

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heworth
Date: 17th February 2010 **Parish:** Heworth Planning Panel

Reference: 09/02081/FULM
Application at: 24 Heworth Green York YO31 7UG
For: Application for a new planning permission to replace an extant planning permission, in order to extend the time limit for implementation of application ref:09/00632/FUL by a further three years (Mixed use scheme for residential development and offices consisting of a maximum of 12 two bedroom apartments, a maximum of 6 two bedroom houses, a maximum of 60 three bedroom houses and a maximum of 41 four bedroom houses unless otherwise agreed in writing by the Local Planning Authority)
By: National Grid
Application Type: Major Full Application (13 weeks)
Target Date: 19 February 2010

1.0 PROPOSAL

1.1 The application site measures 3.5 hectares. The historic use is as a gasworks, with gas holder sited adjacent to a 32m telecommunications lattice tower. A large part of the site has been used as a Transco depot and offices whilst the eastern part of the site is grassed, previously used in association with the gas works. The Heworth Green frontage of the site, which contains a strip of mature trees, lies within Heworth/Heworth Green/East Parade/Huntington Road Conservation Area.

1.2 In September 2009 permission was granted to change the accommodation schedule relating to permission reference 06/02764/FUL to allow a more varied residential mix, incorporating primarily family housing as opposed to apartment-led accommodation (planning ref: 09/00632/FUL). This was achieved by varying condition 16 of the earlier permission. As the result of this variation the new accommodation schedule comprises of a maximum of:

- i. 12 two bedroom apartments;
- ii. 6 two bedroom houses;
- iii. 60 three bedroom houses; and
- iv. 41 four bedroom houses.

1.3 Condition 1 of the 09/00632/FUL approval (known throughout the report as "2009 permission") requires an application for approval of all reserved matters to be submitted no later than 23 November 2009 (i.e. three years from the date of the original planning permission 03/04046/OUT). This current Extension of Time (EOT) application was submitted before the statutory deadline to extend the time limit for implementing the extant 2009 permission by a further three years. The principle of this development has been established through previous permissions. The proposal to extend the time limit of an extant planning permission has been made possible by virtue of the new statutory instrument which was brought into force on 1 October

2009 (Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009). This new temporary measure allows any planning permission granted on or before 1 October 2009 to be extended for implementation. This is part of the Government's initiative to "keep planning permissions alive for longer during the economic downturn so that they can more quickly be implemented when economic condition improve" (CLG, 2009).

RELEVANT PLANNING HISTORY

03/04046/OUT: Outline application for mixed use development scheme comprising up to 306 dwellings and up to 1860 sq.m. of office space after demolition of existing buildings and gas holder. Permission was given in November 2006.

06/02764/FUL: Variation of conditions 2, 7, 8, 9, 10, 11, 17, 19, 20, 26, 31, and 35 of planning permission 03/04046/OUT to allow site clearance, demolition and remediation prior to the commencement of the development. Permission was given in April 2008.

09/00632/FUL: Variation of conditions 4 and 16 of application 06/02764/FUL (mixed use scheme for residential development and offices) to allow a reduction of building heights and to allow the accommodation schedule to be amended. Permission granted in September 2009.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP5
Renewable energy

CYGP6
Contaminated land

CYGP7
Open Space

CYGP9
Landscaping

CYGP13
Planning Obligations

CYGP15
Protection from flooding

CYNE1
Trees, woodlands, hedgerows

CYNE3
Water protection

CYNE6
Species protected by law

CYNE7
Habitat protection and creation

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE10
Archaeology

CYHE11
Trees and landscape

CYT2A
Existing Pedestrian/Cycle Networks

CYT2B
Proposed Pedestrian/Cycle Networks

CYT4
Cycle parking standards

CYT5
Traffic and pedestrian safety

CYT7C
Access to Public Transport

CYT13A
Travel Plans and Contributions

CYT20
Planning agreements

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYH4A
Housing Windfalls

CYH5A
Residential Density

CYE3B
Existing and Proposed Employment Sites

CYE4
Employment devt on unallocated land

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

CYSP3
Safeguarding the Historic Character and Setting of York

CYSP6
Location strategy

CYSP7A
The sequential approach to development

CYSP8
Reducing dependence on the car

3.0 CONSULTATIONS

EXTERNAL

3.1 NATURAL ENGLAND - Response received 1 February 2010: Natural England has considered this application and has no comments to make on the proposal.

3.2 HEWORTH PLANNING PANEL - Response received 10 December 2009: No objections.

3.3 NEIGHBOURS notified and site notice posted: No response received to date.

INTERNAL

3.4 HOUSING STRATEGY AND ENABLING - response received 29 January 2010:

- The team is advised by planning colleagues that a recent change in legislation permits applicants to submit time extensions on outstanding applications.
- The team is happy to take the advice of planning colleagues as to the impact of this legislation.
- Should the conclusion be that applications can be extended but must be considered under current affordable housing Policy H2a of the Development Control Plan (2005) then the team would expect the applicant to proceed on this basis.
- This would mean the development will have an affordable housing target of 50%.
- If the applicant feels this is unviable they should submit a detailed financial viability study for officer consideration.

3.5 CITY DEVELOPMENT - response received on 29 January 2010:

- The principle of this development has been established through previous applications.
- As this is a new application it should comply with Policy H2a of the Development Control Local Plan (2005) on affordable housing.
- The policy seeks to achieve a target of 50% affordable housing on all new housing sites over 15 dwellings/0.3ha in the urban area.
- The applicant proposes 25% affordable housing on the basis of what was agreed on the previous consent (06/02764/FUL), rather than in accordance with Policy H2a.
- Discussions should take place with the applicant to assess the level of affordable housing that can be achieved in the context of the target set out in Policy H2a and current market conditions.

3.6 HIGHWAY NETWORK MANAGEMENT - Response received December 2009: No objections; comments and conditions as per previous application. Nevertheless S106 Agreement should still be in force to secure the required Foss Basin Masterplan Contributions and car club contribution. Planning conditions imposed on the previous approval should also be brought forward to the current permission.

3.7 ENVIRONMENTAL PROTECTION UNIT - Response received 11 December 2009: The proposal to extend the time limit for implementation of application by 3 years would not merit any further comments. However the conditions imposed under the previous permission should be carried forward.

4.0 APPRAISAL

4.1 The main issue associated with this application are whether the proposed extension of time to submit a Reserved Matters application by 3 years would cause undue harm to interests of acknowledged importance, in particular reference to:

- principle of the mixed use development;
- affordable housing;
- environmental impact assessment;

- environmental protection considerations;
- highways and traffic considerations;
- other material considerations

PRINCIPLE OF THE MIXED USE DEVELOPMENT

4.2 The principle of residential and office development on this former gasworks site has been established following the approval of the original outline consent in November 2006 (03/04046/OUT) and the subsequent variation of condition permission in September 2009 (09/00632/FUL). Recent changes in national, regional and local planning policies including the publication of Planning Policy Statement no.4 "Planning for Sustainable Economic Growth" in December 2009 have not altered the acceptability of this residential and commercial development. Furthermore the characteristics of the site in and around the site has not materially changed since the last approval was issued less than 6 months ago (i.e. the 2009 permission). Thus the principle of the approved uses is still considered acceptable .

AFFORDABLE HOUSING

4.3 The applicant's reason for extending the time limit is to enable their client National Grid sufficient time to:

- decommission and remove the existing gas holder on site;
- undertake remediation on site;
- continue to market the site to a house builder or embark upon a joint venture with a house builder (which, given the present conditions, is proving commercially difficult); and
- work up detailed plans for the site for submission of reserved matters.

4.4 Whilst policy H2a of the City of York Draft Local Plan 2005 and the affordable housing target of 50% have not materially changed since the 2009 permission was determined less than half a year ago, City Development team advises that Policy H2a (Affordable Housing) of the Draft Local Plan is applicable in this instance as they considered this to be a new planning application. This policy seeks to achieve a target of 50% affordable housing on all new housing sites over 15 dwellings/0.3ha in the urban area. As such, discussion should take place with the applicant to assess the level of affordable housing that can be achieved in the context of the target set out in Policy H2a and current market conditions.

4.5 The purpose of the proposal is merely to extend the time limit for implementing the development that was authorised in the 2009 permission, the effect of which is to issue new planning permission. If approved it would keep the extant planning permission alive during the economic downturn so that they can quickly be implemented when the economic condition improves. The reasons put forward by the applicant's agent to extend the time limit accords with the Government's objectives. Given the purposes of submitting this application and the rational behind the temporary measure introduced by the National Government to keep extant planning permissions alive, it is not considered to be appropriate to renegotiate affordable housing requirements from the targets already established through previous planning permissions (25%).

4.6 In reaching this recommendation the Central Government's advice on how the Local Planning Authorities (LPAs) should approach these applications has also been considered. Paragraph 23 of the guidance: "Greater flexibility for planning permissions" produced by CLG states LPAs should, in making their decisions, "focus their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission". Given that the relevant planning policies and all other material considerations concerning affordable housing have not been materially changed since the grant of the 2009 permission less than half a year ago (decision issues on 30 September 2009), it is not considered that the targets set, agreed and approved previously can be reopened for negotiation.

4.7 Permission has been sought for an extension of time limit by an additional 3 years. Whilst the applicant's agent has, in line with the government's objective provided robust arguments for keeping this planning permission alive during the economic downturn, concern has been raised regarding how, by extending the submission of reserved matters application by a further 3 years period could delay the delivery of affordable housing in the long run.

4.8 For reasons owing to:

- i. site valuation negotiations between the current owners of the site;
- ii. the need to officially market the site after the owners have reached an agreement; and
- iii. the need to instruct a design team to work up an application for reserved matters, which according to the agent is unlikely to be possible until after 2010 when throughout the course of 2011 the future house-builder/developer will be working with Council's officers on the final submission,

it is not considered to be practically possible to reduce the time limit extension to anything less than 2 years (from the 3 years originally applied for by the applicants). Furthermore, as the time limit for implementation can only be extended once, in this instance it is considered to be imperative that a minimum of 2 years' time limit extension is given in order ensure effective delivery of the scheme. A two year grace period would also give the applicant sufficient time to decommission and remove the existing gas holder on site, and to undertake remediation of the site without unduly delaying the delivery of affordable housing. Both the Housing and Policy teams have no objections with the extension of time limit for implementation the 2009 permission to 2 years.

ENVIRONMENTAL IMPACT ASSESSMENT

4.9 An Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 ("EIA Regulations 1999") has been submitted with the original planning application. The original outline consent was approved on the basis that the information contained within the statement is acceptable for environmental issues to be thoroughly examined. The Environmental Statement submitted with the original scheme was updated in 2009 to reflect the extent of the residential scheme variation proposed under the 2009 permission, and to take into account the changes occurred within and beyond the application site since the Environmental Impact Assessment was

last carried out in 2003 (and 2004). It was also updated in compliance with the EIA Regulations 1999 as amended the Town and Country Planning (Environmental Impact Assessment) (Amendment) (England) Regulations 2008.

4.10 This current application is accompanied by the Environmental Statements prepared for previous planning applications. It is unlikely that the proposed time limit extension will give rise to any additional significant adverse environmental effects under Schedule 2, Paragraph 13 of the Environmental Impact Regulations and as such it is not considered that further environmental information is required.

ENVIRONMENTAL PROTECTION CONSIDERATIONS

4.11 The issues raised in previous planning applications regarding environmental considerations were:

a. Land Contamination:

i. It is clear from historic use that the site has the potential to be contaminated. The original outline application was accompanied by an Environmental Statement and it included information on groundwater and risk assessment from contaminants. The study concluded that the contamination would not preclude the development of the site, subject to remediation to protect the health of future residents of the site, and measures to prevent groundwater contaminations.

ii. The Environment Statement had since been revised to reflect the number, type and size of accommodation proposed under planning application ref. 09/00632/FUL. The main area of concern then with regard to ground contamination was the provision of individual gardens. This was brought about as a direct result of the introduction of family-led housing scheme. The updated assessment has identified a number of mitigation measures; these include the removal of impacted superficial made ground to a suitable depth in areas where soft cover will be present. Clean materials will then be imported to raise site levels. Measures to mitigate the potential risk to controlled water at the site and the potential risk to residents of adjacent properties and construction workers have also been recommended. These measures were secured by conditions. A statement detailing a schedule of site remediation liaison meeting between the owners and the Council was secured through Section 106 agreement. Both the Section 106 requirements and planning conditions imposed previously will be carried forward if permission is granted to extend time limit.

b. Air quality, noise dust and odours:

i. The revised scheme approved in 2009 was considered to generate fewer vehicle trips than the original outline approval, thus would have less impact on air quality than the original outline approval. Planning conditions imposed in the original outline permission regarding air quality, noise, dust and odours had been brought forward to the 2009 permission and will be imposed if this application is to be approved.

c. Health and Safety:

i. A condition was imposed in the previous consent to prohibit the development commencing until such time as the gas holder is decommissioned and removed from

the site. This condition will be brought forward if permission is granted to extend time limit.

4.12 ASSESSMENT: The issues identified previously as well as the site and the areas around the site have not been materially altered since the last assessment was carried out in 2009. This application seeks merely to extend the time limit for implementing the 2009 permission. Furthermore Government's advice contained within national, regional and local planning policies regarding the issues identified have not been updated or revised since the previous permission. Thus it is unlikely that by extending the time limit of the 2009 permission would create significant adverse environmental effects.

HIGHWAY AND TRAFFIC CONSIDERATIONS

4.13 It was concluded when permission was given in 2009 that the revised scheme would reduce level of traffic that would be generated over the original consent. Furthermore contributions towards sustainable travel measures and the Foss Basin Masterplan have also been reduced accordingly; they were secured via a section 106 agreement. These comprise a financial contribution of £73.1k towards the works identified within the Foss Basin Masterplan and a contribution of £19k towards the setting up and operation of a car club in the vicinity of the site.

4.14 It has been advised by Highway colleagues that conditions and Section 106 contributions imposed previously should be carried forward to any new permission.

OTHER MATERIAL CONSIDERATIONS

4.15 The purpose of this application is to consider any impact the proposed extension of time limit to implement the 2009 permission would have on the revised residential and commercial scheme approved in 2009. Given the nature of this type of applications it would not, if approved materially alter the design and physical layouts of the original approval. As such the height, density and siting of the residential properties and the overall layout of the scheme approved under the 2009 permission would remain as per previously approved. It would not give rise to further amenity effects than the issues identified previously. Sustainability requirements imposed under the 2009 permission will be carried forward should permission to extend time limit is given. The recommendations put forward by the Architectural Liaison officer regarding crime prevention measures will still need to be thoroughly addressed at the reserved matters stage of the planning process. A condition imposed previously to ensure that 'secured by design' principles have been incorporated in the final scheme will be carried forward. The same applies to the drainage and surface water run-off conditions previously imposed.

4.16 It has been agreed previously that the operational equipment for Transco in the north and south west corners of the site would remain as per the original outline approval. The telecommunications mast on the site currently situated in the public open space area in the south of the site was previously approved to remain in the current location. These arrangements would not be altered as the result of the proposed time limit extension.

4.17 The commuted sum payment of £39,668 towards off site public open space will be carried forward via Section 106 agreement/Deed of Variation. It has been confirmed by Education colleagues that contributions for Primary and Secondary pupils and for Early Years/Foundation level are not be required notwithstanding the proposed time limit extension.

4.18 Regarding Ecology and Archaeology, a condition requiring measures to be provided within the design of the new building to accommodate bats, and a condition requiring the implementation of a programme of archaeological work were imposed in the 2009 permission. These conditions will be brought forward to the new planning permission if this application is to be approved.

5.0 CONCLUSION

5.1 This application seeks planning permission to extend the time limit of implementing an extant planning permission by a further 3 years. In accordance with the central government's advice contained within the guidance: "Greater flexibility for planning permissions" officers have, in assessing the merits of the proposal focused their attention on development plan policies and other material considerations which may have changed significantly since the original grant of permission.

5.2 The principle of residential and office development on this former gasworks site has been established following the approval of the original outline consent in November 2006 (03/04046/OUT) and the subsequent variation of condition permission in September 2009 (09/00632/FUL). Recent changes in national, regional and local planning policies including the publication of Planning Policy Statement no.4 "Planning for Sustainable Economic Growth" in December 2009 have not altered the acceptability of this residential and commercial development. Furthermore the characteristics of the site in and around the site has not materially changed since the last approval issued less than half a year ago. As such the key issues identified previously remain relevant and the planning conditions and Section 106 requirements imposed then will be carried forward to the new permission if permission is to be granted.

5.3 Whilst City Development team considered that Policy H2a of the Draft Local Plan which seeks to achieve a target of 50% affordable housing is applicable in this instance, due to the rationale behind the temporary measure introduced by the Central Government to keep extant planning permissions alive and the guidance contained in paragraph 23 of the guidance: "Greater flexibility for planning permissions" produced by the central government, it is not considered that this application provides an appropriate platform to renegotiate the affordable housing requirements.

5.4 Nevertheless, due to matters regarding the delivery of affordable housing and having considered other practical issues concerning the delivery of the scheme, it is considered that the time limit extension for implementation should be reduced to 2 years (as opposed to 3 as originally applied for). It is considered that a 2 year period would allow sufficient time to work up to a reserved matters application without unduly delaying the delivery of affordable housing.

5.5 Having taken the above into account, it is considered that the proposal would accord with national, regional, and local planning policies, and is recommended for approval subject to the conditions listed below and the applicant be required to enter into a section 106 agreement to cover the following matters:

- £73,100 towards the Foss Basin Transport Masterplan
- £19, 000 towards the setting up and running of a car club
- 25% of the number of dwelling units to be affordable
- £39,668 towards off site public open space
- management arrangements for on site open space
- Code for Sustainable Home level 3(***), BREEAM 'very good', and 10% on-site renewable energy generation.
- construction traffic management plan.

6.0 RECOMMENDATION: Approve Subject to Section 106 and the following conditions :-

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of the two years from the date of the permission hereby approved and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works excluding site clearance, demolition and remediation, and the development shall be carried out in accordance with such details:

Details to be submitted: layout, scale, appearance and landscaping of the proposed development to be carried out.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of the development.

3 The development hereby approved shall consist of a maximum of 119 dwellings and a maximum of 1860 square metres of offices.

Reason: To achieve an acceptable form of development.

4 The development hereby approved shall not be carried out otherwise than in complete accordance with the 'Proposed Context - Land Use Diagram and Building Heights' drawing no. (sk) BR/500 rev. A received 16.06.2009, which for the avoidance of doubt illustrates maximum storey heights.

Reason: To achieve an acceptable form of development.

5 Illustrative layout plan reference 02/16248/(sk)006/REV A received on the 26th October 2004, Illustrative site layout plan reference M3015(PL)001 received on the 3rd April 2009 and indicative existing and proposed cycle links plan reference GB/YORK.1/06 rev A received on the 27th January 2005 does not form part of this planning consent.

Reason: To achieve an acceptable form of development.

6 Details in pursuant of condition 2 shall provide for a children's play space on site to a Local Equipped Area for Play (LEAP) standard. Such details shall include location, play equipment, surfacing, enclosure, associated landscaping and a buffer zone.

Reason: To ensure an acceptable provision of recreational facilities.

7 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development, excluding site clearance, demolition and remediation. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

8 Details of all enclosure to the site boundaries and within the site, including between the residential and office elements of the development, shall be submitted to and approved in writing by the Local Planning Authority before the development commences, excluding site clearance, demolition and remediation, and shall be provided before the development is occupied.

Reason: In the interests of visual amenity and crime prevention.

9 No development, excluding site clearance, demolition and remediation, shall take place until plans showing details of the proposed floor levels of any building in relation to the existing ground level and finished levels of the site shall be submitted to and approved in writing by the Local Planning Authority. Before any works commence on site, a means of identifying the existing ground level on the site shall be approved in writing, and any works required on site to mark the ground accurately during the construction works shall be implemented prior to disturbance to the existing ground level. Any physical works or marker shall be retained at all times during the construction period.

Reason: To establish the existing ground levels, finished levels and proposed floor levels, to ensure an orderly form of development that does not have an adverse impact on the amenities of the surrounding area.

10 Development, excluding site clearance, demolition and remediation, shall not commence until a scheme for the provision of surface water drainage works, including any balancing works and off site works, has been submitted to and approved by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

11 Development, excluding site clearance, demolition and remediation, shall not commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent increased risk of flooding.

12 The site shall be drained with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory drainage.

13 Unless otherwise in agreed 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 the completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their dispersal.

14 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

15 Before the commencement of and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area.

16 The development hereby approved shall not be carried out otherwise in complete accordance with the accommodation schedule, being a maximum of 12 two bedroom apartments, a maximum of 6 two bedroom houses, a maximum of 60 three bedroom houses, and a maximum of 41 four bedroom houses unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the development accords with the appropriate provision of open space and education facilities, and providing a mix of housing types.

17 Fully detailed drawing illustrating the design and materials of roads, footpaths and other adoptable open spaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, excluding site clearance, demolition and remediation.

Reason: In the interests of highway safety.

18 No dwelling to which this planning permission relates shall be occupied unless or until the carriageway basecourse and kerb foundation to the new estate road and footpath to which it fronts, is adjacent to or gains access from, has been constructed. Road and footway wearing courses and street lighting shall be provided within three months of the date of commencement on the construction of the penultimate dwelling of the development.

Reason: To ensure appropriate access and egress to the properties, in the interests of highway safety and the convenience of prospective residents.

19 Prior to the development commencing, excluding site clearance, demolition and remediation, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

20 Prior to the development commencing, excluding site clearance, demolition and remediation, details of the car parking areas shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until car parking areas have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose than the parking of cars.

Reason: In the interests of highways safety.

21 No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

22 Prior to the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

23 Prior to the development commencing details of the measures to be employed to prevent the egress of mud, water and other detritus onto the public highway, and details of the measures to be employed to remove any such substance from the public highway shall be submitted to and approved in writing by the Local Planning Authority. Such measures as shall have been approved shall be employed and adhered to at all times during construction works.

Reason: To prevent the egress of water and loose material creating a hazard on the public highway.

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

- highway works as highlighted in drawing BGYORK.1/08 rev C

Reason: In the interests of the safe and free passage of highway users.

25 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the LPA.

Reason: In the interests of the safety and good management of the public highway.

26 A full stage road safety audit carried out in advice set out in DMRB HD19/03 and guidance issues by the Council, will be required for the internal highway layout and all off site works requiring alteration as specified in drawing BGYORK.1/08revC, stage 1 of which must be submitted and agreed in writing by the Local Planning Authority prior to works, excluding site clearance, demolition and remediation, commencing on site.

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

27 Within 6 months of occupation of the employment element of the site, a full company travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan should be developed and implemented in line with local, national guidelines and the heads of terms document submitted with application 09/00632/FUL.

Within 12 months of occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the Local Planning Authority. Results of yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T13a of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians,

cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

28 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.

29 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any dwelling when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (LA_{max}(f)) and average sound levels (LA_{eq}), 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 neighbouring premises.

30 A scheme of noise mitigation for the gas compressor shall be submitted to the local planning authority for approval. The scheme, once approved in writing by the local planning authority, shall be fully implemented prior to occupation of the site and shall be appropriately maintained thereafter.

Reason: To protect the amenity of neighbouring premises.

31 The building envelope of all dwellings shall be constructed so as to provide attenuation against external noise, that achieves the following internal noise levels; bedrooms - 30 dB L(A)_{eq} 8 hours (23:00 to 07:00), other habitable rooms - 35 dB L(A)_{eq} 16 hours (07:00 to 23:00). These figures are with windows shut and other means of ventilation provided, such as acoustically treated trickle ventilation. The detailed scheme shall be approved by the local planning authority prior to construction, excluding site clearance, demolition and remediation, and fully implemented prior to occupation of the use hereby permitted.

Reason: To ensure acceptable internal noise levels for dwellings.

32 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. A conceptual site model of all potential contaminant sources, pathways and receptors shall be created and used to inform the scheme of proposed further site investigation and risk assessment works. The contents of the scheme are subject to the approval in writing of the Local Planning Authority.

b. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed),
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

c. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property, controlled waters and the natural and historical environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part II A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GP6 of the City of York Draft Local Plan 2005.

33 The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite

receptors in accordance with policy GP6 of the City of York Draft Local Plan 2005.

34 A proposed timetable and weekly information bulletin for the remedial works shall be submitted to the Local Planning Authority prior to the commencement of those works following the consideration at reserved matters. Additionally a detailed weekly timetable shall also be submitted a minimum of two working days prior to the commencement of each weeks work.

Reason: In the interests of public safety.

35 Development, excluding site clearance, demolition and remediation, approved by this permission shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details. This scheme should have due regard for the Environment Agency guidance document report NC/99/73: Piling and penetrative ground improvement methods on land affected by contamination.

Reason: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

36 A method of sampling and validation shall be produced to ensure imported and excavated materials used on site are not contaminated. This should include, where possible, details of the origin of such materials. This method shall be submitted in writing, approved by the local planning authority and fully implemented and verified prior to completion of the development.

Reason: In the interests of public safety.

37 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 in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GP6 of the City of York Draft Local Plan 2005.

38 Prior to commencement of the development hereby approved, an environmental management scheme prepared and monitored by an independant suitably qualified and competent expert to cover the development phase, shall be submitted to and agreed in writing with Local Planning Authority. This should contain the following:

(i) A scheme for monitoring associated odour, dust and noise pollution, and associated meteorological data capture.

(ii) A scheme for minimising of odour, dust and noise pollution, and associated corrective action, when required.

(iii) Provision of and details of a site notice board adjacent to the site, to include its location and design, providing emergency contact details.

The agreed environmental management scheme shall be adhered to at all times, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of local residents.

39 Details in pursuant of condition 2 shall provide for cycle and pedestrian links into the site from the surrounding highway network, the sustrans cycleway and through the site.

Reason: To promote safe use of cycles and walking.

40 Details in pursuant of condition 2 shall provide for a grass outdoor sports pitch on site measuring a minimum 18.3m x 27.45m, and a 5m buffer zone on each side. Such details shall include location, layout, enclosure, drainage, a facility for a disabled toilet/first aid/water and associated cycle and car parking provision.

Reason: To ensure an acceptable provision of recreational facilities.

41 Prior to the development commencing, excluding site clearance, demolition and remediation, details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

42 Prior to the commencement of development of the residential element of the scheme excluding site clearance, demolition and remediation, a residential travel plan shall have been submitted and approved in writing by the Local Planning Authority. The residential travel plan should be developed and implemented in line with local, national guidelines and the heads of terms document submitted with application 09/00632/FUL. The aforementioned residential travel plan shall include a residential travel pack which will be included within sales particulars for the proposed dwellings.

Reason: To ensure the development complies with advice contained in PPG13-Transport, and in Policy T13a of the City of York Local Deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

43 The development hereby approved, exclusive of site clearance, remediation and demolition, shall not commence until such time as the gas holder is decommissioned and removed from the site.

Reason: To ensure that the gas holder is decommissioned at the appropriate stage in the development process, thereby eliminating any potential health and safety risk that this development might pose to the general public.

44 Prior to the development commencing, excluding site clearance, demolition and remediation, details of what measures are to be provided to within the design of the new buildings to accommodate bats shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details. Features suitable for incorporation for this group include the use of special tiles, bricks, soffit boards, bat boxes.

Reason - To enhance the habitat for bats.

45 The development hereby approved shall be carried out in accordance with the recommendations set out in section 4 of the Ecological Constraints Survey April 2009 unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of habitat protection and creation.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of mixed use development, affordable housing, environmental impact assessment, land contamination, air quality, noise, dust and odours, health and safety, highways and traffic considerations, design issues, the effect on the conservation area, archaeology, residential amenity, ecology, sustainability, open space provision, crime prevention, impact on education provision, flood risk and drainage, telecommunications and utilities. As such the proposal complies with Policies YH4, Y1, ENV9, ENV12, H4 and H5 of the Regional Spatial Strategy (RSS) for Yorkshire and the Humber (2008), and Policies GP1, GP3, GP4A, GP4B, GP5, GP6, GP7, GP9, GP13, GP15, NE1, NE3, NE6, NE7, HE2, HE3, HE10, HE11, T2A, T2B, T4, T5, T7C, T13A, T20, H2A, H3C, H4A, H5A, E3B, E4, ED4, L1C, SP3, SP6, SP7A and SP8 of the City of York Local Plan Deposit Draft (2005). The proposal would also comply with advice in PPS1, PPS Supplement, PPS3, PPG4, PPS9, PPG13, PPG15, PPG16, PPG17, PPS23, PPG24, PPS25.

2. To satisfy conditions 10 and 11 of the above approval details to include calculations and invert levels of the existing surface water system are expected to be provided together with details to include calculations and invert levels of the proposals. Existing / proposed ground levels to ordnance datum for the site and adjacent properties are expected to be shown, and existing surfacing and key to proposed surfacing should also be specified.

The applicant is expected to provide a topographical survey and proposed finished

floor and ground levels to ordnance datum, to ensure that there will not be any detriment to the drainage of existing properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. In addition, additional surface water must not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. If soakaway proves to be unsuitable then in accordance with PPS25 and in agreement with the Environment Agency / Foss IDB, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must 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.

3. Once the Directorate of City Strategy is satisfied that the development hereby approved has commenced, the Hazardous Substances Consent approved in September 2001 (ref. no.: 01/02481/HSC) will be revoked under Section 14(2) of the Planning (Hazardous Substances) Act 1990.

4. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 184 - Stuart Partington (01904 551361)
Section 38/278 - Michael Kitchen (01904 551336)

5. You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

6. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

7. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of

Pollution Act 1974:

i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

ii. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

iii. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

iv. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

v. There shall be no bonfires on the site.

Contact details:

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