permission relates should be brought into use until full details of all external lighting have been submitted to and approved by the Local Planning Authority. The lighting shall thereafter accord with the approved details.

Reason:- To protect the character of the locality, the amenity of neighbouring residents and biodiversity and to satisfy Policy SP20 and Policy SP14 of the Local Plan Strategy.

- 7 No part of the B1 Business development to which this permission relates should be brought into use until full details of all external lighting have been submitted to and approved by the Local Planning Authority. The lighting shall thereafter accord with the approved details.

Reason:- To protect the character of the locality, the amenity of neighbouring residents and biodiversity and to satisfy Policy SP20 and Policy SP14 of the Local Plan Strategy.

- 8 No development shall commence until such time as a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the Management Plan thereby agreed.

Reason:-In order to ensure the long term retention and maintenance of retained boundary landscaping and to protect local amenity, to satisfy Policy SP13 and SP20 of the Local Plan Strategy.

- 9 Notwithstanding the submitted details, prior to the construction of any of the buildings hereby permitted, details and samples of the materials to be used on the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policies SP16 and SP20 of the Local Plan Strategy.

- 10 Prior to any works of above ground construction, a specification detailing how a 35% improvement on Part L of the Building Regulations will be achieved shall be

approved in writing by the Local Planning Authority. The specification will include measures from each level of the energy hierarchy including on-site renewable energy generation using roof mounted solar photovoltaic panels and /or air or ground source heat pumps.

Reason:- In order to support energy efficiency and a reduction in carbon emissions and to satisfy Policy SP18 of the Local Plan Strategy.

- 11 No demolition/development shall commence until a Written Scheme of Investigation for an archaeological strip, map and record has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions and:

- The programme and methodology of site investigation and recording
- Community involvement and /or outreach proposals
- The programme for post investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis and records of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/ organisation to undertake the works set out within the Written Scheme of Investigation

(ii)No demolition/ development shall take place other than in accordance with the approved Written Scheme of Investigation

(iii)The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:- The condition is imposed in accordance with Section 16 of the NPPF (paragraph 199) as the site is of archaeological significance

- 12 No development shall commence until such time as a European Protected Species Licence has been obtained.

Reason:- In the interests of protected species that are known to use the site and to satisfy Policy SP14 of the Local Plan Strategy.

- 13 Prior to the commencement of the development hereby approved, full details of the mitigation measures and compensatory habitat creation for Great Crested Newts, including the creation of a GCN receptor area as recommended in the Ecological Appraisal report (August 2029) shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a management plan for the on-going protection and management of the Great Crested Newt Receptor Area and pond. The GCN receptor area shall be created within a timeframe that is agreed beforehand with the Local Planning Authority.

Reason:- In the interest of protected species that are known to use the site and to satisfy Policy Sp14 of the Local Plan Strategy.

- 14 Prior to any works of above ground construction details of wider biodiversity enhancement measures referred to in the Ecological Appraisal report, together with two hedgehog boxes and two swift nest boxes or swift bricks shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- To support net gains in biodiversity and to satisfy Policy SP14 of the Local Plan Strategy.

- 15 Prior to any works of above ground construction, full details of the landscaping scheme, including numbers, species, height on planting and positions of all trees and shrubs including features to be retained shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing shall be carried out in the first planting season following the commencement of the development or such longer period as may be agreed in writing by the Local Planning Authority.

Reason:- In order to protect the existing and proposed landscaping , to enhance the development and soften the visual impact of the development on the locality and to satisfy Policy SP16 and SP20 of the Local Plan Strategy.

- 16 Prior to the occupation of the development hereby permitted, a 20 year management plan, (including those responsible for the maintenance) for the existing landscaping to be retained in accordance with the landscaping scheme approved plans contained in Condition 02 shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed management plan.

Reason:- In order to protect the existing and proposed landscaping , to enhance the development and soften the visual impact of the development on the locality and to satisfy Policy SP16 and SP20 of the Local Plan Strategy.

- 17 Prior to any works of above ground construction, a full and specific noise assessment of the service plant to be used in the hotel development shall be submitted to the local Planning Authority. The assessment shall include details, to be approved by the Local Planning Authority of noise mitigation measures to ensure a noise attenuation to achieve noise levels in line with BS 4142.

Reason;- In the interests of the amenity of neighbouring residents and to satisfy Policy SP20 of the Local Plan Strategy

- 18 Development shall not commence until an investigation and risk assessment of land contamination has been completed by competent persons and a report of the findings submitted to and approved in writing by the Local Planning Authority. This shall include an appropriate survey of the nature and extent of any contamination affecting the site, and an assessment of the potential risks to human health, controlled waters, property and ecological systems. Reports shall be prepared in accordance with Contaminated Land Report 11 and BS 10175 (2013) Code of practice for the investigation of Potentially Contaminated Sites.

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 receptors and to satisfy Policy SP17 and SP20 of the Local Plan Strategy.

- 19 Where land affected by contamination is found which poses risks identified as unacceptable, no development or remediation shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use has been submitted to and approved in writing by the local planning authority. The scheme must include proposed remediation objectives and remediation criteria, an appraisal of remedial options and proposal of the preferred option(s), all works to be undertaken, and a description and programme of the works to be undertaken including the verification plan.

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 receptors and to satisfy Policy SP17 and SP20 of the Local Plan Strategy.

- 20 Unless otherwise agreed in writing by the local planning authority, the site shall not be brought into use until the approved scheme of remediation has been completed, and a verification report demonstrating the effectiveness of the remediation carried out has been submitted to and approved in writing by the local planning authority. The verification report shall include a description of the works undertaken and a photographic record where appropriate, the results of any additional monitoring or sampling, evidence that any imported soil is from a suitable source, and copies of relevant waste documentation for any contaminated material removed from the site.

Reason: To ensure any unacceptable level of contamination at the site has been appropriately mitigated and to satisfy Policy SP17 of the Local Plan Strategy.

- 21 In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported immediately to the local planning authority, and work must cease until an appropriate investigation and risk assessment must be undertaken. Where remediation is necessary, a remediation scheme must be prepared by competent persons and submitted to the local planning authority for approval. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by 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, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other receptors and to satisfy Policy SP17 and SP20 of the Local Plan Strategy.

- 22 No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway and to satisfy Policy SP20 of the Local Plan Strategy.

- 23 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 24 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
  - b. The access shall be formed with 12 metre radius kerbs, to give a minimum carriageway width of 7.3 metres, and that part of the access road extending 15 metres into the site shall be constructed in accordance with Standard Detail number E7.
  - e. Any gates or barriers shall be erected a minimum distance of 15 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
  - f. That part of the access extending 10 metres into the site from the carriageway of the existing highway shall be at a gradient not exceeding 1 in 30.
  - g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details and maintained thereafter to prevent such discharges.
  - i. Provision of tactile paving in accordance with the current Government guidance.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and to satisfy Policy SP20 of the Local Plan Strategy

- 25 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 70m measured along both channel lines of the major road A170 from a point measured 2.4m down the centre line of the access road. The eye height will be 1.05m and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of road safety and to satisfy Policy SP20 of the Local Plan Strategy.

26 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision of 2m wide footpath along the site frontage and dropped kerbs to access the two bus stops located to the west of the site access, on A170.

(ii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users and to satisfy Policy SP20 of the Local Plan Strategy.

27 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

a. Provision of 2m wide footpath along the site frontage and dropped kerbs to access the bus stops located on A170.

Reason: In the interests of the safety and convenience of highway users and to satisfy Policy SP20 of the Local Plan Strategy.

28 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number:

a. have been constructed in accordance with the submitted drawing 1902 P403 Rev M. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

Reason: To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development and to satisfy Policy SP20 of the Local Plan Strategy.

29 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on drawing number 1902 P403 Rev M for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development and to satisfy Policy SP20 of the Local Plan Strategy.

30 Prior to the hotel being brought into use, a draft Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. a reduction in all vehicle trips and mileage
- g. a programme for the implementation of such measures and any proposed physical works

A finalised version of the Travel Plan shall be approved in writing by the Local Planning Authority in consultation with the Highways Authority within six months of the hotel being brought into use. The final Travel Plan shall be implemented and the hotel development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport.

- 31 Prior to the B1 uses being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:

- a. the appointment of a travel co-ordinator
- b. a partnership approach to influence travel behaviour
- c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
- d. provision of up-to-date details of public transport services
- e. continual appraisal of travel patterns and measures provided through the travel plan
- f. a reduction in all vehicle trips and mileage
- g. a programme for the implementation of such measures and any proposed physical works

The Travel Plan shall be implemented and the B1 uses shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport

- 32 The Construction Management Plan referred to in condition xxx shall provide details of the following specific highway safety and amenity measures:

- a. the parking of vehicles of site operatives and visitors
- b. loading and unloading of plant and materials
- c. storage of plant and materials used in constructing the development
- d. wheel washing facilities
- e. measures to control the emission of dust and dirt during construction

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to satisfy Policy SP20 of the Local Plan Strategy.

- 33 The site shall be developed with separate systems of drainage for foul and surface water on and off site. Surface water discharge to the public surface water sewer network shall not exceed 3.5 litres per second.

Reason: In the interest of satisfactory and sustainable drainage

- 34 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking areas of more than 50 spaces must pass through an oil, petrol and grit interceptor/ separator of adequate design that has been submitted to and approved by the Local Planning Authority prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network.

## **INFORMATIVE(S)**

- 1 Highways:  
You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

- 2 Biodiversity  
Due care must be taken as bats may probably be using the field margins in the vicinity of the application site for foraging purposes.

All bats and their roosts are fully protected under the Wildlife and Countryside Act 1981 (as amended by the Countryside and Right of Way Act 2000) and are further protected under the Conservation of Habitats and Species Regulations 2017. Should any bats or evidence of bats be found prior to or during development, work must stop immediately and Natural England contacted for further advice. This is a legal requirement under the aforementioned acts and applies to whoever carries out the work.

Any vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any felling or cutting of trees or shrubs. Reason: In order to prevent disturbance to breeding birds which are protected by the Wildlife and Countryside Act 1981 (as amended).

Great crested newts are a European protected species. The animals, its eggs and their breeding sites and resting places are protected by law. A licence is required from Natural England if the development is to disturb Great Crested Newts or damaging their habitats.

- 3 Yorkshire Water  
There is a 150mm diameter public combined sewer recorded to cross the north of the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. In this instance, Yorkshire Water Services would look for any build over to be controlled by Requirement H4 of the Building Regulations 2000.

Submitted drawing 5553-JPG-SW-00-DR-1402-S2, revision P01, prepared by JPG and dated 05/06/2019 indicates that a requisition of the off-site foul and surface water sewers will be required. A signed section 98 (Water Industry Act 1991) agreement must be in place before the development commences.

The site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developers wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact our Developer Services Team (tel: 0345 120 8482, email: [technical.sewerage@yorkshirewater.co.uk](mailto:technical.sewerage@yorkshirewater.co.uk)) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements:

The developer is required to consult with Yorkshire Water's Trade Effluent Team (tel: 0345 1242424) on any proposal to discharge a trade effluent to the public sewer network. Under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network, interfere with the free flow of its contents or affect the treatment or disposal of its contents. Contravention of the provisions of section 111 is a criminal offence; and

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