

COMMITTEE REPORT

Date: 2 December 2021 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/01980/FUL
Application at: College Green Minster Yard York
For: Landscaping works including provision of seating and stepping stones
By: Mr Alexander McCallion
Application Type: Full Application
Target Date: 18 October 2021
Recommendation: Approve

1.0 PROPOSAL

1.1. Planning permission is sought for landscaping works to College Green. The works include the provision of new seating and hard landscaping features. The works also include the removal of a number of the existing trees and the replanting of replacements.

1.2. The application site is located within the Central Historic Core Conservation Area. It is also located within the Minster Precinct which is designated as a Scheduled Monument.

1.3. College Green is an existing parcel of open space located within the Minster Precinct. It is bounded on three sides by Queens Path to the North West, College Street to the North East and Deangate to the South East. The land is predominantly grassed and contains various mature trees of varying forms and sizes. The site contains existing features including benches, sun dial and information boards.

1.4. Most recently the land has been utilised as a Pop-Up outdoor seating area. This was as a part of the work led by York BID to provide enhanced outdoor spaces within the city centre to assist businesses reopening after periods of lockdown and to assist with the observing of social distancing measures as a result of the Coronavirus pandemic.

1.5. Since submission the applicant has made amendments to the scheme. These amendments were provided in response to the comments received from members of the public and other interested parties. The amendments include:

- Retention of T731 – Whitebeam within the scheme, increasing the number of existing trees to be retained.
- A reduction in the number of proposed replacement trees from 10.no to 6.no.
- The inclusion of 1.no additional broad leaf green tree on the boundary of Deangate to continue to provide a strong green frontage to College Green.
- Details on the material specifications for the stone features and paving have also been provided.

2.0 POLICY CONTEXT

NATIONAL PLANNING POLICY FRAMEWORK

2.1. The revised National Planning Policy Framework (NPPF) 2021 was published and sets out the government’s planning policies for England and how these are expected to be applied. The policies in the NPPF are material considerations.

2.2. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (section 38(6) Planning and Compulsory Purchase Act 2004).

2.3. The Statutory Development Plan for the City of York comprises the saved policies and key diagram of the otherwise revoked Yorkshire and Humber Plan Regional Spatial Strategy (2008) and any made Neighbourhood Plan.

2.4. The application site is located within the Central Historic Core Conservation Area and forms part of The Minster Precinct, a Scheduled Monument. The site also falls within a defined Area of Archaeological Interest. There are also a number of Listed Buildings within the vicinity including a Grade II Listed Sundial which is located within the application site.

2.5. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

2.6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

PUBLICATION DRAFT LOCAL PLAN (DLP 2018)

2.7. The DLP 2018 was submitted for examination on 25th May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (N.B: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

2.8. Key relevant DLP 2018 policies are:

- D1 – Placemaking
- D2 – Landscape and Setting
- D4 – Conservation Areas
- D6 – Archaeology

MINSTER NEIGHBOURHOOD PLAN

2.9. The York Minster Precinct Neighbourhood Plan was submitted to the City of York Council for independent examination on 26th April 2021. Given the stage of preparation that the plan has reached, the policies contained within it are capable of being afforded limited to moderate weight in the assessment of a planning application. However it does not form part of the adopted development plan until such time as it has been fully adopted. Relevant policies within the neighbourhood plan are:

- A2 - Sustainable Development
- A4 – Design Excellence
- B1 – Landscape and Biodiversity Net Gain
- C1 – Historic Environment
- PA1 – Minster Yard and College Green

DRAFT LOCAL PLAN 2005

2.10. The City of York Draft Local Plan incorporating the Fourth Set of Changes Development Control Local Plan (April 2005) was approved for Development Management purposes. The 2005 plan does not form part of the statutory development plan for the purposes of S38 (6) of the Planning and Compulsory Purchase Act 2004. Its policies are however considered capable of being material considerations in the determination of planning application where policies relevant to the application are consistent with those in the NPPF although the weight that can be attached to them is very limited.

2.11. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development which means, for decision taking:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - The application of policies within this framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

3.0 CONSULTATIONS

3.1. Guildhall Planning Panel: Objects stating: We do not see the need for this costly and inappropriate vanity project. Only small trees should be removed. The existing mature trees provide welcome shade which new planting will not provide for many years. The seat feature is fairly innocuous but the end at an angle is odd and ugly. Flowering patches unlikely to survive if lots of people are being encouraged to use the area, wild flowers not suitable in this sort of green space.

3.2. CYC Highways: No comments received at the time of writing.

3.3. CYC Urban Design and Conservation: No comments received at the time of writing.

3.4. CYC Archaeologist: No objections raised subject to conditions being attached to the grant of any permission to secure a watching brief over the development.

3.5. CYC Landscape Officer: No comments received at the time of writing.

3.6. Historic England: No objections raised on heritage grounds. They note: ‘The gentle curve of the sculptural seating feature will focus on, and draw attention to, not only the Minster but also the Grade I listed St Williams College frontage. We note that the new bench (and stepping stones) are to be made from hand cut Tadcaster Magnesium Limestone from Highmore quarry and is to be carved by the Minster Stone Mason’s. This is very much supported as a high-quality response and it will not only match the Minster but also be a high-quality response befitting the character and appearance of the Conservation Area.

4.0 REPRESENTATIONS

4.1. The application has been advertised via Neighbour Notification Letter, Site Notice and Local Press Notice. In total 6.no letters of support and 4.no letters of objection have been received – these have been received from a range of community interest groups, business groups and members of the public. The comments received can be summarised as follows:

4.2. Comments in support

- York Rotary express support to the proposed works. We like the increased use of College Green as has happened over the last two summers, but a scheme of permanent seating and revised landscaping, of the nature proposed, will be more in keeping with an area adjacent to the east end of York Minster and St William’s College than the temporary seating has been used so far.
- There are relatively few pockets of peace and quiet within the city centre where parents can sit down and relax before moving on. The feedback from families on the new seating areas installed by York BID – especially the use of College Green as a place to relax that’s slightly away from the hustle and bustle has been overwhelmingly positive. We wholeheartedly support a more permanent family-friendly green space and believe it will contribute to a better experience of York city centre for visiting and resident families.
- It’s fantastic to see some plans to help make this wonderful area more usable for residents. Many families don’t know about this great area and these should help make it more family friendly.
- York has been crying out for multi-use accessible public spaces for far too long. This application will enable the space to be enjoyed year-round by residents and visitors.
- If the Council is serious about its vision for the city centre and enabling organisations to develop new events and experiences for families then an event space like this will be a prime site. This case has already been proven with the pop-up events over the past two summers.

- Make It York are committed to the delivery of the site wide 'York Cultural Strategy' and fully support the proposed development in College Green and the benefits it will create align with the priorities of the strategy.
- York Disability Rights Forum were pleased to be involved in the planning process before it reached the planning application stage. Accessibility works best when it's built in from the start. We support this application.

4.3. **Comments in Objection**

- Our main concern is the felling of 8 mature trees in York and replacement with the usual smaller trees, where it will be 20/30 years before the multiple values including air pollution benefit the community. We have previously reported on trees in the Minster Neighbourhood Plan and haven't had a reply to it.
- Having supported the Minster Neighbourhood Plan, I must object to this application. College Green is a pleasant, attractive area which foregrounds the East Window. There is a strong diagonal desire line. The proposals frustrate the desire line and informal use of the space. A sterile and sepulchral landscape is proposed which looks like a continental war memorial. The proposed cherry trees will be splendid for only two weeks of the year. The planting beds and new footpaths look like and outdated, interwar municipal park.
- It would be preferable for College Green to be left alone and attention concentrated on tree management and the addition or more public seating.
- Although largely in favour of the proposed landscaping of College Green I do have concerns regarding the proposed removal of the mature trees which create an area outstanding beauty, contrast, and tranquillity.
- Planting young trees, which take many years to get established, may create a more clinical environment as opposed to the current setting which is greatly enhanced by the mature trees.

5.0 APPRAISAL

Key Issues

5.1. The key issues are as follows:

- Principle of Development
- Design, character, and appearance.
- The impact upon the overall character and setting of the Conservation Area and other heritage assets.
- Proposals within the context of the Minster Neighbourhood Plan
- Impact upon amenity removal of existing trees

PRINCIPLE OF DEVELOPMENT

5.2. The application site is located within Project Area 1 (PA1) as defined within the draft Minster Neighbourhood Plan (NHP). This area seeks to place a focus upon the provision of welcome facilities to the Minster estate. One of the objectives within Policy PA1, specific to College Green is set out at PA1(J) which seeks to enhance College Green to provide greater usable public space, incorporating green infrastructure. As such the works proposed within this application seek to deliver upon a specifically defined objective set out within the draft neighbourhood plan.

5.3. More generally the application site is located within the city centre, providing a valuable pocket of green space within a predominantly developed area. The space also plays an important role in contributing to the general character and setting of this part of the Minster Precinct.

5.4. Given the location of the application site, the role it plays to overall character and setting of this part of the city centre. It is considered that the proposals would, in principle, be acceptable; subject to all other material planning matters being satisfied. This is by virtue of the proposals seeking to retain an important open space whilst at the same time looking to deliver improvements to the space and deliver a specified objective set out within the draft neighbourhood plan.

DESIGN, CHARACTER, AND APPEARANCE

5.5. Policy D1 of the 2018 DLP states: 'Development proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significance of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.'

5.6. The existing space consists primarily of a grassed area which contains a Grade II Listed Sundial. The southern boundary includes a footway which links Deangate to the Queens Path. The existing seating consists of timber benches which are accessed from the existing footpath. Other notable features include public notice and information boards and other street furniture as litter bins.

5.7. More recently additional seating and furniture have been brought into the site. These have consisted of typical timber picnic tables, seating cubes and freestanding York lettering and planters, including oil drum planters. These measures were introduced as part of citywide work undertaken by York Bid to assist businesses with re-opening following periods of lockdown due to the Coronavirus pandemic. Upon visiting the site it was noted that the grassed area is showing signs of wear, likely as a result of its use over the summer months. Some of the existing trees are showing

signs of leaning, particularly those situated along the existing footway on the southern side of the site.

5.8. These temporary spaces appear to have been well received by businesses and visitors to the city centre. Providing valuable, useable spaces for people to socialise and enjoy the city centre and its surroundings. However these uses are only temporary a feature that can be clearly seen when viewing the site; with little apparent fixed order to the arrangement of the street furniture and general paraphernalia that is associated to them. The existing situation with the pop-up facilities could be seen as being somewhat cluttered in appearance.

5.9. The proposals would see the existing pop-up space replaced and the landscaping and open space remodelled with a series of more permanent features. New benches will be installed along the southern boundary of the site. These will provide seating facing North across College Green. The main feature of the works would be the installation of a stone feature bench, this would be positioned centrally within the existing grassed area and clusters of stepping stones are also proposed.

5.10. The bench is to be constructed from hand carved Tadcaster Magnesium Limestone; stone which would replicate that which is used in the Minster itself. The overall form of the bench feature is also reminiscent of a gothic window and is intended to emphasise links to the adjacent minster and East Window which overlooks College Green. One feature of the layout is to ensure that an open view along the Northern boundary of the site is maintained. This will in turn draw attention to and emphasise views of the nearby East window of the Minster – particularly in views from the North East along College Green and where College Green adjoins Goodramgate and Deangate.

5.11. Overall, the proposals will lead to an enhancement in the amount of public seating available within this part of the city centre. The removal of the pop-up use of the site and the paraphernalia associated with that use will also likely lead to a degree of enhancement of the public space by virtue of bringing a greater degree of order to the space.

5.12. Policy B1 of the draft NHP states, in relation to green spaces and the public realm. 'Development proposals will be supported which protect and enhance existing green spaces in the Minster Precinct – making specific reference to College Green. The policy goes on to state that 'development proposals will be supported which increase public accessibility to green spaces. It is considered that the proposals would achieve these objectives.

IMPACT UPON AMENITY AND REMOVAL OF EXISTING TREES

5.13. Policy B1 within the NHP requires that development proposals seek, where appropriate, to protect and enhance existing areas of biodiversity in the precinct, including any green corridors. With regard to development affecting existing trees. Policy B1 requires that any harm should be clearly justified in terms of public gain against the value of these trees.

5.14. Policy D2 of the DLP 2018 deals with Landscape and Setting. Within the context of the proposals detailed within this application Policy D2 (ii) and (iv) are considered to be particular relevance. D2(ii) states that development proposals will be encouraged and supported where they; 'conserve and enhance landscape quality and character, and the public's experience of it and makes a positive contribution to York's special qualities'. Policy D2 (iv) goes on to state that development proposals should; 'create opportunities to enhance the public use and enjoyment of existing and proposed streets and open spaces'.

5.15. As part of the proposals a total of 7.no trees are to be removed from the site and a total of 7.no replacements are proposed. Since the original submission of the application the applicant has reconsidered the trees that they propose to remove. In addition to retaining T730, which is the large mature Lime Tree which is located toward the North Eastern edge of College Green; and is a prominent feature within approaches from Goodramgate they have also confirmed that T731 a Whitebeam is also to be retained. These two trees are the most substantial within the site with canopy heights of 21m (Lime) and 14m (Whitebeam) respectively. The height of these trees and their respective positions within the site makes them both prominent features within the site. Both these trees would be afforded protecting during the proposed development in accordance with BS5837:2012.

5.16. The 7.no trees earmarked, with the exception of T735, have been categorised of being of Low Quality. T735 has been categorised as being of Moderate Quality. However the tree has been identified as carrying wounding on the stem and is considered to be predisposed to failure.

5.17. Amongst the objections received to the proposals, one area of objection is the loss of the existing trees on site, particularly ones which are relatively mature and established on the site. It is also noted that the replacement tree planting will not be an instantaneous replacement in that any replacement planting, particularly of trees, will take time to grown and establish to the same extent as the trees being removed.

5.18. However the submitted Tree Survey has identified potential issues or concerns with the trees it is proposed will be removed from the site. The 7.no trees identified for removal are all showing some signs of damage and/or wounding. Some have also been assessed as being predisposed to failure in the future. The trees

earmarked for removal are generally smaller specimens which as a result find themselves competing with the other more mature, established specimens on site. This is also giving rise to a number of the trees showing signs of lean, as they compete with one another for light. A feature which is noted upon visiting the site with sections of the space appearing to be densely covered by tree canopy.

5.19. Within this context it is considered that the removal of the 7. no trees is justified. Their removal will allow for the replanting of new specimens which can then be more actively managed. In the longer term this should allow for the creation of better-quality tree stock. It is acknowledged that this will inevitably take time. However the proposals will not lead to an overall reduction or loss in the number of trees on the site; it should provide an opportunity for the replacement stock to be more actively managed with a layout that is more harmonious. This should ultimately assist with creating a space which contains a tree stock with greater longevity which would be an enhancement to the space and to the benefit of the general amenity of the area.

5.20. In the event of planning permission being granted it would be necessary to condition that the trees to be retained are afforded suitable protection during any future construction phase. It would also be appropriate to condition that the proposed landscaping scheme is carried out no later than the end of the first planting season following completion of the built elements within the site and then maintained for a minimum period of at least 5 years to provide sufficient time for the planting to establish itself within the site.

5.21. Given the above it is considered that the proposals would accord with Policy D2 of the DLP 2018 and Policy B2 of the draft NHP.

THE IMPACT UPON THE OVERALL CHARACTER AND SETTING OF THE CONSERVATION AREA AND OTHER HERITAGE ASSETS

5.22. The application site is located within the Central Historic Core Conservation Area. It is also located within the defined Scheduled Monument and an area of Archaeological Importance. There are also a number of Listed Buildings within the immediate vicinity – including the Grade II Listed Sundial which is located within the extent of the application site.

5.23. The location of the site within a Scheduled Monument means that the proposals will also require the benefit of Scheduled Monument consent from Historic England.

5.24. Paragraph 195 of the NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage assets that may be

affected by the proposal (including any development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 199 of the NPPF states: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance.'

5.25. Policy D4 of the DLP 2018 states that development proposals within or affecting the setting of a conservation area will be supported where they, amongst other things:

- Are designed to preserve or enhance the special character and appearance of the conservation area and would enhance or better reveal its significance.
- Respect important views.

5.26. Policy C1 of the draft neighbourhood plan requires that development should, protect, conserve, and seek opportunities to enhance the internationally historic environment of the Minster Precinct. The objectives of Policy C1 would be considered as being similar, and therefore in general accordance, with the relevant provisions of the NPPF and the 2018 DLP.

5.27. The proposed development presents conservation considerations both above and beneath ground. The site is located within a defined area of Archaeological Importance. Given the nature of the proposals a degree of ground disturbing works will be required. Features such as the proposed stone seating area and stepping stones will require foundations, which at this stage have yet to be designed.

5.28. The application is accompanied by an Archaeological Impact Assessment. The assessment suggests that the shallow nature of the works associated with the proposals are unlikely to impact upon any significant archaeological deposits; and may only encounter demolition debris from 19th century clearance and street realignment.

5.29. Whilst at this stage the perceived risk of encountering features of archaeological significance or interest is considered unlikely this cannot categorically be proven. As such in the event of granting planning permission it would be appropriate to include a condition which secures the provision of a

watching brief on all groundworks. This condition ensures that suitable protection is afforded to the site and any potential archaeological features which may be present.

5.30. There are a number of listed buildings within the immediate vicinity of the site, including a Grade II Listed Sundial which is located within the site. There are no proposals within this application which would alter or carry out any works to the Listed Buildings. The Conservation Management Plan (CMP) prepared by Alan Baxter for the Minster in 2009 (and updated in 2021), identifies the sundial in College Green as a focal point. College Green itself isn't specifically mentioned in either the CMP or the Conservation Area Appraisal. The existing orientation and layout of College Green is such that it generally faces North toward the properties at the opposite side of College Street including St Williams College, which is Grade I Listed. The proposals would maintain this existing arrangement whereby College Green has an open feeling and link toward the buildings on College Street. In addition to this the existing arrangement of College Green assists with drawing attention toward the East window of the Minster – when viewed from the Northern side of College Street. The proposals will also declutter the space around the sundial, a noted focal point within the CMP.

5.31. The proposed development is considered to provide a number of opportunities to College Green. Firstly it will result in the removal of the 'pop-up' facilities installed over the summer. This will assist with decluttering the space and providing a more fixed set of features – this will be to the benefit of the existing Grade II Listed Sundial which has become slightly lost within the space. Secondly the stone seating feature and stepping stones will provide a degree of variation to the space adding some features of visual interest, rather than being a blank open space. It will, as no doubt the 'pop up' space did, invite or entice people into the space to use it; providing space where people can enjoy this part of the city centre against the wider setting provided by College Street and the East window.

5.32. The existing relationship of College Green facing northwards toward College Street, the openness of the space and the way the space invites views of the East window will all be maintained as part of the proposals. This would accord with paragraph 206 of the NPPF which states: 'Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the sitting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.'

5.33. Overall it is not considered that the proposals would give rise to significant harm being caused to the character, setting, visual amenity or significance of any

heritage assets within the vicinity of the site. The proposals would improve the space and invite more people to use the space.

5.34. In this regard the proposals are therefore considered to accord with Policy D4 of the DLP 2018 and Section 16 of the NPPF.

6.0 CONCLUSION

6.1. As outlined the proposals will result in the re-ordering and renewal of an existing outdoor space which has become a popular and well used space within the city centre in recent times. The proposals would introduce a greater degree of visual interest into the space through the introduction of the new stone seating and stepping stone features. The result would be an enhanced space which provides more public seating. The proposals would result in the removal of some of the existing trees from the site. However the proposals would not give rise to an overall net loss of trees on the site and those trees which are to be removed are showing signs of damage and/or poor health which means they will likely need to be removed in the future. Having regard to the statutory duties under sections 66 and 72 of the LBCA Act, the proposals are also not considered to give rise to issues of being harmful to the character, setting, visual amenity and historic fabric of the Conservation Area or nearby Listed Buildings. The proposals actually present a degree of opportunity to introduce a more permanent solution within the space replacing the temporary 'pop-up' installations which have been seen more recently.

6.2. The proposals are therefore considered to accord with policies D1,2,4, and 6 of the Draft Local Plan 2018 and the provisions of the NPPF. The proposals would also accord with policies A2, A4, B1, C1, D1, E1 and PA1 of the Draft Minster Neighbourhood Plan. It is therefore recommended that planning permission be granted subject to the conditions set below; including an approved plans condition for the avoidance of doubt as to what has been granted.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location Plan: Drawing No. PWP 449 001 Rev 00

Application Reference Number: 21/01980/FUL

Item No: 4e

Proposed Illustrative Section and Details: Drawing No. PWP 449 004 Rev 03

Outline Landscape Masterplan: Drawing No. PWP 449 003 Rev 03

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

3 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site. The archaeological scheme comprises 3 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report shall be deposited with City of York Historic Environment Record to allow public dissemination of results 2 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site is located within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction in accordance with Section 16 of the National Planning Policy Framework (NPPF).

4 Tree Protection

No development shall commence until a method statement regarding protection measures for the existing trees has been submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing. No development or other operations shall take place except in the complete accordance with the approved method statement.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of

vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure that the trees which are to be retained as part of the development are afforded suitable protection from potential damage which may arise as of the development approved by this permission.

5 The soft landscaping and planting as annotated on drawing PWP 449 003 Rev 03 shall be completed within a period of six months of the completion of development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity, and to compensate for vegetation lost to facilitate the development and provide adequate time for the landscaping to establish itself on the site.

8.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

2. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the public highway (grass verges) which are susceptible to damage. The council wishes

to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

Contact details:

Case Officer: Mark Baldry
Tel No: 01904 552877