

**15/02850/FUL**

**Construction of three storey building for hotel and ancillary restaurant / bar, together with car parking and ancillary works.  
at Land South Of Maple Gardens Topcliffe Road Sowerby North Yorkshire  
for Premier Inn Hotels Limited.**

## **1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 The application site forms part of the Sowerby Gateway development site on Topcliffe Road, Sowerby. The infrastructure has been installed including the new roundabout in front of the site. Housing schemes have also been commenced in the vicinity with completion having been reached on parts of these developments.
- 1.2 The application proposal is for a 65 bed hotel (with a potential extension to 83 bed) over three storeys. The proposals are of a traditional brick and render design with a pitched roof. The application seeks three permissions in one. These are:
- a) 65 bed hotel and 83 car parking spaces, landscaping and associated works.
  - b) 83 bed hotel and 83 car parking spaces, landscaping and associated works.
  - c) An 18 bed extension to the 65 bed hotel after the completion of the original hotel.
- 1.3 The application is supported by plans, including landscaping plans, an economic supporting statement, design and access statement, written scheme of investigation, a community engagement document, sustainability statement, transport statement and travel plan, contamination assessment, planning statement and noise impact assessment.

## **2.0 RELEVANT PLANNING HISTORY**

- 2.1 The application site is part of the "Sowerby Gateway" proposals - the applications and submissions include the following:
- 2.2 10/02373/OUT - Outline application for a mixed use development comprising of 925 dwellings (C3), employment (B1, B2 & B8) , neighbourhood centre, comprising: shops (A1), financial and professional services (A2), restaurant(s) and cafe(s) (A3), drinking establishment(s) (A4), hot food takeaway(s) (A5), hotel (C1), extra-care facility (C2) and medical centre and other non-residential institutions (D1), primary school (D1), community uses including recreation playing pitches and allotments, car parking and means of access (all matters reserved apart from means of access). Phase I residential 107 dwellings & Phase I commercial (B1c) all details to be considered; Granted 21 August 2012 subject to conditions and a section 106 agreement.
- 2.3 13/02427/REM - Reserved matters application for the provision of 90 unit extra care facility and associated retail units, public realm works and highways works; Approved 17 March 2014.
- 2.4 14/01945/REM - Reserved matters application for appearance, landscaping, layout and scale of the proposed Sports Village consisting of two main buildings, sports facilities, access road, ancillary buildings, car parking and footpath/cycle links; Approved 26 March 2015.

- 2.5 15/00005/CAT3 - Breach of planning condition relating to the timescale for the completion of the off-site highway works. Planning Committee resolved on 13 November 2014 to press the developers to submit an early application for a variation of the highway conditions 34 and 35 for the Sowerby Gateway development; and the need for enforcement action be deferred until the outcome of the application.
- 2.6 15/00145/MRC - Variation of conditions 34 and 35 of application reference number 10/02373/OUT- relating to highway improvements and widening of mini roundabout. Granted 29 October 2015
- 2.7 15/00146/MRC - Variation of Condition 9 of Application 11/01435/FUL - improved junction - Granted 08 June 2015
- 2.8 15/00274/REM - Reserved Matters application for food store and associated landscaping and car parking Granted 19 June 2015
- 2.9 16/00158/CLP - Certificate of Lawfulness for mixed use development of bungalows apartments (Use Class C3) and retail units - Granted.

### 3.0 **RELEVANT PLANNING POLICIES:**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP13 - Market towns regeneration  
 Core Strategy Policy CP14 - Retail and town centre development  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP18 - Prudent use of natural resources  
 Core Strategy Policy CP19 - Recreational facilities and amenity open space  
 Development Policies DP1 - Protecting amenity  
 Development Policies DP2 - Securing developer contributions  
 Development Policies DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP6 - Utilities and infrastructure  
 Development Policies DP8 - Development Limits  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP10 - Form and character of settlements  
 Development Policies DP19 - Specific measures to assist market town regeneration  
 Development Policies DP20 - Approach to town centre development  
 Development Policies DP22 - Other town centre uses  
 Development Policies DP29 - Archaeology  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP32 - General design  
 Development Policies DP33 - Landscaping  
 Development Policies DP34 - Sustainable energy  
 Development Policies DP36 - Waste  
 Development Policies DP39 - Recreational links  
 Allocations Document Policy TM2A - South West Thirsk Area, Westbourne Farm, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2B - South West Thirsk Area, Cocked Hat Farm, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2C - South West Thirsk Area, West of Topcliffe Road, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2D - South West Thirsk Area - East of Topcliffe Road, Sowerby - adopted 21 December 2010

Allocations Document Policy TM2E - South West Thirsk Area, Gravel Hole Lane, Sowerby - adopted 21 December 2010

National Planning Practice Guidance

#### 4.0 **CONSULTATIONS**

- 4.1 Thirsk and Sowerby Parish Councils both support the proposals.
- 4.2 North Yorkshire County Highways – No objection subject to conditions
- 4.3 Yorkshire Water - No objection subject to conditions
- 4.4 Environmental Health - no objections to the development. However, due to the potential for noise impact on local amenity from plant servicing the building more detailed information is required, once plant selection is finalised, to confirm the suitability of the initial mitigation measures detailed in para. 4.8.1 of the applicant's noise report.
- 4.5 Police - No objection - many of the recommendations made may be outside the remit of planning but suggest a condition requiring full details of how crime prevention has been considered and incorporated.
- 4.6 Neighbours have been notified, a press notice has been published and a site notice has been displayed. No responses have been received.

#### 5.0 **OBSERVATIONS**

- 5.1 The key determining issues are the principle of development and relationship to the outline planning permission, the design and layout, highways and car parking, noise and relationship to proposed residential developments, drainage and flooding, archaeology, and any other matters arising.

##### **The Principle of Development and Relationship to the Outline Planning Permission**

- 5.2 The outline planning permission arises from the strategic allocation of a mixed use urban extension around this area of Sowerby.
- 5.3 The proposals are in accordance with the aims of the allocation and outline planning permission. Whilst the proposals are sought through an independent planning permission rather than a Reserved Matters submission, there are no objections in principle. The application site is within the scope of the outline permission within area of the 'neighbourhood centre', for an out of centre hotel which would act as an entrance to the town from the south.
- 5.4 As stated above, the proposals are in effect three planning permissions. The proposals to include an additional 18 bedrooms would be welcomed and the extension area would use an area of landscaping that would be designed to be sacrificial. The proposals are considered acceptable in principle either as a 65 or 83 bed hotel.

## **The Design and Layout**

- 5.5 The proposals have been amended following detailed comments on pre-application and on the original submission which was amended on 22nd February 2016. The amendments include the introduction of additional steps into the building to break up the mass and roof; omission of corner tower feature, a reduction in height and an increase in width of front entrance gable; introduction of additional projecting gable to front and rear of the building; additional glazing to ground floor restaurant on the south west corner of the building; introduction of roof overhang to Topcliffe Road elevation; relocation of compound; relocation of customer cycle parking to be adjacent to the entrance of the building; provision of a pedestrian link from the hotel entrance to the site spine road and to connect to footways on Topcliffe Road. There were also minor alterations to car park layout and the creation of an outdoor seating area.
- 5.6 Overall the amendments have secured a more logical built form and design and will provide a satisfactory response to the constraints of the site and provide a high quality response to this prominent and important site. The proposed designs are acceptable under the terms of LDF Policy CP17 and DP32.

## **Highways and Car Parking**

- 5.7 The proposal includes the provision of 83 car parking spaces (including 5 disabled parking spaces) and cycle provision for staff and visitors. The number of parking spaces would be unaffected as to whether the 65 or 83 bedrooms would be built on the site.
- 5.8 Infrastructure has been built in the area to accommodate the level of movement and traffic associated with the outline planning permission and the proposals would provide an appropriate level of car parking on the site. The proposals would therefore be satisfactory in terms of parking and highway safety.

## **Noise and Relationship to Residential Developments**

- 5.9 The comments of Environmental Health Officers regarding noise from the operation of fixed plant have been carefully considered. Physically the building, whilst three storeys, would be separated from the neighbouring residential properties (as approved) and therefore the proposals would not result in loss of light, privacy or be overbearing to residential proposals. The parking and layout would also include appropriate landscaping and boundary treatment to mitigate deliveries and car movements.
- 5.10 The key aspect will be the noise of the air conditioning units and the commercial kitchens. In accordance with the recommendations of the Environmental Health Officers and the submitted noise assessment, conditions are therefore added.
- 5.11 The proposals would therefore be acceptable and not harm the amenities of neighbouring residents as proposed.

## **Drainage and Flooding**

- 5.12 Yorkshire Water records indicate a 250mm diameter live water main crosses part of the red line site boundary. It is recommended that no obstruction encroaches within 5 metres on either side of the main i.e. a protected strip width of 10 metres and a condition is added.

- 5.13 Yorkshire Water also confirms that a foul water domestic waste discharge to public sewer network was completed in Feb 2015 to serve the development. The sewer discharges via a pumping station located near the site, and this pumping station discharges to the 525mm diameter public sewer recorded in Sandholme Lane. Surface water will discharge via soakaway.
- 5.14 Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.
- 5.15 Surface water run-off from areas of vehicular parking and/or hardstanding etc. must pass through oil, petrol and grit interceptor/separator of adequate design before any discharge. The public sewer network is for domestic sewage purposes. Land and highway drainage have no right of connection to the public sewer network.
- 5.16 Overall, subject to conditions there are no objections raised to the proposals in relation to flooding and drainage.

### **Archaeology**

- 5.17 The proposed development lies within an area of known archaeological potential, evidenced from the results of previous archaeological evaluation undertaken by On Site Archaeology. The applicant has proposed to undertake an archaeological watching brief during the proposed development as a suitable form of mitigation and has submitted a Written Scheme of Investigation to this end. The County Archaeologist advises that this is a suitable level of archaeological mitigation. A condition is recommended to be applied to any permission to reflect the advice of the County Archaeologist.

### **Crime and Police Recommendations**

- 5.18 The comments of the Police Architectural Liaison Officer have been carefully considered. Many of the comments are outside the planning remit (e.g. lock specification comments, safes, windows and glazing) with others dealt with through other legislation. It is therefore considered that whilst noted, a condition would be unnecessary in this instance. It is noted that the Police raise no objections in principle as a result of the proposed designs and layouts.

### **Local Financial Considerations**

- 5.19 Section 143 of the Localism Act requires the local planning authority to have regard to 'local finance considerations' when determining planning applications, so far as they are material to the application. The Housing and Planning Bill also proposes similar requirements.
- 5.20 The construction expenditure on the proposed scheme is estimated to equate to approximately £5.0 million. Based on Whitbread's experience of working on similar hotel projects in the North of England, it is expected that the construction of the proposed development will support approximately 60 full-time equivalent (FTE) temporary (gross) jobs over the build period, which is estimated to last up to 10 months. The construction on site would thus itself provide 50 person-years of employment.
- 5.21 Upon completion, the proposed development will itself generate direct employment opportunities associated with the operation of the business. It is anticipated that the development will initially comprise a 65 bedroom hotel with a 66 cover restaurant. In time the hotel could be extended to 83 bedrooms. Initially the development will create

30 direct FTE permanent jobs. This will increase to 32 direct FTE permanent jobs on completion of the extension.

5.22 The 65 bedroom hotel will provide accommodation for an estimated 23,230 overnight stays a year, there is the potential to attract substantial visitor spending of around £1.01m, to the benefit of the local economy.

5.23 There are additional indirect benefits (e.g. jobs and spend) as a result of the proposals which are estimated at 123 jobs to the wider region and additional viability to shops and services from visitor stays.

## 6.0 RECOMMENDATION:

6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The development hereby permitted shall be begun within three years of the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the approved plans. Either as:

a) Development of a 65 bed hotel, car parking and associated works. -

Proposed ground floor plan (ref: A600(B)) -

Proposed upper floor plans (ref: A601(A)) -

Proposed elevations 1 of 2 (ref: A602(H)) -

Proposed elevations 2 of 2 (ref: A603(H)) -

Proposed site plan (ref: A604(B)) -

Proposed Landscaping (ref: JBA15 336-03 Rev B)

Or

b) As an 83 bed hotel, car parking and associated works. These plans are:

- Proposed ground floor plan (ref: A100(F)) -

Proposed upper floor plans (ref: A101(D)) -

Proposed elevations 1 of 2 (ref: A102(H)) -

Proposed elevations 2 of 2 (ref: A103(H)) -

Proposed site plan (ref: A201(I)) -

Proposed Landscaping (ref: JBA15 336-04 Rev B)

Or

c) Should Development a) be completed, an 18 bedroom extension could be completed in accordance with plans referenced in part b) of this condition.

3. a) Prior to the commencement of work on the development hereby approved a detailed Construction Phase Method Statement (including parking site operatives, hoardings, materials storage and measures to prevent mud on the highway), shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be carried out in accordance with the agreed Method Statement unless otherwise agreed in writing with the Local Planning Authority.

4. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water, other than the public sewer, have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

5. Prior of commencement of development above slab levels details of the red multi facing brick and roof tiles, ground cover materials, fascia, windows

and doors and rain water goods shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the agreed details alongside those shown on the approved plans.

6. a) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation prepared by Wardell Armstrong (ref: CP11552\_WSI/001 Dated October 2015).

b) The development shall not be occupied until a validation report has been submitted to and agreed in writing by the Local Planning Authority that development has been carried out in accordance with the programme set out in the Written Scheme of Investigation approved under part a) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

7. Prior to completion of built development details (including location and external appearance) of all plant, machinery, equipment and facilities used for the purpose, inter alia, of heating, extract-ventilation, and/or air conditioning, refrigeration, chilling, provision of compressed air, provision of electricity, shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include:

i) Mitigation to ensure that the proposed systems and methods are designed and operated to ensure that noise emissions, either individually or cumulatively, do not give rise to a complaint likelihood assessment exceeding "marginal significance" at nearby residential premises as determined in accordance with British Standard BS 4142: 1997 'Method for Rating industrial noise affecting mixed residential and industrial areas' (or any succeeding guidance or legislation).

ii) Mitigation to ensure that the proposed systems and methods do not give rise, either individually or cumulatively, to a Noise Rating Exceeding NR 35 1m from the window of any occupied residential premises during the hours 19.00 to 07.00.

iii) Flues serving commercial hot food cooking points

iv) Cleaning and maintenance regimes for odour extraction and abatement systems shall be agreed in writing prior to the systems coming into use.

v) External appearance and appropriate design features to visually disguise plant and machinery.

b) Agreed details shall be implemented prior to the first use and shall thereafter be retained in accordance with the approved details and in accordance with the manufacturers or other agreed maintenance regimes.

8. Within 3 months of the first occupation of the development the submitted Travel Plan (RLR/WHIT/15/2819/TP02 dated December 2015 prepared by RGP - Transport Planning and Infrastructure Design Consultants) shall be developed into a formal Travel Plan and agreed in writing by the Local Planning Authority, including methods of delivery, review, and monitoring of the measures in the Travel Plan. The approved Travel Plan shall be implemented during the six months following the first occupation of the premises. Following the expiry of this period of time or such other period of time as may be agreed, a review of the Plan shall be carried out, and submitted to the Local Planning Authority for approval. The review will identify any refinements and clarifications deemed necessary to the Plan to meet the objectives of the Travel Plan.

9. No part of the development shall be brought into use until the approved vehicle and cycle parking; manoeuvring and turning areas have been

constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

10. Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

11. No building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the 250mm diameter live water main, which crosses the site.

12. No construction or engineering works, (including land reclamation, stabilisation, preparation, remediation or investigation) or deliveries associated with demolition, construction or engineering works, shall take place on any Sunday, Bank Holiday or Public Holiday, and otherwise such works shall only take place between the hours of 07.00 to 18.00 weekdays and 08.00 to 13.00 Saturdays unless otherwise permitted in writing by the Local Planning Authority. No plant, machinery or equipment associated with such works shall be started up or operational on the development site outside of these permitted hours.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or succeeding Orders, the hotel (Use Class C1) shall not be converted to residential use (Use Class C3).

14. a) The landscape scheme shown on plans JBA15 336-03 Rev B and JBA15 336-04 Rev B shall be implemented in the first planting season following the first occupation of the hotel. All planted and grassed areas and associated protective fencing shall be maintained for a period of 5 years from the full completion of the approved scheme. Within this period:

- i) grassed areas shall be maintained in a tidy condition;
- ii) planted areas shall be maintained in a tidy condition;
- iii) any tree, shrub or plant which dies, becomes seriously diseased, damaged or is removed shall be replaced with a tree, shrub or plant of the same or greater size and the same species as that originally required to be planted;
- iv) any damage to protective fences shall be made good.

15. No discharge of water from any commercial kitchen or food preparation area shall occur unless a grease trap has been installed in accordance with details that have previously submitted to and approved in writing by the Local Planning Authority. Thereafter the grease trap shall be retained and maintained in accordance with the manufacturer's recommendations.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. To define the permission

3. In the interest of Highway Safety, and ensure the free flow of traffic using the adjoining Highway.



4. To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading
5. To ensure satisfactory development and appearance of the application site.
6. This condition is imposed in accordance with Section 12 of the NPPF as the site is of archaeological interest.
7. To ensure satisfactory appearance of proposed plant and machinery and to ensure that it does not result in the loss of amenity to nearby residents by virtue of odours, smells and noise.
8. To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.
9. To ensure the satisfactory functioning of the development, to promote the use of a range of modes of transport, and minimise the use of the car.
10. In the interest of satisfactory drainage
11. In order to allow sufficient access for maintenance and repair work at all times.
12. In the interests of the amenity of existing and potential residential occupiers in the vicinity.
13. The proposals are not suitable for permanent residential occupation as it is designed for temporary visitor accommodation and represents an important commercial site and the economic losses of change to other uses would need to be assessed fully.
14. To ensure that the development is delivered and managed to an appropriate standard and to ensure satisfactory appearance of the site.
15. To reduce the potential for pollution arising from obstruction to the sewerage system in accordance with the LDF Policy CP21.