

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Guildhall
Date: 31 August 2006 **Parish:** Guildhall Planning Panel

Reference: 06/01675/FULM
Application at: Grays Newsagent Ltd Navigation Road York YO1 9UN
For: Erection of a four and six storey office block associated substation and external works (amendment to previously approved scheme ref: 04/00885/FUL - proposed apartments to be replaced with office accommodation)
By: Grays Wharf
Application Type: Major Full Application (13 weeks)
Target Date: 20 October 2006

1.0 PROPOSAL

1.1 Members may recall that in February 2005 planning permission was granted for the erection of a four and six storey block of offices together with two apartments and associated external works on an area of unused land with a frontage to Navigation Road, adjacent to Wormalds Cut. At that time it was proposed to accommodate approximately 4,950 sq metres (gross) of offices within a four storey "L" shaped building, together with two "penthouse" apartments located on a fifth and sixth floor in the northwest corner of the new block. Although the buildings that previously occupied the site have been demolished (with the benefit of conservation area consent) construction work has yet to commence on the proposed development.

1.2 The application now submitted is an amendment to the previously approved scheme, and proposes to replace the apartments with offices, creating an additional 578 sq metres (gross) of office accommodation. The application relates principally to the change of use of the previously approved apartments to offices, and no changes are proposed to the footprint of the proposed building. In order to accommodate commercial floor to ceiling heights, the eaves height of the six storey section of the building would be increased by approximately 0.8 metres to 20.7 metres, although this has been compensated for by a corresponding reduction in the roof pitch, resulting in the overall height of the building being contained within the height restriction imposed by the original planning permission (26.81 metres).

1.3 The new application incorporates elevational changes reflecting the proposed commercial use of the two upper floors of the six storey building. The four storey section of the new block remains as previously approved. Minor changes have been made to the layout and configuration of the refuse storage area and electricity substation, the latter as a result of the statutory requirements of the electricity supplier. The submitted layout makes provision for 41 car parking spaces and secure cycle storage for 60 cycles, together with a landscaped area (17m x 17m approx) at the head of Wormalds Cut, all in accordance with the originally approved layout.

1.4 The application site consists of approximately 0.31 hectares of land with a frontage of 62 metres to Navigation Road, north of its junction with Percy's Lane and opposite Rosemary Place. The northern boundary of the site abuts Wormalds Cut,

an open watercourse which terminates at Navigation Road, beyond which is the five storey Rowntree Wharf, a landmark Grade II listed building which is now in mixed residential/commercial use, and its associated multi-storey car park. The eastern boundary of the site faces directly towards residential properties fronting Navigation Road, forming part of Rosemary Place/Rosemary Court residential estate. The southern boundary abuts the former Pullman bus depot, which is in use as a covered car park, and which has recently been the subject of a detailed application to erect 231 student study bedrooms in two separate blocks, planning permission for which was granted on 28 April 2006. To the west of the site are the offices of the York and County Press.

1.5 The site is within the Central Historic Core conservation area. However, the application site itself is in a vacant, derelict and generally unsightly condition. The buildings which previously occupied the site, which were of no architectural merit, have now been demolished, leaving a cleared site. The site is also within the City Centre Area of Archaeological Importance. The previously approved scheme included the removal of eight self seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters edge. The approved office block is of a contemporary design with the external walls erected in facing brick with artstone detailing and incorporating a pitched, tiled roof. The taller part of the building, which it is now proposed to change from residential use to offices, incorporates a "square hip" arrangement.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

CYE3
Retention of existing employment sites

CYE4

Employment devt on unallocated land

CYHE2

Development in historic locations

CYHE10

Archaeology

CYGP6

Contaminated land

CYT4

Cycle parking standards

3.0 CONSULTATIONS

3.1 INTERNAL

HIGHWAYS (NETWORK MANAGEMENT) - The highways and traffic issues relating to the development at the site were considered by officers as part of the previous application 04/00885/FUL. As part of the negotiations of this previous application, funding towards the improvement of adjacent bus stop facilities and works identified in the Foss Basin Masterplan were sought. Such obligations are still in place and from a highways perspective officers raise no objections to the proposed amendments.

The payment was a total of £19,572 consisting of £15k for bus stop improvements on Walmgate and £4572 towards the Foss Basin Masterplan. The bus stop monies were to be paid prior to the commencement of works on site and the Foss Basin monies prior to first occupation of any part of the building.

There are no objections to the proposed amendments subject to the re-application of all previous highway conditions and an appropriate mechanism to secure the payments referred to above.

URBAN DESIGN AND CONSERVATION - There is no real, strong physical change to the external appearance of the building. The increase in eaves height is reasonable bearing in mind the previous planning permission for this site. No objections.

ARCHAEOLOGIST - Recommends that an archaeological watching brief condition (ARCH2) be imposed on any planning permission.

ENVIRONMENTAL PROTECTION - The Environmental Protection Unit have no objection to this application, but wish to make the following comments:

The original application (04/00885/FUL) incorporated residential apartments in the development of the site. In the response made to this application by EPU these apartments were identified as a concern to us due to potential loss of amenity from

noise. However in this new application the apartments are no longer incorporated into the design of the site. As a result of this we have no further concerns with on-site residential amenity.

Conditions are recommended relating to the following:

- standard working hours condition
- details of all machinery, plant and equipment, together with any appropriate noise mitigation measures, to be submitted for approval
- an investigation of any possible contamination as a result of previous uses on the site, together with appropriate mitigation measures, to be submitted for approval

CITY DEVELOPMENT - The site is unallocated in the 4th Set of Changes to the City of York Local Plan, and consequently, policy E4 (Employment Development on Unallocated Land) would apply in this case. This policy states that within defined settlement limits, employment development of an appropriate scale and design on vacant or derelict land would normally be acceptable where it involves infilling or redevelopment. The principle of the development appears to accord with this policy.

In terms of assessing the suitability of the site for employment in sequential terms, policy SP7a (The Sequential Approach to Development) addresses the issue of the location of development. It states that for office developments over 400m², new development should in the first instance be located within York City Centre (as defined on the City Centre Inset to the Proposals Map to the Local Plan), followed by Edge of Centre / District centres, then other out of centre locations. The site in question lies within the City Centre, therefore it appears to accord with the policy.

Policy L1c (Provision of New Open Space in Development) requires open space to be required in all new commercial development of 2,500m² and above. The relevance of this policy to the proposal will need to be considered.

All developments are required to take account of the principles of sustainability, as outlined in policy GP4a (Sustainability)

3.2 EXTERNAL

GUILDHALL PLANNING PANEL - Comments awaited

ENVIRONMENT AGENCY - Comments as for 04/00885/FUL - No objections subject to conditions relating to the following:

- finished floor levels of the development (to protect the development from flooding)
- surface water run-off to be limited in accordance with a scheme to be agreed (to protect the development from flooding)
- provision of an oil interceptor
- appropriate measures to be taken to avoid pollution of the water environment
- method of piling foundations to be agreed

YORKSHIRE WATER - Comments awaited

LOCAL RESIDENTS - No letters received at the time of drafting this report. Any comments received will be reported verbally. The 21 day consultation period expires on 4 September 2006, with the Press Notice expiring two days later on 6 September 2006. Should planning permission be granted, it will be necessary to await the expiry of these periods before the formal Notice of Decision can be issued.

4.0 APPRAISAL

4.1 Key Issues

- principle of the development
- design issues - impact on character and appearance of conservation area
- impact on local residents
- highway and parking issues
- archaeology, contaminated land, flooding

4.2 The application relates to an amendment to the previously approved application for offices with two penthouse apartments, planning permission for which was granted on 10 February 2005. Although this is a new application, the starting point for its consideration is the fact the original planning permission remains extant and could still be implemented. Thus only the proposed changes to the originally approved scheme can realistically be considered, rather than the proposal as a whole. However, any significant policy changes which have taken place since the original granting of planning permission can reasonably be taken into account when considering the proposed amendments. It is now proposed to delete the apartments from the scheme, and use the entire building as offices, creating an additional 578 sq metres (gross) of office accommodation. There are no changes to the footprint of the originally approved building, and only minor changes to the elevations, reflecting the proposed commercial use of the top two floors of the building.

4.3 Regional Planning Guidance(RPG) is contained within the Draft Yorkshire and Humber Plan, which was submitted to Government in December 2005 and issued for public consultation between January and April 2006. One of the fundamental objectives of RPG is to strengthen the role of existing city and town centres as a key focus of commercial activity. In particular, Policy E2 states that the role and performance of existing city and town centres will be strengthened, and that city and town centres will be the main focus for (amongst other things) office, public services, business services and other uses which generate a high level of people movements. Policy E3 relates to the supply of land and premises for economic development and emphasises the need to take account of the regional pattern of projected growth in floorspace demand for office, retail and leisure uses, and the considerable scope for this to be accommodated mainly in or adjacent to city and town centres.

4.4 Policy I6 of the Approved North Yorkshire Structure Plan states that industrial and commercial development will normally be permitted within, or where appropriate adjoining, existing industrial estates/areas and on sites located within, or in close proximity to, a built up area. Policy E3b of the City of York Draft Local Plan seeks to retain sites or premises either currently or previously in employment use within their existing use class. Policy E4 states that within defined settlement limits, planning permission will be granted for employment use of a scale and design appropriate to

the locality where the site is vacant, derelict or underused, or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.5 Policy GP1 is a general policy relating to design and states that development proposals will be expected to:

- a) respect or enhance the local environment;
- b) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, using building materials appropriate to the character of the area;
- c) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment;
- d) incorporate landscaping as an integral part of the design;
- e) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view.

Policy GP4a requires all development proposals to have regard to the principles of sustainable development.

4.6 The site is within a designated conservation area (Central Historic Core). When determining planning applications within conservation areas, the Council has a statutory duty to consider the desirability of preserving or enhancing the character or appearance of the area. This is reflected in Policy E4 of the Approved Structure Plan, which states that buildings and areas of special townscape, architectural and historic interest will be afforded the strictest protection. Draft Local Plan Policy HE2 relates to development within historic locations and states that within or adjoining conservation areas, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion, detail and materials. The policy also requires proposals to maintain or enhance existing urban spaces, views, landmarks, and other townscape elements, which contribute to the character or appearance of the area.

4.7 Policy HE10 of the Draft local Plan relates to sites within the York City Centre Area of Archaeological Importance and the need to ensure that archaeological remains are properly recorded, and that minimal disturbance takes place, when developments are carried out. Policy GP6 relates to planning applications for development on, or adjacent to, land which may have been contaminated by previous uses, and the need to address any issues that arise by means of an assessment of potential impacts and/or the imposition of planning conditions. Policy T4 requires all new developments to provide cycle parking in accordance with standards set out in Appendix "E" of the Draft Local Plan. The imposition of minimum parking standards is discouraged by Planning Policy Guidance Note 13 "Transport" (PPG13), particularly in sustainable locations that are readily accessible to means of transport other than the private car. PPG13 advises that developers should not be required to provide more car parking spaces than they themselves wish other than in exceptional circumstances, and encourages the use of travel plans to secure reductions in car usage and to increase public transport use, in addition to walking and cycling.

4.8 The principle of the proposal, together with the overall size, scale, footprint, massing and design of the building and external areas has been accepted by virtue of the previous granting of planning permission in February 2005, which remains extant. Thus in relation to these matters, the applicant has an extremely strong "fallback" position in that the approved scheme could be implemented at any time. The reason for the proposed amendment to the originally approved scheme is that the letting agent appointed by the applicant to market the development has been approached by an organisation that has expressed an interest in taking a lease of the whole building. Due to their staff numbers they have a floorspace requirement approaching 45,000 sq feet, hence the need to change the use of the previously approved fifth and sixth floor apartments to office accommodation, thus increasing the lettable area of the building from just under 40,000 sq feet up to approximately 44,000 sq feet. The prospective occupier of the building wishes to be located within the city walls and will not at present consider sites outside this location.

4.9 The principle of the use of the whole building for offices in this central location is considered to be acceptable and fully in accordance with the Draft Yorkshire and Humber Regional Plan, in particular Policies E2 and E3, which seek to strengthen the role of existing city and town centres as a key focus of commercial activity. The proposed development would occupy a derelict site and would result in an increase in employment floorspace in comparison to the originally approved scheme, and thus the proposal would not conflict with Policy E3b of the Draft Local Plan, which seeks to protect existing or approved employment uses, or with Policy E4, which generally permits employment uses of an appropriate scale and design (within settlement limits) where the site is vacant, derelict, or underused.

4.10 In terms of the scale, massing, design and external appearance of the building, the location of the site within the Central Historic Core conservation area is an important consideration in this case. However, the overall appearance of the proposed building is not significantly different from that which was previously approved, the principal variation being the slight increase in the eaves height of the six storey section in order to provide commercial floor to ceiling heights in the new offices, and to accommodate the various services within floor/ceiling voids. However, this has been compensated for by a corresponding reduction in the roof pitch of this section of the building, and thus the overall height of the building has been contained within the height restriction imposed on the original planning permission (26.81 metres). The proposal also incorporates amendments to the originally proposed elevations on the fifth and sixth floors, reflecting the proposed change to commercial use. The remainder of the building, however, remains substantially unchanged from that which was originally approved. It is not considered that the proposed amendments to the originally approved building would have any significant or detrimental impact on the character or appearance of the conservation area.

4.11 The previously approved scheme included the removal of eight self-seeded trees (alder, sycamore and willow) from the waterside frontage of the site, with the new building directly abutting, and rising directly from, the waters edge. The scheme did, however, incorporate new planting along the western boundary of the site, within the site itself, and also within a landscaped/seating area (17 metres x 17 metres approx) at the head of Wormalds Cut. The revised application retains all of these

features, and does not increase the number of car parking spaces within the site, which has been maintained at 41, including three disabled parking spaces.

4.12 In terms of sustainability, in addition to being located on a brownfield site in a central location close to public transport routes, the design of the building has been awarded an "excellent" rating under the BREAM (Building Research Environmental Assessment Method) system of evaluating issues of sustainable construction at a global and local level. In addition to sustainable construction methods, which include the use of timber from sustainable sources, a metered water supply will be used with fittings and fixtures designed to reduce the consumption and wastage of water. A particular feature of the building is the inclusion of a shower on every floor, encouraging more and longer journeys to work by cycle.

4.13 It is not considered that the revised proposal would have any significantly additional impact on the occupiers of adjacent residential properties, particularly bearing in mind that the overall height of the building would be contained within the previously imposed height restriction. The section of the building that would be altered is approximately 43 metres away from the nearest residential properties in Rowntree Wharf (across Wormalds Cut), and approximately 66 metres from the nearest properties in Navigation Road, and thus the additional visual impact is likely to be minimal. The number of car parking spaces on the site has not been increased, thus the number of vehicle movements associated with the use is unlikely to increase significantly, although it is accepted that there may be an increase in the number of pedestrian/cycle movements to and from the site. However, this is only likely to improve the vitality of the area and increase levels of security and surveillance for the benefit of the whole population. When the original application was considered, concern had been expressed by the Environmental Protection Unit in relation to the proximity of the proposed apartments to the York and County Press offices to the west of the site, and the associated night time noise nuisance. Clearly, the removal of the apartments from the scheme and their replacement by offices has effectively eradicated this problem.

4.14 The Fourth Set of Changes to the City of York Draft Local Plan were approved for development control purposes in April 2005, two months after the original grant of planning permission in February of the same year. One of the more significant changes was the additional requirement for commercial developments over 2,500 sq metres (gross) to make provision for the open space needs of future occupiers (Policy L1c). However, the revised application would result in only an additional 578 sq metres of commercial floor space, significantly less than the threshold referred to within Policy L1c. Although the floor space of the whole building is above the threshold in Policy L1c, it is not considered that a contribution towards the provision of open space would be justified in this instance, bearing in mind that the (still extant) original planning permission pre-dates the changes to the Draft Local Plan.

4.15 The site is within the City Centre Area of Archaeological Importance, and the Council's Archaeologist has recommended that an archaeological watching brief condition be imposed on any planning permission that may be granted. A contaminated land report submitted with the previous application indicated that there could be localised areas of contamination as a result of previous use(s) of the site, and appropriate conditions were imposed in order to address this issue. Although I

understand that some preliminary work in this respect has been carried out, involving the removal of old fuel tanks, none of the conditions have been formally discharged and thus it will be necessary for them to be re-imposed in the event that planning permission is granted. The issue of flooding was fully considered in relation to the previous application and was addressed through the imposition of a minimum floor level condition. Again, this could be re-imposed, and it is not considered necessary to re-consider this matter bearing in mind the extant nature of the original planning permission.

4.16 The highway and traffic issues relating to the development of the site were considered as part of the previous application. In terms of parking, Planning Policy Guidance Note 13 "Transport" (PPG13) states that minimum parking standards should not be imposed, and that developers should not be required to provide more spaces than they themselves wish other than in exceptional circumstances. PPG13 also promotes the widespread use of travel plans in order to secure reductions in car usage and to increase public transport use, in addition to walking and cycling. The proposed development would provide 41 on-site car parking spaces (including three disabled bays), which is identical to the previous application. Although this figure is lower than the theoretical maximum, the site is considered to be in a highly sustainable location with good access to public transport services. Bus stop facilities are available within 300 metres on Walmgate, which are served by a number of high frequency services. Alternatively, the city centre is within walking distance with wide access to a number of bus services.

4.17 The development provides covered and secure cycle parking to a high standard for staff and visitors. A travel plan framework was submitted with the previous application, and would form the basis of a full company travel plan, which could be secured by condition. The travel plan framework has been assessed and officers are confident that it can be enforced and will work to actively reduce car borne travel to and from the site. The site would be served by a new access from Navigation Road, which offers adequate visibility and is of a suitable design to serve the proposed development. The access will necessitate the relocation of an existing speed hump. The cost of these works is to be met by the applicant and the details of the new location will be secured through an appropriate condition.

4.18 As part of the negotiations on the previous application, funding towards the improvement of the adjacent bus stop facilities (in Walmgate) and works identified in the Foss Basin Masterplan were sought. The payment was a total of £19,572 consisting of £15,000 for bus stop facilities in Walmgate and £4,572 towards the Foss Basin Masterplan. The bus stop monies were to be paid prior to the commencement of works on site and the Foss Basin monies prior to first occupation of any part of the building, and were secured by means of a Section 106 Agreement. These obligations remain outstanding and will, therefore, be applied to the revised proposal. From a highways perspective, no objections are raised to the proposal subject to the imposition of all previous highway conditions and an appropriate mechanism to secure the funding referred to above.

5.0 CONCLUSION

5.1 Planning permission has already been granted for the erection of approximately 5,000 sq metres of offices on this site, incorporating two penthouse apartments on the fourth and fifth floors. It is considered that there are no fundamental policy objections to the whole of the building being used as offices, and it is not considered that the design changes required to achieve this, which are relatively minor, would detract from the character or appearance of the conservation area. Car parking provision has been maintained at previous levels, and it is not considered that the amenity or living conditions of local residents would be significantly affected by the proposed amendments to the original proposal. As none of the conditions imposed on the previous planning permission have been discharged (work has not yet commenced on the development proper), it will be necessary to re-impose the same (or similar) conditions on this new planning permission. This would include a mechanism to secure funding of £19,572, consisting of £15,000 for bus stop improvements in Walmgate and £4,572 towards the Foss Basin Masterplan.

6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

283 - 04 - 1007 Rev C received 17 August 2006 - ground floor plan and site layout

283 - 04 - 1000 Rev E received 17 August 2006 - ground floor layout

283 - 04 - 1001 Rev D received 21 July 2006 - first floor layout

283 - 04 - 1002 Rev D received 21 July 2006 - second floor layout

283 - 04 - 1003 Rev D received 21 July 2006 - third floor layout

283 - 04 - 1004 Rev D received 21 July 2006 - fourth floor layout

283 - 04 - 1005 Rev D received 21 July 2006 - fifth floor layout

283 - 04 - 1010 Rev B received 21 July 2006 - proposed elevations

283 - 04 - 1011 received on 21 July 2006 - typical sections

283 - 04 - 1009 Rev D received on 17 August 2006 - proposed sub-station

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 VISQ8

4 VISQ7

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

Typical window details
Typical glazed bay details
Boundary wall details

Reason: So that the Local Planning Authority may be satisfied with these details.

- 6 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 20.61 metres (four storey block) and 26.81 metres (six storey block), as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: To establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 7 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed scheme for the layout, landscaping, future maintenance and management of the landscaped/seating area shown on the approved drawing. The scheme shall illustrate the layout of the area, and shall provide details of any hard landscaping, seating and litter bins to be provided, together with the number, species, height and position of trees and shrubs to be planted. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In order to ensure that an adequate amenity area and associated landscaping is provided within the site.

- 8 LAND1

- 9 Prior to the development hereby approved being brought into use, boundary fences, walls and railings shall be erected in the locations indicated on the approved drawings, and shall be thus maintained.

Reason: To provide a satisfactory appearance to the development.

- 10 ARCH2

- 11 HWAY10
- 12 HWAY19
- 13 HWAY21
- 14 The development shall not be brought into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb and footway to match adjacent levels.
- Reason: In the interests of good management of the highway and road safety.
- 15 HWAY31
- 16 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.
- (i) Relocation of speed bump
- Reason: In the interests of the safe and free passage of highway users.
- 17 Prior to any works commencing on site, a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council, the results of which shall be agreed in writing with the local planning authority.
- Reason: In the interests of the safety and good management of the public highway
- 18 Within 6 months of occupation of the site, a full company travel plan shall have been submitted to and approved in writing by the local planning authority. The travel plan shall be developed and implemented in line with local, national guidelines and the travel plan framework submitted with application 04/00885/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 Central Government advice contained in Planning Policy Guidance Note 13 - "Transport", 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.

- 19 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of local residents

- 20 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary 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 local residents

21 Contaminated land

a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site and other relevant information. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800. The desk study should also include a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken relating to ground and surface waters associated on and off the site that may be affected, and
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and

approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health, controlled waters and the wider environment.

- 22 The development of the site shall be carried out in accordance with the approved Method Statement.

Reason: To ensure that the development complies with approved details in the interests of protection of Controlled Waters.

- 23 Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the LPA that provides verification that the required works regarding contamination have been carried out in accordance with the approved method Statement(s). 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 protect Controlled Waters by ensuring that the remediation site has been reclaimed to an appropriate standard.

- 24 Development 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.

Reason: The site is contaminated or potentially contaminated and piling foundations could result in the contamination of groundwater in the underlying aquifer.

- 25 A scheme shall be produced to either remove or make safe the underground fuel tanks and any associated pipe work from the site in accordance with Health and Safety Guidance Note 41 - "Petrol Filling Stations: Construction and Operation", in full consultation with City of York Council petroleum officers and contaminated land officer. A method statement and remedial strategy shall be

submitted to and approved in writing by the local planning authority prior to the commencement of this work.

Reason: To protect human health and the wider environment.

- 26 Floor levels of the development shall be set at least 600mm above the highest recorded flood level of 9.98 metres above Ordnance Datum.

Reason: To protect the development from flooding.

- 27 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in complete accordance with the approved details.

Reason: To prevent the increased risk of flooding.

- 28 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the local planning authority. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.

- 29 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction shall be located over or within 6.5 metres either side of the centre line of the main/sewer i.e. a total protected strip width of 13 metres, that crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 30 The site shall be developed with separate systems of drainage for foul and surface water.

Reason: In the interests of satisfactory and sustainable drainage.

- 31 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 32 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works, and no buildings

shall be occupied or brought into use prior to 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 disposal.

- 33 Prior to the commencement of the development, a method statement shall be submitted and agreed in writing with the local planning authority specifying measures to be taken to avoid pollution of the adjacent watercourse during the construction works. The agreed measures shall be carried out in their entirety and shall be maintained throughout the duration of the construction works, or such other time period as may be agreed in writing by the local planning authority.

Reason: To avoid pollution of the adjacent watercourse.

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:

- principle of the development
- design issues - impact on character and appearance of conservation area
- impact on local residents
- highway and parking issues
- archaeology, contaminated land, flooding

As such the proposal complies with Policies I6 and E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, E3, E4, HE2, HE10, GP6 and T4 of the City of York Local Plan Deposit Draft.

2. INFORMATIVE:

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:

Works in the highway - Vehicle Crossing - Section 184 - Mr S Partington (01904) 551361

Works in the highway - Relocation of speed bump - Section 278 - Mr M Kitchen (01904) 551336

3. DEMOLITION AND CONSTRUCTION - INFORMATIVE

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:

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) Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi) There shall be no bonfires on the site.

Contact details:

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