



Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 20 June 2013
- Time:** 4.30 pm
- Venue:** The Snow Room, Ground Floor, West Offices, York

AGENDA

Would Members please note that Site Visits for this meeting will commence at 12.30pm from Memorial Gardens on Tuesday 18th June 2013.

1. **Declarations of Interest**

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. **Minutes** (Pages 5 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 16th May 2013.

3. **Public Participation**

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by **5pm on Wednesday 19th June 2013**. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. **Plans List**

This item invites Members to determine the following planning applications:

a) **Wickes Building Supplies Ltd, 1 Stirling Road, York, YO30 4XZ (13/00361/FULM).** (Pages 11 - 30)

A major full application for the erection of a retail building comprising of 5 retail units with associated car parking, recycling facilities and landscaping following demolition of existing retail unit. [Skelton, Rawcliffe and Clifton Without Ward] [*Site Visit*].

b) **Clifton Moor Centre, Units 3 to 6, Stirling Road, York, (13/00362/FUL).** (Pages 31 - 38)

A full application for the Erection of free-standing structures for the display of advertisements and minor alterations to shop front elevations to units 3 to 6. [Skelton, Rawcliffe and Clifton Without] [*Site Visit*].

5. **Former Terry's Factory Site - Section 106 Update Report.** (Pages 39 - 72)

The application for the mixed use redevelopment of the former Terry's Factory site was approved by the Council's Planning Committee on 3rd February 2010, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act. This report seeks to update Members on the position with the draft agreement.

6. **Any other business which the Chair considers urgent under the Local Government Act 1972.**

Democracy Officer:

Name: Laura Bootland

Contact Details:

- Telephone – (01904) 552062
- E-mail – laura.bootland@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

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- Business of the meeting
- Any special arrangements
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- Monitor best value continuous service improvement plans

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PLANNING COMMITTEE

SITE VISITS

Tuesday 18th June 2013.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:45	Former Wickes Store, Stirling Road, Clifton Moor.	4a
13:05	Units 3 to 6, Clifton Moor, Stirling Road, Clifton Moor.	4b

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City of York Council

Committee Minutes

MEETING	PLANNING COMMITTEE
DATE	16 MAY 2013
PRESENT	COUNCILLORS HORTON (CHAIR), CUNNINGHAM-CROSS, GALVIN (VICE- CHAIR), BOYCE, BURTON, D'AGORNE, DOUGHTY, FIRTH, MCILVEEN, REID, RICHES, SIMPSON-LAING, WILLIAMS, WATSON (SUBSTITUTE) AND ORRELL (SUBSTITUTE)
APOLOGIES	COUNCILLORS AYRE, KING AND WISEMAN

Site	Reason for Visit	Members Attended
Beetle Bank Farm, Moor Lane, Murton, York.	To enable Members to familiarise themselves with the site.	Councillors Boyce, Doughty, Horton, Reid, Watson and Warters (as Ward Member).

52. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they may have in the business on the agenda. None were declared.

53. MINUTES

RESOLVED: That following an update on some amendments from the Head of Planning the minutes of the last meeting held on 25th April 2013 be approved and signed by the Chair as a correct record.

54. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme.

55. PLANS LIST

Members considered reports of the Assistant Director (City Development and Sustainability) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

56. BEETLE BANK FARM, MOOR LANE, MURTON, YORK, YO19 5XD (13/00363/FULM).

Consideration was given to a major full application by Ms Angela Serino for the change of use of a farm to a mixed use comprising of a working farm and farm based visitor attraction with the erection of an agricultural building, amenity building and associated car parking and facilities.

Officers circulated an update to the committee report. The update covered the following points:

- Officers recommended changing the description of the development as follows, to make it more specific and therefore more tightly controlled:
'Use as an open farm with erection of agricultural building, ancillary amenity building, car parking and associated facilities'.
- An objection from Julian Sturdy MP had been received on behalf of a constituent. He acknowledged the benefits of the proposal to the rural environment but raised concerns about the impact upon local residents, traffic along Moor Lane and the impact upon the rural character of the area. (A full copy of the letter attached to the online agenda).
- In response to objectors disagreeing with the Highways Officers comments, a further response was circulated at the meeting (attached to the online agenda).
- The amenity building would be ancillary to the open farm and therefore not authorised for any other use. However,

for the avoidance of doubt, a condition was recommended that prevented the building being used for anything else.

Members queried with Officers the reason for changing the description of the application. It was confirmed that it would make it clear that the application referred to a farm and not a visitor attraction loosely based on a farming theme.

Professor Waddington, a Local Resident, spoke in objection to the scheme. He advised that traffic levels were a real concern for the residents of Murton and he feared that the application would cause a further increase. He also raised concerns about the impact on the openness of the Green Belt. In addition he had concerns about the hours of operation of the farm, the lack of a business case, the impact of lighting and drainage.

Angela Serino, the applicant, spoke in support of the scheme. She advised that in order for the farm business to continue to be viable, expansion at the site is necessary. In the past two years the farm had started to breed piglets and hens and had seen the addition of a Barn Owl Manor and the creation of various wildlife habitats and ponds. She urged Members to approve the application so she could continue her work.

Isobel Waddington spoke on behalf of Murton Parish Council to advise that in 2007 a traffic census had been carried out and since then levels had increased. The vehicular access to the site was a cause of concern as she considered the turning too tight, which could cause a vehicle to veer into the opposite lane.

Councillor Warters spoke as Ward Member in objection to the application. He considered the proposed buildings inappropriate and too harmful to the Green Belt. In addition he raised concerns about the impact of lighting from the site on the surrounding area. He referred to policy V1 of the Local Plan which states that visitor related development should be accessible by Public Transport and disputed that the application was suitable for buses due to the narrow roads.

Members queried If additional conditions on lighting and use of the amenity building could be attached. Officers confirmed these would be acceptable.

Councillor Watson moved retention of the original description of development. This was seconded. When put to the vote, this amendment was lost.

Following further discussion it was:

RESOLVED: That the application be approved subject to the conditions listed in the committee report and the following additional conditions:

Condition 9 – The approved amenity building shall only be used in connection with the use of the land as an open farm and for no other purpose.

Reason – To preserve the openness of the green belt by preventing inappropriate development that would conflict with the purposes of including land within it, in accordance with national planning policy guidance in the National Planning Policy Framework.

Condition 13 – Prior to commencement of development details of external lighting shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – In the interests of adjacent occupiers, the openness of the green belt and the character of the area.

REASON: 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 local

economy, impact on the green belt, visual appearance, sustainability, neighbour amenity, drainage, landscaping, access and nature conservation. As such the proposal complies with the National Planning Policy Framework and policies GP1, GP4A, GP9, GP15A, V1 and NE7 of the City of York Local Plan.

Cllr Horton, Chair

[The meeting started at 4.30 pm and finished at 5.40 pm].

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COMMITTEE REPORT

Date: 20 June 2013 **Ward:** Skelton, Rawcliffe, Clifton
Without
Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 13/00361/FULM

Application at: Wickes Building Supplies Ltd 1 Stirling Road York YO30 4XZ

For: Erection of retail building comprising 5no. units with associated car parking, recycling facilities and landscaping following demolition of existing retail unit

By: Clifton Moor Ltd

Application Type: Major Full Application (13 weeks)

Target Date: 24 June 2013

Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of five new retail units following the demolition of an existing unit last occupied by Wickes at Clifton Moor. The existing building has been vacant since Wickes relocated to Lysander Close earlier this year. The existing building has a gross floor space of approximately 3423 sq m plus 929 sq m of outdoor retail area. The building is part of the Clifton Moor Retail Park and shares the same design as the other retail units in the park. The existing car park is shared between all retail units and totals 1146 spaces with 42 of these being to disability standards.

1.2 The proposed development involves the erection of a building broadly in the same location as the existing. The proposed building would be split into five separate retail units and be larger than the existing, with a total retail floor space of 6712 sq m. Much of the additional floor space would come from mezzanines, in four of the five proposed units. The total increase in retail floor space above the Wickes building with outdoor retail area is 2360 sq m. The proposed building protrudes further north over the former Wickes outdoor sales area and the car parking and recycling area between the unit and the circulation road. The proposal results in the loss of 30 car parking spaces, however there would be two additional disability standard spaces in total. The existing recycling area would be relocated to an area between Tesco and KFC and Burger King.

1.3 All five of the proposed retail units would be occupied by retailers primarily selling bulky goods items. The proposed size of the retail units are:

Unit 1A - 1394 sq m

Unit 1B 744 with 650 mezzanine - 1394 sq m

Unit 1C 697 with 325 mezzanine - 1022 sq m

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Unit 1D 590 with 590 mezzanine - 1180 sq m

Unit 1E 980 with 743 mezzanine - 1723 sq m

The proposal would create 50 full time and 150 part time jobs. The demolition of the existing building would not result in the loss of jobs given that Wickes has relocated and the unit is already empty.

1.4 The proposed building is of more modern design than existing units at Clifton Moor with frontages which contain more glazing and higher eaves/overhang heights. However, the building takes elements of the design of the existing building through the use of terracotta roof tiles and low level overhanging roofs at the corner of the building. Bricks used on walls and supporting pillars would be red brick to match existing. Service and delivery areas would be to the rear of the building as per the existing arrangement. The proposal also includes alterations to the front and side elevation of existing Unit 2 to ensure that it has the same appearance as the proposed new unit 1.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 -Design

CYSP7A - The sequential approach to development

CYS2 - Out of centre retail warehouse criteria

CYT4 - Cycle parking standards

CYGP4A - Sustainability

CYGP16 - Shopfronts

3.0 CONSULTATIONS

INTERNAL

3.1 Flood Risk Management - The application site is within Flood Zone 1 and therefore should not suffer flooding from rivers. However, insufficient information has currently been provided to determine the impact of the proposed development on existing drainage systems. The applicant is continuing to work with the Council's Flood Risk Engineer to provide all of the relevant information. An update will be provided at Planning Committee.

3.2 Integrated Strategy - The proposed development includes an increase of net additional gross internal floor space of 2360m². This is below the 2500 m² threshold set by the NPPF as guidance for Local Planning Authority's to determine whether a retail impact assessment is required. Therefore an impact assessment is not required.

A sequential test has been under taken, with conclusions that there are no suitably sized units in the city centre for non-food bulky items that are likely to be available in a reasonable timescale; this includes investigations in to city centre locations such as North Street, Castle Street/ Piccadilly, York Central and Hungate. It is considered that the development will not have an unacceptable impact on the City Centre.

The applicants are willing to accept a condition which restricts the type of goods sold to bulky goods. There are no objections to the proposed development from a Planning Policy position.

3.3 Highway Network Management - The application has been supported by a Transport Assessment. In accordance with national guidance on the production of TA's the assessment has been based upon the net change between the existing lawful use, which could continue without the need for further planning consent and the proposed development. Not all traffic associated with the development will be new trips to this part of the network, some will already be passing the site on the A1237 and will divert into the site whilst others will also be visiting the retail park and will visit the new retail units as part of a linked trip to multiple units in the area. The impact of the proposed development has been assessed during the PM and Saturday peak network periods. These time periods are used for the purposes of assessing the impact of development as the highway network is at its most sensitive and the greatest impact will be seen. The potential increase in traffic during the peak network periods is in the region of 30 vehicular movements (15 each way) on the outer ring road. This will not have a material impact and will barely be perceivable when considering current traffic flows and as previously stated this is considered to represent a worst case scenario.

The central area of the retail park currently has 1230 car parking spaces. This will be reduced by 27 spaces due to the format/layout of the development site. A further 3 spaces will also be lost due to the relocation of the recycling facilities adjacent to Tesco/Burger King. The TA has also taken into account the approved KFC

restaurant which is currently under construction. This restaurant will result in a further loss of 42 spaces. The total number of car parking will therefore be 1158. Car parking accumulation surveys have demonstrated that the peak Saturday car parking demand is 869 (71%). With the proposed reduction in car parking spaces together with a slight increased demand for car parking generated by the proposed units the peak car park occupancy will rise to 927 (80%). Sufficient car parking will therefore be retained within the car park. A reduction in car parking levels on sites is also one of a recognised package of measures used to promote sustainable travel.

The recycling facilities which are currently located adjacent to Wickes are to be relocated adjacent to Tesco. Servicing traffic emptying these bins will do so from the car spaces adjacent to the facilities. This is an accepted approach and one that has also been used on numerous restaurant units adjacent to the site including Burger King and KFC. Such servicing is infrequent and only occurs for a short duration and as such is not considered to detrimentally affect the operation of the car park. The pedestrian route secured through the KFC application linking the food units to Tesco has been retained through the current proposals.

The site is served by frequent public transport from the adjacent bus stops at Tesco within the retail park. The Authority is in the process of developing a shared pedestrian/cycle route from Stirling Road to the retail park which will also provide a route which will link the West and East sides of the retail park. The applicants have confirmed that they are willing to provide a contribution of £10k, to be secured through a legal agreement, towards the provision of this route in order to further enhance non car access to the development site and the rest of the retail park. The cycle route will connect to the pedestrian route to the front of the retail units via a ramped plateau crossing which will reinforce pedestrian and cycle priority whilst also restraining vehicle speeds.

The application provides additional cycle parking on the retail park for customers and covered/secure staff cycle parking within the service area. A Framework Travel Plan has been submitted in support of the application and could be secured by condition. The site is therefore considered to be sustainable in travel terms.

EXTERNAL

3.4 Clifton Without Parish Council - Decision deferred pending receipt of information upon the siting of the current refuse collection area which does not appear to be shown on the plans. An update will be provided at Planning Committee.

3.5 Police Architectural Liaison Officer - It is welcome that the submission states that the architects will liaise with the local designing out crime team to ensure that any opportunities offered in accordance with secured by design will be incorporated into the scheme. Having visited the site there are no issues to raise with regards to the proposed design and layout. The incorporation of good physical security measures

should ensure compliance with the National Planning Policy Framework in respect of the creation of safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

3.6 Consultation letter and site notices - No correspondence received.

4.0 APPRAISAL

4.1 The key issues are:

- Retail Impact
- Design and Visual Impact
- Traffic Implications, Car and Cycle Parking and Accessibility

RETAIL IMPACT

4.2 Policy position - Clifton Moor is an out of town retail area. Chapter 2 'Ensuring the vitality of town centres' of the National Planning Policy Framework (NPPF) states that centres are the heart of communities and policies and decisions should support their viability and vitality. The NPPF states that 'local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.' If there is no threshold set out in an up-to-date local plan then the NPPF states that 2500 sq m should be used as the threshold for requiring a retail impact assessment which would consider the impact on the vitality and viability of existing centres as well as the impact on planned investment. The NPPF concludes that 'where an application fails to satisfy the sequential test or is likely to have a significant adverse impact on one or more of the above factors, it should be refused.'

4.3 Development Control Local Plan (2005) Policy SP7a 'The sequential approach to development' follows the approach outlined above in terms of locating development in the most accessible location. Policy S2 'Out of centre retail warehouses' states that planning permission will be granted for out of centre retail warehouses provided that a) no development has a net sales area of less than 1000 sq m and shall not be subsequently subdivided; and b) no unit shall sell non-bulky goods (except where ancillary to the main range). Part c) states that development proposals should consider the retail impact on existing centres, the sequential approach, the need for the development, and the sites accessibility by non-car modes.

4.4 The proposed development results in an additional gross internal floor space of 2360 sq m over and above the existing unit on site. This is below the 2500 sq m threshold set in the NPPF for requiring an impact test. In the absence of an up-to-date development plan it is considered that this national threshold is most appropriate in this case. Within the consultation response for this application from Integrated Strategy it was confirmed that no impact test is required because the net increase in retail area is below the NPPF threshold.

4.5 A sequential test was required and has been submitted in support of this application. Sequential tests are required to consider sites which are in sequentially preferable locations and to assess these in terms of availability, suitability, and viability. A survey was carried out of York City Centre and it was considered that there were no sites which were of sufficient size to accommodate the whole development and there were only two existing units which were large enough to accommodate the individual units proposed. The sequential test considered sites at North Street, Piccadilly as well as development sites at York Central, Hungate and Castle Piccadilly. In each case it is concluded that the site/unit is either unavailable, unsuitable for bulky goods retailing, or is unviable, or a combination of those. Integrated Strategy assessed the submitted sequential test and agreed with the conclusion that there are no suitably sized units in the city centre for non-food bulky items that are likely to be available in a reasonable timescale. As a result it was concluded that the proposed development would not have an unacceptable impact on the City Centre subject to the use of a bulky goods condition restricting the goods sold. The applicant has confirmed that they are content with the use of a bulky goods condition as the potential end users are bulky goods retailers.

DESIGN AND VISUAL IMPACT

4.6 The existing building proposed to be demolished has the same design and appearance as the other retail units within this section of Clifton Moor Retail Park. The building is of red brick construction with a terracotta roof tile. The roof of the building continues in front of the building line to create a covered walkway. The roof overhangs a significant part of the retail frontage which reduces the perceived height of the shop front. This gives the retail frontage a more low-key appearance.

4.7 The retail units at Clifton Moor are set back from the A1237 outer ring road behind a substantial car park. The building proposed to be demolished is the closest to the outer ring road and northern edge of the site. The building is set back approximately 65m from the northern site boundary, the outdoor sales area is approximately 45m back from the edge of the site. An internal access and circulation road as well as a car parking area sit between the existing retail unit and the outer ring road. The proposed building is set significantly closer to the northern edge of the site than the existing development. The northern elevation of proposed Unit 1A would sit between 17m and 21m from the northern boundary of the site. The proposed building would therefore be more visually prominent from the outer

ring road than the existing building. This is not considered unacceptable in principle, but it is clearly important that the design and scale of the building is appropriate in this more prominent location.

4.8 The northern elevation of Unit 1A is approximately 54m in length. More than half of this elevation is finished in red brick to match the existing units at Clifton Moor. The remaining section is glazed curtain walling. The visible part of the roof will be finished in terracotta roof tiles to match the existing retail park. The ridge height is approximately 10m, with the eaves varying between 5.6m and 6.6m in height. The existing building is similar in terms of total height with a varying eaves height which is generally lower than that proposed on the new building. As viewed from the north the proposed unit would sit significantly closer to the boundary than the existing unit, however it is considered that it would be sufficiently set back to not appear overly dominant, and the scale and materials of the proposed building are considered to respect the existing character and appearance of the area.

4.9 As well as the northern elevation of Unit 1A the entire east elevation of the proposed units will be visible from outside of the site from the outer ring road. There is some fairly modest landscaping along the site frontage which offers some screening and softening of the built development, but there is little landscaping within the site itself.

4.10 The eastern elevation faces across the car park and will be visible from within the retail park as well as public areas to the north and east. It is the intention to remove the central walkway adjacent to the Tesco entrance to enable customers to see across the whole site and therefore better promote the retail units in the area. The removal of this walkway does not form part of this application; no objections were raised to its removal when a demolition notice was submitted earlier this year (Ref. No. 13/00446/DMNOT). The proposed eastern elevation is considered to respect the character and appearance of the existing units through its design and use of materials. This elevation is given a more contemporary appearance than the existing retail units through the use of a 6.6m high eaves height and a large expanse of curtain walling. The east elevation does not contain significant areas of brickwork. The building would appear more lightweight than the existing structure. It is considered that the proposed development respects the scale, materials, and general design ethos of Clifton Moor Retail Park whilst introducing a building which is more contemporary in design and better suited to modern retail requirements. The proposed development includes alterations to existing unit 2 which would mean that the elevation of the proposed and adjacent existing unit are consistent, creating a more coherent overall appearance. The main alteration consists of an increase in the height of the curtain walling at the shop front. There are no objections to the design and appearance of the proposed development subject to appropriate conditions which require building materials to be approved and soft landscaping incorporated where possible.

4.11 To the front of the proposed retail units and existing Unit 2 would be free standing supporting structures which would contain retail signage. The signage would require separate advertisement consent, but the proposed structures for supporting the adverts are considered within this application. There would be one structure adjacent to the north elevation facing the outer ring road. On the east elevation there would be seven free standing structures in total, each structure would be in front of the main entrance of the retail unit. The free standing structures are two vertical sections which would have a height just below the ridge of the proposed building. They would contain louvres approximately half way up to provide some solar shading. Above this would be a sign for each retail unit, details of this signage including size and illumination would be agreed under a separate signage application. However, the proposed plans show an indicative sign size. The free standing supports would be finished in stone coloured cladding and it is not considered that the numbers proposed are excessive. It is considered that these are typical features in retail parks and would not detract from the character and appearance of the area and would add some legibility to the shopping area. The structures have been positioned so as to not impede pedestrian flow in front of the retail units.

TRAFFIC IMPLICATIONS, CAR AND CYCLE PARKING AND ACCESSIBILITY

4.12 A transport assessment (TA) has been submitted in support of the application which considers the likely traffic movements associated with the proposed development and the impact this may have on the local highway network. The methodology of the TA is in accordance with national guidance and has been based on the net change between the existing lawful use and the development proposed. Highway Network Management Officers consider the TA assessment to be robust.

4.13 It is considered that many of the customers of the proposed new retail units will either already be on the A1237 and will divert off or will be people making linked trips to other existing retail and leisure units in the area. A similar approach has been used when considering other new out of town retail developments in the city, for example at Monks Cross. The implications of the development have been assessed during the most sensitive traffic times in this location, namely during the late afternoon and on Saturdays. The TA concludes that the proposed development may generate 30 additional vehicular movements per hour on the outer ring road during peak periods. It is not considered that this level of additional traffic movement would have a material impact on the highway network. As this is considered to be a worst case scenario Highway Network Management Officer's have raised no objections to the proposed development in terms of traffic generation.

4.14 The proposed development would result in the loss of 27 car parking spaces in total. There would be a modest increase in the number of spaces available which are to disability standards. Car parking surveys undertaken have shown that in the

Saturday peak 869 spaces were occupied, this represents just 71% of the car parking capacity. Taking into account the loss of spaces and the increase in demand as a result of the proposed development, car parking numbers are expected to peak at around 927 which is 80% of capacity. Therefore, it is not considered that the proposed development would result in indiscriminate parking in the local area as sufficient capacity is retained within the car park. Outside of the peak periods there will be an even more substantial amount of unused capacity within the car park.

4.15 The proposed servicing and delivery area to the rear of the units is considered to provide adequate turning and manoeuvring space. The existing recycling area which is located within the car park to the north of the existing unit would be relocated between the units currently occupied by Tesco and KFC and Burger King. The pedestrian access linking the walkway adjacent to Tesco with the restaurants would be retained.

4.16 The development proposes 20 cycle parking spaces immediately to the north of the building. 10 of these spaces would be covered. At present there is space for the parking of 10 bicycles outside of the existing building so the proposal results in a net gain of 10 customer cycle spaces. The level of customer cycle parking proposed is considered acceptable in this case and is well related to the cycle access to the site and is convenient in terms of building entrances. Staff would have a separate cycle parking area which is covered and secure and would accommodate 24 cycles. This would be located within the service yard area to the rear of the proposed units. Full details of cycle parking would be secured by condition. The Authority is in the process of developing a shared pedestrian and cycle route from Stirling Road (eastern side) to the retail park which would also provide a route linking the west and east sides of the retail park. At present it is a very inconvenient route between different sections of the retail park for pedestrians and cyclist and this encourages very short car journeys around the retail park. It is hoped that the new route will encourage people to cycle and walk both to and around the retail park by providing a legible and safe access route. This access route would connect up to the walkway in front of the proposed retail units via a ramped plateau across the spine road. This would reinforce pedestrian and cycle priority and reduce vehicle speeds. The applicants have offered to contribute towards this shared pedestrian and cyclist access route which would be secured via a Section 106 agreement. It is anticipated that this agreement will be in place prior to Planning Committee; an update will be provided in this regard.

4.17 The applicants have submitted a framework travel plan in support of the submission. The aim of the document and its proposals are to achieve a shift in transport choice, particularly through walking and cycling and reducing private car use. The travel plan measures include the provision of a welcome pack to employees which would contain details of the travel plan champion, walking and cycling routes, bus services and map, and details of local car sharing websites.

Notice boards with information on car sharing, walking, cycling and maps and timetables would be displayed and changing facilities would be available in each unit. A travel plan champion would be appointed in each retail unit. The overall aim of the measures are to create a 10% reduction in car use over 5 years, 2% increase in walking, 3% in cycling, 1% in public transport and 4% in shared car travel. A baseline travel survey would be carried out within 3 months of occupation of the retail units. Further survey results would be submitted to the Council after years 1, 3 and 5. Highway Officers and the allocated travel plan champions would meet to discuss progress and agree new measures if appropriate to encourage a modal shift towards more sustainable transport choice. The application site is served by a frequent public transport service through the bus stop adjacent to Tesco. This service runs between Clifton Moor and Osbaldwick via the city centre and a number of residential areas in the city. Whilst the application site is out of town, it is accessible by non-car modes from within the city and the travel plan measures should help to reduce dependence on the private car for customers to the proposed retail units.

SUSTAINABILITY

4.18 Issues of location and travel sustainability are discussed above. Policy GP4a 'Sustainability' of the DCLP (2005) requires applications to be accompanied by a sustainability statement. The Interim Planning Statement on Sustainable Design and Construction requires developments of the scale proposed to achieve a BREEAM 'very good' rating and for 10% of expected energy demand to be obtained from low or zero carbon technologies. A BREEAM pre-assessment has been submitted in support of the planning application which highlights the measures which are proposed to ensure that the building achieves a 'very good' rating. A condition is proposed to be added to any approval which requires the submission of a post development certificate to show that the development has achieved a BREEAM rating of 'Very Good' and that 10% of expected energy demand is obtained from low or zero carbon technologies.

5.0 CONCLUSION

5.1 The proposal would create 50 full time and 150 part time jobs. It is not considered that the proposed development would have a significantly adverse impact on City or District Centres in York. The proposed retail units would replace an existing retail unit and the additional floor space is below that which would trigger the requirement for an impact assessment. A sequential test has been submitted demonstrating that there are no sequentially preferable sites available and/or viable for bulky goods retail of the scale proposed. The application site whilst being out of centre is accessible by non-car modes and a range of measures are proposed to encourage more sustainable transport choice including a £10,000 contribution towards the creation of a new pedestrian and cycle route into the site and a travel plan.

5.2 The proposed building reflects the character and appearance of the existing retail park but is more contemporary and lightweight in appearance. The proposed building is larger than the existing, however it is not considered to cause harm to the character and appearance of the area. The development would achieve the required building sustainability levels set out in local policy.

5.3 For these reasons the application is recommended for approval subject to the following conditions and the completion of a S106 agreement to secure the £10,000 contribution towards the cycle and pedestrian access route.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Proposed Site Plan - 12456-111 Rev H

Proposed Elevations Sheet 1 - 12456-156 Rev A

Proposed Elevations Sheet 2 - 12456 - 157 Rev A

Proposed Elevations Sheet 3 - 12456-158 Rev A

Proposed Roof Plan - 12456-154

Proposed Sections Sheet 1 - 12456-159 Rev A

Proposed Sections Sheet 2 - 12456-160 Rev A

Proposed GA Plan Unit 1 - 12456-150

Proposed Mezzanine Plan Unit 1 - 12456-152

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

3 The following range of goods shall not be sold, save where ancillary (defined for the purposes of this condition as no more than 15% of the total floorspace of the retail unit) to the main range of goods sold:

- Men's, women's and children's clothing and footwear

- Fashion accessories
- Watches and jewellery
- Music and video
- Cameras and photographic equipment
- Toys
- Pharmaceutical goods
- Books, magazines and stationery
- Food, drink and other convenience goods

Reason: In the interests of the protection of the vitality and viability of the city and district centres the range of goods to be sold shall not compete with typical products found in these centres.

4 The retail floorspace hereby approved shall not exceed 6,712 square metres gross.

Reason: The amount of retail floorspace approved is considered to be acceptable any increase may have an adverse impact on the vitality and viability of the city and district centres.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended, there shall be no sub-division of the five retail units to create units of less than 1,000 sqm, or insertion of mezzanine floors (other than the level of mezzanine floorspace hereby approved) within any unit within the retail development, in the absence of any planning permission relating directly to such subdivision or mezzanine floor.

Reason: In order to protect the vitality and viability of the city and district centres.

6 Development on Land Affected by Contamination - 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. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);

(ii) an assessment of the potential risks to:

o human health,

o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

o adjoining land,

o groundwaters and surface waters,

o ecological systems,

o archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

b. Submission of Remediation Scheme

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 and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

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The approved remediation scheme must 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 must 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 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.

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.

7 Reporting of Unexpected Contamination - 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

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.

8 Six electric vehicle recharge parking bays shall be installed within the Retail Development. Locations and specification and the timing of delivery for any such parking bays shall be agreed in writing with the Local Planning Authority.

Reason: To promote the use of low emission vehicles on the site, in the interests of sustainable development and air quality.

9 The development hereby approved shall achieve at least a Building Research Establishment Environmental Assessment Method ('BREEAM') Very Good rating (or

equivalent, as set out within the submitted BREEAM Pre-assessment report)) and at least 10% of the predicted energy requirements for the buildings on site shall be obtained from low or zero carbon technologies, unless otherwise agreed in writing by the Local Planning Authority. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of practical completion of the retail development. Should the development site fail to achieve a BREEAM standard of 'Very Good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a BREEAM standard of 'Very Good'. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development, in accordance with the requirements of policy GP4a of the Draft Local Plan and the Council's planning guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

10 Details of the cycle parking areas for staff and customers, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the trade starting from any of the retail units hereby approved, the cycle parking areas and means of enclosure shall have been provided within the site in complete accordance with the approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote sustainable transport choice.

11 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. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive and acceptable appearance.

12 Details of any exterior building lighting to be installed shall first be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in complete accordance with the approved details and thereafter maintained.

Reason: In the interests of the visual amenity of the area.

13 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

14 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

15 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

15 The retail units hereby approved shall not begin trading until the areas shown on the approved plans for parking and manoeuvring of vehicles, have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

16 The development hereby approved shall not be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The travel plan should be developed and implemented in line with local and national guidelines and the submitted Framework Travel Plan dated February 2013. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

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

Reason: To ensure the development complies with local and national highways and planning guidance, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

17 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that shall be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interests of the amenity of the area.

18 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- details of how the car parking area will be managed during the construction period to ensure adequate car parking remains
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

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:

- Retail Impact;

- Design and Visual Impact; and
- Traffic Implications, Car and Cycle Parking and Accessibility

As such the proposal complies with Policies SP7a, GP1, GP4a, GP16, T4, and S2 of the City of York Development Control Local Plan (2005).

2. 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Achieved a S106 contribution to improve pedestrian and cyclist access to the site
- Ensured suitable access and retention of the recycling area
- Advised on design elements to ensure the development was appropriate within this location

3. LEGAL AGREEMENT

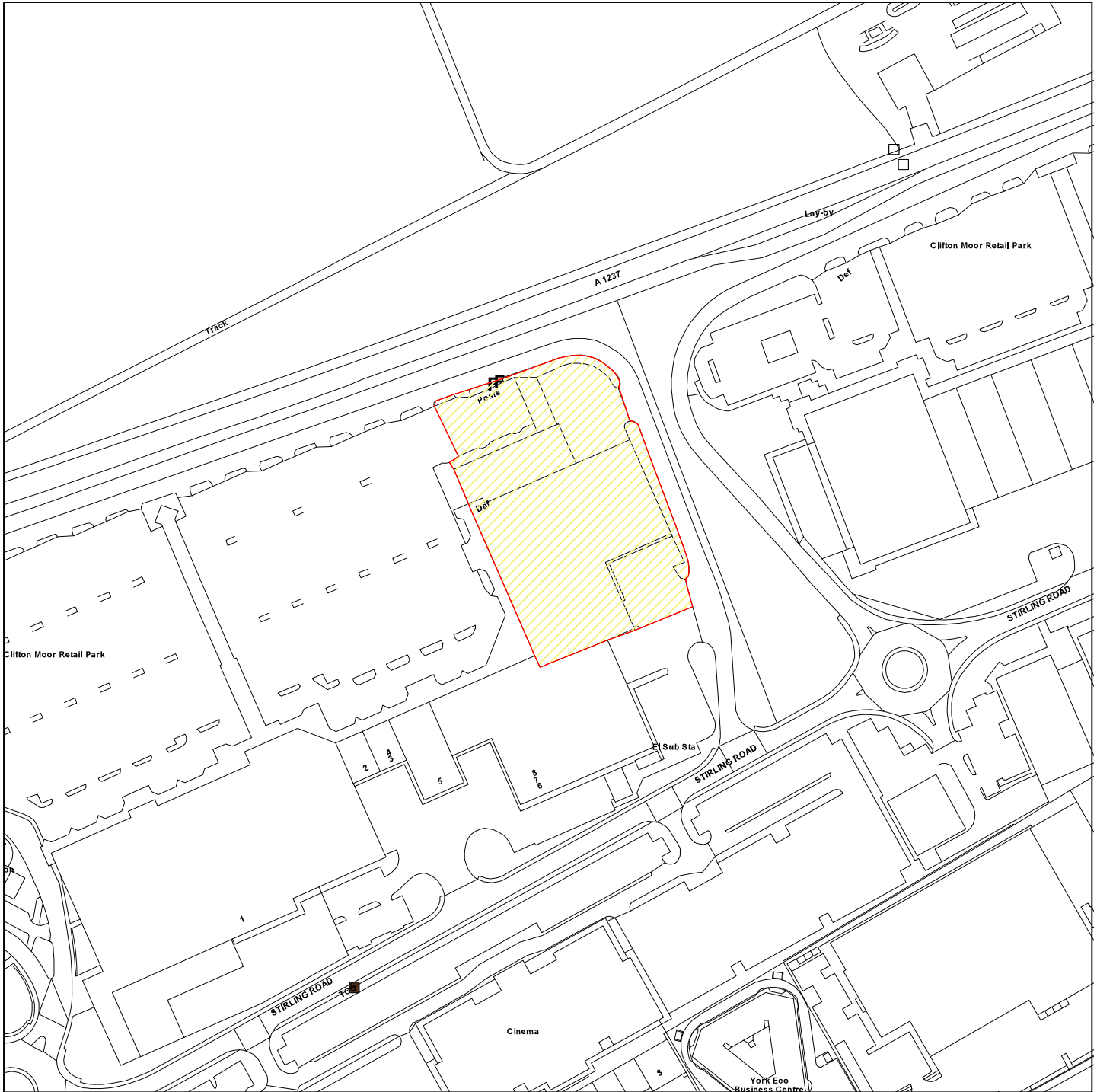
Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development.

Contact details:

Author: Michael Jones Development Management Officer
Tel No: 01904 551339

13/00361/FULM

Wickes Building Supplies Ltd,



Scale : 1:2500

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	11 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20 June 2013 **Ward:** Skelton, Rawcliffe, Clifton
Without

Team: Major and **Parish:** Clifton Without Parish
Commercial Team Council

Reference: 13/00362/FUL

Application at: Clifton Moor Centre Stirling Road York

For: Erection of free-standing structures for the display of advertisements and minor alterations to shop front elevations to units 3 to 6.

By: Clifton Moor Ltd

Application Type: Full Application

Target Date: 20 May 2013

Recommendation: Approve

1.0 PROPOSAL

1.1 This application seeks planning permission for alterations to the front elevations of units 3 to 6 of Clifton Moor Retail Park and for the erection of free standing entrance features to the front of these units. Units 3 to 6 sit between Tesco and the proposed developments at Unit 1 and 2 considered within application 13/00361/FULM. Unit 3 is currently occupied by Wilkinson, 4 by Pets at Home, 5 is split between Costa and Co-op Travel, with Unit 6 currently being occupied by Boots.

1.2 The alterations to the existing building frontage primarily consist of increasing the height of the glazed shop fronts. The area used for signage above the existing glazed shop fronts would be included within the glazed shop front area. Other alterations include amendments to door positions and types in order to create a more consistent and coherent appearance to the units.

1.3 The proposed free standing entrance structures to support signage would also be consistent with those considered within application 13/00361/FULM. This application has been brought before Planning Committee so that the overall design change for this section of Clifton Moor Retail Park can be considered as a whole and allow for a consistent approach and decision to be taken on these changes. A site visit is recommended to understand the alterations proposed and to assess the potential visual impact of these changes.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYGP1 - Design

CYGP16 - Shopfronts

3.0 CONSULTATIONS

EXTERNAL

3.1 Clifton Without Parish Council - Object to the application on the grounds that the proposed signs would appear incongruous and would impede safe pedestrian access.

3.2 Site Notice (posted 28/03/2013) - No correspondence received.

4.0 APPRAISAL

4.1 The key issue is considered to be the visual impact on the character and appearance of the area.

4.2 Units 3 to 6 at Clifton Moor Retail Park are set back approximately 150m from the outer ring road. This is the most significant public view of the shop fronts. There is some low key planting on the edge of the northern boundary of the site which helps to soften the appearance of the development a little. The retail park is constructed of red brick with terracotta roof tiles. Signage is generally low key as it is partially screened by a covered walkway which runs around the frontage of the buildings. The applicant wishes to make some changes to the shop fronts and signage of Units 3 to 6 in order to increase the visibility and legibility of the retail units to bring them into line with more modern retail parks in the city, such as at Monks Cross and Foss Islands.

4.3 Development Control Local Plan (2005) Policy GP16 'Shopfronts' states that alterations to existing shop fronts are acceptable where they respect the scale,

proportion, materials, and architectural style of the building to which they are attached and the area in which they are located.

4.4 The proposed alterations to the shop fronts will make little visual impact from views outside of the site. Existing signage areas would be replaced by an enlarged glazed walling system to the shop front. This will improve views into and out of the retail units as well as providing more natural light in the internal spaces. Given the size and height of the retail units it is considered that the proposed taller shop fronts will appear appropriate and proportionate to the area. The units would appear a little more contemporary and more consistent with the proposed development of Unit 1 and alterations to Unit 2 considered within application 13/00361/FULM. Other alterations include such things as alterations to entrance door sizes. It is not considered that the proposed alterations to the shop fronts will have any significant impact on the character and appearance of the area.

4.5 The proposed free standing entrance features are the same design and scale as those considered acceptable within application 13/00361/FULM. The features consist of two vertical sections approximately 6.5m apart and 9.8m in height such that they sit a little lower than the building ridge height. Above the height of the shop front would sit aluminium louvres. Above this would be some signage. Exact details of the signage would need to be agreed as part of a separate advertisement application, however the proposed plans show an indicative sign size. The indicative sign size shown on the revised plans under consideration represent a significant reduction in size compared to that originally submitted. Comments have been received from Clifton Without Parish Council who have raised concerns about the visual impact of the structures and the impact they would have on pedestrian movement. In Officer opinion the proposed entrance features are typical of an out of town retail park and are not excessive in terms of scale or number. The free standing features would sit in front of the covered walkway and it is therefore not considered that they would have a significant impact on pedestrian movement.

5.0 CONCLUSION

5.1 It is not considered that the proposed alterations to the shop front and the new free standing entrance features would have a significantly adverse impact on the character and appearance of the area. Therefore, the application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

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

Proposed Elevations - 12456-125 Rev C

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

3 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. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

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 visual impact on the character and appearance of the area.. As such the proposal complies with Policies GP1 and GP16 of the City of York Development Control Local Plan.

2. 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 (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Alterations to the free standing structures such that the indicative signage is more proportionate to the scale of the building and retail unit.

Contact details:

Author: Michael Jones Development Management Officer

Tel No: 01904 551339

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13/00362/FUL

Clifton Moor Centre



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Department	Not Set
Comments	Not Set
Date	11 June 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 20th June 2013 **Ward:** Micklegate
Team: Major and **Parish:** Micklegate Planning
Commercial Team Panel

Reference: 09/01606/OUTM
Application at: Factory, Bishopthorpe Road, York, YO23 1NA
For: Mixed use redevelopment scheme for a range of uses to include business use (Classes B1a, b and c), hotels with ancillary leisure (Class C1), community facilities including a health centre / doctor's surgery (Class D1), a nursery (Class D1), galleries and museum (Class D1), leisure uses (Class D2), retail (Class A1), food and drink (Classes A3 and A4), assisted living accommodation and residential institution (Class C2) and residential units (Class C3) with new means of access, associated servicing, car parking and highways works
Application Type: Major Full and Outline Planning Permission
Recommendation: Authorise officers to agree the provisions of the legal agreement and issue the decision subject to conditions

1.0 PROPOSAL**BACKGROUND**

1.1 The application for the mixed use redevelopment of the former Terry's Factory site was approved by the Council's Planning Committee on 3rd February 2010, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act. The Heads of Terms for the agreement were agreed at the meeting. This report seeks to update Members on the position with the draft agreement which the new site owners wish to complete quickly to allow the planning permission to be issued and development to commence on site (following submission and approval of reserved matters). It also seeks to update and reassure Members in respect of any relevant change in planning policy and the site circumstances since the application was considered at Committee.

1.2 The Heads of Terms for the agreement as Minuted were:-

- i) Affordable housing at 82 units, being 30.3% of the total, (32 x 2 bed flats, 7 x 2 bed houses, 10 x 3 bed houses) for affordable rent together with units (22 x 2 bed flats, 1 x 2 bed house and 10 x 3 bed houses) for discounted sale or affordable housing provision at 37% subject to

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receipt of Social Housing Grant or other public subsidy (distribution approximately pro rata).

ii) A contribution towards local education provision of £1,166,881

iii) A contribution towards off site public open space facilities of £160,249

iv) Funding to be agreed between the Local Planning Authority, acting through the Chair and Vice Chair, and the Developer to allow for the detailed design, site supervision and construction of the following highway mitigation measures:

- The introduction of traffic signals at the junction of Knavesmire Road with Tadcaster Road and Mount Vale.
- The introduction of UTC control and CCTV equipment at the St. Helens Road/Tadcaster Road junction.
- The introduction of a signal controlled toucan (cycle and pedestrian) facility on Bishopthorpe Rd between the main entrance and the car park/Sustrans route to the river.
- The provision of a new zebra crossing on Campleshon Road adjacent to Knavesmire Primary School.
- Signalling changes at the junction of Bishopthorpe Road and Scarcroft Road aimed at improving capacity for traffic flow.
- Improvements to the pedestrian/cycle route (Sustrans Route 65) between Bishopthorpe Road and the riverside path, including alterations on Bishopthorpe Road itself. Measures to include localised widening, smoothing of gradient and provision of street lighting.
- Additional cycle route signs, as agreed, to be erected along the route between the development site and heading north through the South Bank district.
- The introduction of an additional 26 spaces at the new Askham Bar Park and Ride site.

v) Funding to be agreed between the Local Planning Authority, the Racecourse Operator and the Developer to provide a highways/landscaping scheme to connect the Racecourse and the application site.

vi). Details and associated funding of the public art proposals to be agreed between the Developer and the Local Planning Authority.

vii). The following sustainable transport measures shall be provided by the Developer in association with this development:

- Inclusion of showers and drying rooms within all office blocks to encourage cycle trips.

- Provision of a shuttle bus service between the development site, Askham Bar Park and Ride site and the Station, between the hours of 7 am and 7 pm at a 30 minute frequency for a 5 year period.
- Travel vouchers to be issued to all residents on occupation of their home offering either travel on public transport or the purchase of a cycle, helmet and lock.
- Provision within the development site of three spaces for the siting of City Car Club vehicles.
- A year's membership of the City Car Club for each individual residential unit.
- DDA compliant crossing points to be provided at all pedestrian points around the perimeter of the development.
- The introduction of shelters, seating and bus passenger information at all stops which lie close to the site.
- Preparation and agreement of Green Travel Plans (both residential and commercial), in consultation with future occupiers, residents and transport officers of the Authority.
- The employment of a travel plan co-ordinator, from a date 18 months after commencement of the development, who will be resident on the site for a minimum period of three years, and who will promote sustainable transport trips by future residents, employees and visitors.

viii) To agree with the Local Planning Authority, energy efficiency and waste and pollution minimisation plan with regard to the demolition and construction phases of the development, and also in the detailed design features of the scheme and its subsequent operation.

ix) That the developer be required to consult with the Police Architectural Liaison Officer at the start of each phase of the development.

x) That, if any of the affordable housing units are not sold then they be let as social housing at an intermediate rent.

1.3 Following the Committee the application was referred to the Secretary of State in view of the location of the proposed decked car park within the Green Belt. The Secretary of State did not call in the application.

1.4 Members may recall that a report was brought to Planning Committee in October 2012 to reduce the level of affordable housing required on the site, to reflect to the council's Dynamic Viability Model. The proposed use of the dynamic viability model within the legal agreement allows the amount of affordable housing to be determined at the point of the approval of the particular reserved matters application for the housing land, which will take into account any further changes in viability of the development. Committee agreed to this amendment to the terms of the agreement.

CURRENT POSITION

1.5 The site has more recently been transferred to two parties; the southern section containing the existing remaining factory buildings to Henry Boot Ltd, and the northern part of the site where much of the new development would be accommodated to David Wilson Homes and Barratt Homes (Yorkshire East Division). In view of the time since the Committee considered the full agreement and the change in ownership, it is necessary to update the S106 to reflect this change and to consider any changes arising from the period since the previous consideration of the application in February 2010.

REVISED DRAFT SECTION 106 AGREEMENT

1.6 In now moving towards implementation of the development, the draft s106 has been updated and clarified without significantly changing the substance of the heads of terms. The main updates are set out below:

1.7 Affordable Housing - As agreed in September, the dynamic viability model will be used as a basis for calculating the proportion of affordable housing so that each phase will meet the prevailing target and method of calculation. Further discussions relating to the final detailed aspects of the affordable housing obligations are ongoing, and Members will be updated at Committee

1.8 Highways and Transport - In terms of highway works the revised draft in conjunction with the approval conditions would still secure measures as set out at 1.2 (iv) above but covenanted to refer to the relevant owners of each part of the site. Clarification of the trigger points is included, and financial contributions from the 'second owner' (Henry Boot Ltd) would be used to implement measures including the provision of 26 additional spaces at the Askham Bar Park and Ride, pedestrian cycle route pedestrian crossing facilities and signalling contribution.

1.9 The draft also includes the sustainable travel measures and now also includes provision for electric vehicle charging facilities at the commercial element of the site.

1.10 Open and Recreational Space - Updated to refer to the phases and the 2 elements of the site, and to ensure the contributions are calculated on the basis of the current formula within the most up to date version of 'Commuted Sums payments for Open Space in New developments' document, rather than relating to the set figure in the previous schedule of obligations agreed at Committee.

1.11 Public Art – Updated to refer to each phase of the development and to the two elements of the site i.e. the new build area and the area containing the existing buildings

1.12 Energy Efficiency – The revisions reflect the ownership and the phasing of the development.

1.13 Consultation with Police Architectural Liaison Officer - to now be carried out prior to each phases and by each owner of the site

SITE ENVIRONMENTAL CIRCUMSTANCES

1.14 The new owners have submitted updated information in respect of the environmental aspects of the development in particular ecology, air quality, landscape, noise and traffic.

1.15 A review of the Transport Assessment conducted in 2009 has been carried out. The review concludes that the findings of the Assessment are valid and remain accurate. It is stated that in discussions with Highways Officers, the view has been confirmed that there have been no material change to transport issues that would affect the findings of the original assessment.

1.16 A visual landscape assessment has been submitted. This concludes that there have been no material change to views in or out of the site since the previous Committee consideration and that the impacts as identified in the Environmental Statement remain the most appropriate to assess.

1.17 A review of the previously submitted information on noise and vibration included in the Environmental Assessment has been conducted. The review concludes that no additional factors affecting noise and vibration in relation to the site have arisen and that the Environmental Statement assessment is still valid.

1.18 In terms of air quality, a review has been submitted which takes account of recent changes to the criteria for assessing the impact. The findings of the Environmental Statement chapter on air quality are not considered in the submission to be altered by the use of the new criteria.

1.19 In view of the time since the previous survey and the possibility for the vacant site to become habitat in the meantime, an extended Phase 1 habitat survey has been carried out at the site to identify any habitat and protected species constraints to the proposals. The findings of the previous survey from 2009 have been updated accordingly. The main findings are as follows:-

- Bats - The survey concludes that trees and buildings have negligible to low potential for bats, as concluded in the previous surveys.
- Great Crested Newts (GCNs) – The assessment states there are two ponds that could potentially be used by GCNs and other amphibians. However the survey work just completed has found that there are no GCNs on site.
- Other species – The boundary landscaping areas have some potential to contain species included on the list at Section 41 of the Natural Environment and Rural Communities Act . Provided that these area

remain largely undisturbed the report concludes that any such species would not be adversely affected.

1.20 The submission considers that sustainability aspects of the scheme in respect of the site circumstances remain unaltered.

1.21 Other issues which are covered within the original Environmental Assessment but are not considered to have changed since the Committee are:-

- Archaeology - no additional works carried out or change in circumstances since the previous assessment to warrant a further review.
- Built Heritage – some demolition of non listed elements and some deterioration which will be addressed on commencement of the works, but no other changes affecting built heritage.
- Ground Conditions - no additional works carried out, or any change in circumstances since previous assessment to warrant a further review
- Drainage and Flood Risk - No change to infrastructure on site or flood zoning, therefore no material change to warrant a further review.
- Construction - no material changes that would require a reassessment of the relevant chapters of the Environmental Assessment.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land

The Racecourse and Terry's Factory Conservation Area

Grade II Listed Building Terry's of York Factory Bishopthorpe Road

Grade II Listed Building Terry's of York Head Offices Bishopthorpe Road

Grade II Listed Building Liquor Factory Terry's Factory Bishopthorpe Road

Grade II Listed Building Terry's of York Clock Tower Bishopthorpe Road

Grade II Listed Building Terry's of York Time Office Block Bishopthorpe Road

2.2 Policies:

Revised Terry's Development Brief 2009

The most relevant Development Control Local Plan policies are as follows:-

Chapter 1 – General policies

GP1 - Design
GP3 - Planning Against Crime
GP4a - Sustainability
GP4b - Air Quality
GP5 - Renewable Energy
GP6 - Contaminated Land
GP7 - Open Space
GP9 - Landscaping
GP11 - Accessibility
GP13 - Planning Obligations
GP15a - Development and Flood Risk
GP18 - External Attachments to Buildings
GP19 - Satellite Dishes and Antennae
GP20 - Telecommunications Developments
GP21 – Advertisements

Chapter 3 – Nature Conservation and Amenity

NE1 - Trees, Woodlands and Hedgerows
NE2 - River and Stream Corridors, Ponds and Wetland Habitats
NE3 - Water Protection
NE7 - Habitat Protection and Creation
NE8 - Green Corridors

Chapter 4 – Historic Environment

HE2 - Development in Historic Locations
HE3 - Conservation Areas
HE4 - Listed Buildings
HE5 - Demolition of Listed Buildings and Buildings in Conservation Areas
HE8 - Advertisements in Historic Locations
HE10 - Archaeology
HE11 - Trees and Landscape

Chapter 5 – Green Belt and Open Countryside

GB1 - Development in the Green Belt
GB6 - Housing Development Outside Settlement Limits
GB11 - Employment Development Outside Settlement Limits
GB13 - Sports Facilities Outside Settlement Limits

Chapter 6 - Transport

T2a - Existing Pedestrian/Cycle Networks
T2b - Proposed Pedestrian/Cycle Networks
T4 - Cycle Parking Standards
T5 - Traffic and Pedestrian Safety
T7b - Making Public Transport Effective

T7c - Access to Public Transport

T13a - Travel Plans and Contributions

3.0 CONSULTATIONS

3.1 As the scheme is not altered and the reserved matters are anticipated to conform to the parameters agreed, no formal external reconsultation has been considered necessary. However officers have been consulted on the updated agreement and the information relating to the environmental circumstances of the site as follows:-

HIGHWAY NETWORK MANAGEMENT

3.2 In terms of the updated S106, it is stated that a review of the obligations relating to highways, transport and travel aspects has been undertaken between officers and representatives of Henry Boot and some updating has been proposed to the original/draft s106. These changes do not materially alter the obligations but seek to provide some clarity, particularly regarding financial values and trigger points, where practical and reasonable to do so.

3.3 In summary all off site highway mitigation proposals, including for example the signalisation of Tadcaster Road/Knavesmire junction, the provision of pedestrian crossing facilities (improvements, and cycling measures are secured as original. In addition there is funding for bus stop improvements, a contribution towards the Askham Bar P&R site and a commitment to uplift public transport between the P&R and Railway Station via the development. Additionally there are obligations covering travel vouchers and car club incentives.

3.4 HNM is content with the assessment as conducted by JPG consulting have set out in terms of transport and traffic matters.

HOUSING STRATEGY AND DEVELOPMENT

3.5 States the Section 106 has been revised in line with the Council's latest affordable housing targets and policy. It confirms that the affordable housing will **meet** the target applicable at the point of reserve matters submission for each phase.

3.6 The original outline permission was granted under the 50% affordable housing target at a negotiated level of 30.3%. This application returned to planning committee last October to reduce the level of affordable housing to the revised target of 25%. Since then the brownfield target has reduced to 20%. The amendments to the Section 106 confirm that the development can meet the current target. It therefore follows that each phase will **meet** the

affordable housing target applicable at the time of reserved matters submission. This target will have been updated in-line with the council's dynamic viability model and may be higher or lower than the current target dependent on any changes in market conditions.

PUBLIC REALM (STRATEGY AND CONTRACTS) (LEISURE)

3.7 States it is content with the revisions to the S106 agreement and that the open space guidance note has been updated since the previous consideration and so this should be reflected in the agreement.

ENVIRONMENTAL PROTECTION UNIT

3.8 The reviews of the noise and vibration and air quality impacts have been considered. With regard to noise and vibration, it is accepted that the 2009 report is still valid but it is suggested that proposed recommendation to alter the maximum noise levels in gardens to 55dB Leq 16 hour (07:00 to 23:00) rather than 50dB only be accepted where noise mitigation measures have been provided (such as close boarded wooden fences) and the level of 50dB is still not achievable. The previously approved conditions relating to noise would remain unaltered (see conditions 51 and 52 below).

3.9 With regard to air quality, the submitted information suggests there has been no material change in the transport issues relating to the development site, which is what the air quality work was based on. The latest monitoring data from local continuous monitors and baseline air quality is comparable with that assumed at the time. Impacts from demolition and construction activities would remain unchanged.

SCHOOL PLANNING

3.10 States it agrees with the alteration of the draft s106 to remove the set education contribution figure in favour of the standard up to date formula to calculate the amount due at the time prior to commencement of each phase of the development. This provides a more accurate and justifiable basis for the sums sought.

DESIGN CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.11 Landscape - The landscape and visual impact assessment is considered to be appropriate in concluding that there are no material changes to views in or out of the site since the Committee's previous consideration of the issue.

3.12 Ecology - The findings of the Phase 1 report that updates the previous reports are accepted. The lack of Great Crested Newts on site is expected.

4.0 APPRAISAL

4.1 Key Issues:-

- Implications of Changes in National and Local Planning Policy since the applications was considered at Committee
- Acceptability of proposed amendments to draft section 106 agreement s
- Implications of any change in site circumstances since previous consideration

CHANGES TO NATIONAL AND LOCAL PLANNING POLICY

4.2 Since the February 2010 Committee, all planning Policy Guidance Notes and Planning Policy Statements cited in the Committee report have been replaced by the National Planning Policy Framework (NPPF). Members will be aware that the NPPF significantly reduces the volume of policy guidance and introduces a presumption in favour of sustainable development. It states where the development plan is absent, silent or relevant policies are out of date, permission should be granted unless:

- 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; or
- specific policies in this Framework indicate development should be restricted.

4.3 It also contains a set of twelve core land-use planning principles to underpin plan-making and decision-taking, including securing a high quality design and a good standard of amenity for all. The framework encourages the delivery of a wide choice of high quality homes; the promotion of good design with great weight being given to outstanding or innovative designs; and, the promotion of healthy communities through the creation of safe and accessible environments, where crime and disorder do not undermine quality of life, and clear and legible pedestrian routes and high quality public space to encourage active public areas.

4.4 In February 2010 the adopted development plan was the Yorkshire and Humber Plan Regional Spatial Strategy (2008). However this was partially revoked on 22nd February 2013. The only policies not to be revoked are policies YH1 and Y1 in relation to the York Green Belt. Policy YH1c establishes a green belt around the City of York, but confirms the inner boundaries need to be agreed. As noted above the application was referred to the Secretary of State on the basis of the development of the car park

across Bishopthorpe Road which lies within the Green Belt. The proposals and requirements in respect of green belt policy have not significantly changed since that referral and as such a further referral is not considered to be necessary.

4.5 In terms of Development Control policy, those as set out at 2.0 are still relevant to the consideration of the current circumstances and the section 106 agreement, although the policies within the NPPF must take precedence given that there is no formally adopted local plan.

4.6 The scheme remains as previously considered i.e. the application is to reuse existing buildings and to regenerate this vacant site within the urban area of York. It represents a sustainable form of development and as such it is considered that the proposals accord with overriding principle of the NPPF and its 'golden thread' of a presumption in favour of sustainable development. Analysis of the NPPF policy suggests that none of the aspects of the development create conflict with the provisions of the NPPF, and that the credentials of the application are in fact strengthened by this new national planning policy context.

4.7 In addition to the national context, there is a clear impetus at the local level to support sustainable development as part of the Council priority to create jobs and grow the economy, as reflected in the Get York Building Initiative.

4.8 In light of the above, only where the terms of the legal agreement have been fundamentally altered and/or where site circumstances have significantly changed would a potential conflict with national or local policy now arise.

SECTION 106 REQUIREMENTS - MAIN ISSUES

Affordable housing

4.9 The principle amendment to the affordable housing obligations within the s106 agreement was agreed at the October 2012 Committee, namely the incorporation of the dynamic viability model to calculate the proportion of affordable housing at the relevant time for each phase of the scheme. Further detail is being agreed at the time of writing and an update will be provided for Committee.

Open space

4.10 The alterations to the s106 are considered to be acceptable in requiring an accurately calculated contribution using the formula in the Council guidance, to be made as and when it is required, rather than the sum fixed at the time of the previous consideration.

Transport and Highway Network Impact

4.10 Again the changes to the draft obligation are considered to be acceptable in updating it to refer to the interests for each part of the site and in providing further clarity as to what is required. The provision of payments towards certain works that the Council will ensure are implemented e.g. the additional 26 spaces at the Park And Ride (Askham Bar) is seen as a more appropriate way of delivering with these requirements.

Other s106 matters

4.11 Other matters relating to energy efficiency, open space, art and consultation with the Police Architectural Liaison Officer are updated to refer to the parties involved for each part of the site to each phase of the site but are not alerted in substance, and so are considered to be acceptable amendments.

ANY CHANGE IN SITE CIRCUMSTANCES

4.12 From the responses received from internal consultees it is clear that the site circumstances have in fact changed little since the application was last considered. The key potential changes would have related to the habitation of the site by important species, and any impact of changes to the local highway network or traffic levels upon it. In addition, changes to the air quality assessment criteria have not materially affected the predicted outcome in terms of the impact of the development in this respect.

4.13 The newly commissioned assessments, which update the environmental assessment information, confirm that no material changes have in fact taken place, such that no substantive alterations or additional measures are required by condition to address new issues.

4.14 The proposed conditions to be imposed have been updated again to reflect the ownerships and the phasing plans and to tidy them up. Perhaps the most notable change to draw to Members' attention is a request to allow an additional hour in the morning for delivery and dispatch from commercial premises i.e. Monday to Friday 07:00 - 18:00 and Saturday, Sunday & Bank Holiday - 08:00 - 18:00, at condition 50 as below. Officers

do not consider that this change would significantly adversely affect neighbouring amenity.

5.0 CONCLUSION

5.1 This report is brought to Committee in light of the anticipated release of the decision notice for the application, following the conclusion of s106 negotiations with the new owners and reassessment of the site circumstances. It was considered prudent to consider the current policy context compared to that at the time of Committee's consideration of the scheme in February 2010. As set out above the current policy context does lend more weight to the Committee resolution to approve the development.

5.2 Subject to the finalising of details relating to the affordable housing obligations (update to be provided at Committee), the proposed amendments and updates to the terms of the draft s106 are considered to be acceptable. The measures and safeguards sought to ensure the acceptability of the development remain as originally required.

5.2 In conjunction with the finalisation of the s106 agreement and the subsequent release of the decision, the opportunity has been taken to reassess the environmental circumstances relevant to the site to be sure that the circumstances have not materially altered since the Committee consideration of the application. The results and assessments indicate, as verified by officers, that the conclusions in the Environmental Statement regarding the level of impacts remain valid.

5.3 The schedule of conditions has been revisited to ensure it is up to date and accurate, but the requirements are fundamentally as agreed.

6.0 RECOMMENDATION:

- i) That officers be authorised to agree the provisions and complete the legal agreement.
- ii) That permission be granted subject to that legal agreement and the schedule of conditions as set out below.

Contact details:

Author: Jonathan Carr (Head of Development Management)

Tel No: 01904 551303

CONDITIONS

1. Application for Approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of FIVE years beginning with the date of this permission and the development hereby permitted shall be begun either before:

- a) The expiration of SEVEN years from the date of this permission; or
- b) The expiration of TWO years for the date of approval of the last of the reserved matters to be approved; which ever is the later.

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

2 Details of the, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority prior to the commencement of each respective phase of development and the development shall be carried out as approved.

3 The development hereby permitted shall be carried out only in accordance with the following plans and as assessed by the Environmental Statement submitted with the application:-

AL(0)050 B, AL(0) 059 A, Existing Site Plan, 130 A, GRAY 2000-004, AL_(0) 500B, 4321-INF-351, ECH111_LS_R, ECH111_LS_LG, ECH111_LS_S, ECH111_LS_G, ECH111_LS_E, ECH111_E(5), ECH111_102_E(5a), ECH111_102_E(5b), 12197-102_E1, 12197-102_E1(b), 12197-102_E1(c), 12197 - 102 E(3), 12197 - 102 E(2b), 12197 - 102 E(3c), 12197-102_E(2c), ECH111_CT_S, 12197-102_E(2), 12197-102_E(3b), ECH111_CT -G_1, ECH111_HO_E, ECH111_HO_R, ECH111_HO_G, ECH111_HO_1, ECH111_HO_M, ECH111_HO_S, ECH111_HO_B, 197-102_E(4), 197-102_(4a), AL(PA) EX 1010 -1011, AL(PA) EX 1020, 1025, AL(PA) EX 1030, 1035, AL(PA) EX 1040, 1045, AL(PA) EX 1050, 1055, AL(PA) EX 1060, 1070, AL(PA) EX1100-1110, AL(PA) EX 1120-1130, AL(PA) EX1140-1170 , AL(PA) EX 1200, AL(PA) EX 1210, AL(PA) D 1010-11, AL(PA) D 1012-14, AL(PA) D 1020, 1025, AL(PA) D 1030, 1035, AL(PA) D 1040, 1045, AL(PA) D 1050, 1055, AL(PA) D 1060, AL(PA) D 1100-1110, AL(PA) D 1120-1130, AL(PA) D 1140, AL(PA)125, AL(PA)135, AL(PA)140, AL(PA)145, AL(PA)400, AL(PA)610, AL(PA)630, AL(PA)640, AL(PA)660, AA(PA)27 01-02, dated 27th August 2009

GRAY2000 A1000, GRAY2000 A1001, AL(PA) 1010, 250260 B, AL(PA)1011 dated 16th November 2009

60051209-P-001 dated 4th December 2009

GRAY2000_003 1.9, AL(PA)110 B, AL(PA)120 A, AL(PA)130 A, AL(PA)150 A, AL(PA)155 A, AL(PA)160 A, AL(PA)170 A, AL(PA)200 A, AL(PA)210 A, AL(PA)220-230 A, AL(PA)410 A, AL(PA)420 A, GRAY2000_A1002, GRAY2000_A1003, GRAY2000_A1004, GRAY2000_A1005, GRAY2000_A1006, GRAY2000_A1007, GRAY2000_A1008 K, dated 11th December 2009

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

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

4 Prior to submission of first reserved matters details for approval, or prior to commencement of any construction works on site, whichever is the sooner, a phasing programme and plan for the development shall be submitted to and approved in writing by the Local Planning Authority, The development shall thereafter take place in accordance with the agreed phasing plan unless otherwise agreed in writing with the Council.

Reason; In order that the impact of the phasing of the development can be properly assessed, prior to commencement of the development.

5 The external design details for each phase of the development shall be in accordance with the submitted Design Code (submitted within the application), to the satisfaction of the Local Planning Authority. The relevant part of the development shall thereafter take place in accordance with the approved design details.

Reason: In order to ensure that the design of the development reflects the original principles of the design as agreed by the Local Planning Authority.

6 Notwithstanding any details submitted as part of the hereby approved scheme, details of the following elements of the listed buildings including the extension to the Multi-storey Factory Building, shall be submitted to and approved in writing by the Local Planning Authority :-

Large scale details of external doors and openings and window surrounds,
Parapets;
Soffits;
Thresholds (e.g. overhangs);
Screening.

Reason: To protect the setting of the Conservation Area and the adjacent listed buildings.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) and with reference to the townhouses, development of the type described in Classes A to H of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity, impact upon the adjacent listed buildings and the Racecourse and Terry's Conservation Area, in the interests of the amenity of the future occupants of the dwellings

8 Details of external soil and vent stacks, heating and air conditioning plant etc, including fume extraction and odour control equipment, with details of any external ducting for the respective phase of development, shall be submitted to, and approved in writing by, the Local Planning Authority before that phase of development commences.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

9 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 each respective phase of the development. The development shall thereafter be carried out using the approved materials.

[Is this required if the new reserved matters condition is included?]

Reason: So as to achieve a visually cohesive appearance.

10 The designated workspace of each live work unit should at no time be less than 25% and no more than 40% of the total floor area of the unit.

Reason: To ensure that the live work units do not become purely residential in the future.

11 The live work units shall not be subdivided and the occupation of the associated residential accommodation for each unit shall include a person solely or mainly employed in the business occupying the linked workspace within the unit, or spouse, partner, widow or widower of such a person, or any resident dependents.

Reason: To maintain the live work principle and prevent separation of the units.

12 At no time shall any of the part of the live work units be used for the commercial repair, servicing and/or valeting of motor vehicles (other than for the occupiers own personal use) or retail, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect adjacent residential and other units from noise, retain the character of the proposed development and prevent the units being used for uses which do not accord with the design and access statement and design code.

13 The number of employees permitted to work in each live/work unit shall be no more than 3 full time employees (equivalent), unless otherwise agreed in writing by the Local Planning Authority

Reason: It is considered appropriate to limit the number of employees for each live/work unit to prevent inappropriate uses, unrestricted expansion and possible change of use of the business to a larger scale business and the subsequent loss of the live/work element.

14 Prior to the commencement of earthworks for each respective phase of the development on site, precise details of the proposed land levels shall be submitted in writing to the Local Planning Authority.

Reason: To establish proposed ground levels, so as to control overall heights of future development and associated landscaping.

15 Before any works commence on the site, a means of identifying an existing datum point on the site shall be agreed in writing, and any works required on site to mark that point accurately during the construction works shall be implemented. 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.

16 Prior to the commencement of each respective phase of development and notwithstanding the information contained within the approved plans, the height of all buildings shall be submitted in writing to the Local Planning Authority for approval.

Reason: To ensure that the approved development does not have an adverse impact on the character of the surrounding area.

17 Notwithstanding the Town and Country Planning Act (Use Classes Order) 2005, the proposed medical facility shall only be used for medical and health facilities including clinic, health centre, doctors' surgery, pharmacy and dentists and other medical and health facilities as agreed in writing by the Local Planning Authority.

Reason: In order to allow the Local Planning Authority to consider the impact of other potential uses on the site.

18 Prior to the commencement of each respective phase of the development, full details of all external storage buildings i.e. refuse/recycling stores, including elevations and a schedule of materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the approved details.

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

19 Sample panels of the brickwork and stonework to be used on each respective phase of the development shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork/ stonework and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works within that phase. These panels shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

20 A formal BREEAM assessment for the Design and Procurement stages for all new commercial buildings in the whole Chocolate Works

development shall be submitted to and approved in writing by the local planning authority. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the local planning authority. Both assessments shall confirm the minimum 'Very Good' rating anticipated in the preliminary BREEAM assessment submitted with the application.

Reason: To ensure that the proposal complies with the principles of sustainable development.

21 Prior to commencement of each new commercial building in the whole development, full details of a renewable energy strategy for that building shall be submitted to and approved in writing by the local planning authority. The strategy shall include (i) the site's proposed renewable energy generation, which shall be at least 10% of total energy generation (ii) measures to reduce energy demand for the buildings (iii) measures to reduce CO2 emissions to a level lower than required under Building Regulations Part L.

Reason: To ensure that the proposal complies with the principles of sustainable development and the council's adopted Interim Planning Statement on Sustainable Design and Construction

22 Reserved matters or future applications for new build residential development shall achieve, level 3 or above of the Code for Sustainable Homes standard (or the contemporary equivalent of).

Reason: To ensure that the residential element of the development complies with the principles of sustainable development.

23 A sustainability report shall be submitted to the Council every 6 months from the date of the commencement of development for a period of five years

Reason: To ensure that the development is carried out in accordance with the agreed BREAAM and Code for Sustainable Homes standards of development and to ensure the 10% renewable energy is also generated from the site.

24 The phase of development associated with each access point shall not be begun until details of that access point between the internal access road and the highway have been approved in writing by the Local Planning Authority, and that phase of the development shall not come into use until the junctions have been substantially constructed in accordance with the approved plans.

Reason: In the interests of road safety.

25 Prior to the development of each phase commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas in that phase (and which shall comply with the requirements set out in the NYCC Residential Design Guide and Specification - second edition, unless otherwise approved in writing by the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. For each phase of development such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling in that phase which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

26 Prior to the commencement of any works on site, a dilapidation survey of highways adjoining the site shall be jointly undertaken with officers of the Council, the results of which shall be agreed in writing with the Local Planning Authority. This shall include highways fronting the site and up to a point 50 metres beyond the limits of the site.

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

27 A safety audit or safety audits shall be submitted in writing to the Council prior to any works commencing to alter/form the new access points to serve the development. Stage 1 of the safety audit/s shall be submitted to and agreed in writing by the LPA prior to each relevant phase of works commencing on site and works shall be carried out in strict accordance with the written approved details.

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

INFORMATIVE: Safety audits shall be carried out in accordance with advice set out in the DMRB HD19/03 and guidance issued by the council

28 No dwelling, in respect of each phase of development to which this planning permission relates to, shall be occupied unless or until the carriageway base course 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 six months of the date of completion the construction of the

phase of the development, unless otherwise agreed in writing by the Local Planning Authority.

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

29 Fully detailed drawings 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 start of construction on site of each respective phase of the development.

Reason: In the interests of highway safety.

30 Prior to each phase of the development commencing details of the cycle parking areas, including means of enclosure and phasing of the cycle parking areas delivery, shall be submitted to and approved in writing by the Local Planning Authority. The building or buildings within that phase shall not be occupied until the cycle parking areas and means of enclosure (including the public cycle parking areas within that phase) 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 unless otherwise agreed in writing by the Local Planning Authority. Cycle parking shall be in accordance with the schedule Summary of Cycle Parking Requirements agreed with CYC in writing.

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

31 Prior to the development of each phase 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.

32 Prior to the commencement of the use hereby approved in each phase of development, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

33 Prior to commencement of each phase of the development, details of the oil interceptors required for all car-parking areas in that phase should be submitted to the Planning Department in writing. Development shall then be carried in strict accordance with the written approved details are thereafter be so retained.

Reason: To prevent oil contaminating the site and watercourse.

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

Reason: In the interest of satisfactory and sustainable drainage.

35 No development of each respective phase of 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. Development shall then be carried out in strict accordance with the written approved details and thereafter retained.

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

36 Any fuel/oil or other contaminative liquid storage tanks should be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

37 No development of any leisure pools shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of filter backwash and swimming pool water, in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

38 There shall be no storage of any materials including soil within that part of the site liable to flood as indicated within the flood risk assessment submitted with the application.

Reason: To ensure that there will be no increased risk of flooding to other land/properties due to impedance of flood flows and/or reduction of flood storage capacity.

39 Flood warning notices shall be erected in Plot B (existing car-park adjacent the main site in numbers, positions and with wording all to be agreed with the local Planning Authority. The notices shall be kept legible and clear of obstruction.

Reason: To ensure that vehicle owners utilising the car-parking area are aware that the land is at risk from flooding.

40 Prior to construction of each phase a detailed landscaping scheme which shall illustrate the number, species, height and position of new trees and shrubs shall be submitted to the planning authority. This scheme shall be implemented within a period of 12 months of the completion of the relevant phase of development or within the relevant planting season as agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 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: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

41 Prior to commencement of each phase of the development the detailed landscaping drawings for that phase shall be submitted to and approved in writing by the Local Planning Authority and shall include a plan and schedule of all existing trees and shrubs within that phase. Such plan shall show the canopy spread and root protection area of each tree in accordance with the current BS 5837. It will identify those trees and shrubs to be retained and those to be felled. Trees and shrubs to be retained shall be protected during the development of the phase by the following measures:

i No development (including the erection of site huts) shall take place within the crown spread of the trees or within the root protection areas of the trees, whichever is the greater except on existing hardstandings ;

ii No materials (including construction materials, fuel, spoil or top soil et al) shall be stored within the crown spread of the trees except on existing hardstandings

iii No lighting of fires or burning of materials shall take place within the root protection area or within 3m of the crown spread of any tree;

iv No services shall be routed under the crown spread of any tree without the express written permission of the local planning authority;

Reason: To protect trees and shrubs that make a significant contribution to the amenity of the area and/or development.

42 Prior to commencement of each phase of the development including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees at the site shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; any additional phasing of works; site access during demolition/construction; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles and storage of materials; location of site cabin.

Reason: To ensure protection of existing trees before, during and after each phase of the development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

43 Prior to the commencement of each respective phase of the development, proposals for the inclusion of features suitable for wildlife in the scheme, and in particular bats and swifts, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To enhance the biodiversity of the area.

44 Prior to any works commencing on each phase, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved,

the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the premises.

45 During the development of the site, 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	07:00 to 18.00
Saturday	08.00 to 14.00

Not at all on Sundays and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents.

46 All noise generated during the site preparation, groundwork and construction phases associated ancillary operations of the use hereby permitted shall not exceed the following criteria during the above working hours.

The gardens of dwellings at the

- (a) Northern boundary of the site at Campleshon Road
- (b) Eastern boundary of the site at Bishopthorpe Road

shall not exceed 70 dBA (1 hour) for a continuous period of up to eight weeks in any calendar year, without the prior written notice of the Local Planning Authority. At all other times the noise level from site activities shall not exceed background noise levels.

Reason: To protect the amenity of local residents.

47 Before the commencement of the development the developer will agree with the local planning authority the locations around the development for regular monitoring or background noise levels and the acceptable background noise levels for comparison (based on the acoustic survey submitted as part of the planning application).

Reason: To protect the amenity of local residents.

48 Before the commencement of development the developer will submit a scheme to the local planning authority setting out the means of regular

monitoring of the noise levels at the agreed locations and this shall be approved in writing by the local planning authority and implemented before the commencement of development.

Reason: To protect the amenity of local residents.

49 The hours of operation for each Class A1, A2, A3, A4, B1, D1 and D2 premises shall be approved in writing by the local planning authority. Once approved, the agreed hours shall be complied with at all times, unless agreed otherwise in writing by the local planning authority.

Reason: To protect the amenity of local residents.

50 The hours of delivery to and dispatch from each commercial premises, to include Use Classes A1, A3, A4, B1, C1, D1 and D2 shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday 07:00 - 18:00
Saturday, Sunday & Bank Holidays 08:00 - 18:00

Reason: To protect the amenity of local residents.

51 The building envelope of all residential accommodation shall be constructed so as to achieve internal noise levels of 30 dB LAeq (8 hour) inside bedrooms at night (23:00 - 07:00 hrs) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs). These noise levels shall be observed with all windows shut in the particular and other means of acoustic ventilation provided. The detailed scheme shall be approved in writing by the Local Planning Authority and fully implemented before the use approved in each respective phase is occupied. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents and business activities at the racecourse

52 Premises used for purposes within Classes A1, A3, A4, B1, C1 and D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) that adjoin a residential premises (to include hotel guest rooms and care homes), shall be noise insulated in accordance with a scheme to be approved in writing by the Local Planning Authority. The insulation shall ensure that noise levels in adjoining residential premises do not exceed 30

dB LAeq (8 hour) inside bedrooms at night (23:00 - 07:00 hrs on any day) and 35 dB LAeq (16hour) in all other habitable rooms during the day (07:00 - 23:00 hrs on any day) when the adjoining non-residential premises are in full operation. These noise levels shall be observed with all windows in the particular room shut and other means of acoustic ventilation provided. The noise insulation scheme shall be fully implemented prior to occupation. Thereafter no alterations to the external walls, facades, windows, doors, roof or any openings in the building(s) shall be undertaken (including the closing up or removal of openings) without the prior written approval of the Local Planning Authority.

Reason: To protect the amenity of residents.

53 Prior to commencement of each phase of the development ,details of all fixed machinery, plant and equipment to be installed in or located on the use hereby permitted, which is likely to be audible at any noise sensitive location, shall be submitted to and approved in writing by the Local Planning Authority . These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), 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 approved details. . The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use to which it relates first commences, and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

54 Adequate facilities shall be provided for the treatment and extraction of odours, fumes and gases created in association with any A1, A3, A4, B1, C1, D1 and D2 uses.. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the locality.

INFORMATIVE: Where such systems are to be placed on listed buildings approval from both conservation and environmental health staff must be sought.

55 Prior to commencement of a phase of development a detailed remediation scheme to address the localised contamination issues identified

in the SI for that phase, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, must be prepared and submitted to the LPA for approval. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A 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 .

INFORMATIVE: It is noted that Ground and Site Investigations have been undertaken and indicate that significant remediation is not envisaged, but there is minor, localised contamination that needs to be addressed.

56 The approved remediation scheme must 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 must 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.

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.

57 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 in accordance with the requirements of the previous condition, 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 in accordance with the previous condition.

58 Prior to the commencement of each respective phase of the development hereby approved, any proposals for the use of piled foundations shall be 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 potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

59 Prior to occupation of the commercial units in each respective phase of the development , a noise management scheme, which shall specify how noise emanating from the units shall be controlled, shall be agreed to by the Local Planning Authority and the agreed scheme adhered to at all times.

Reason: In the interests of amenity.

60 No external speakers shall be installed on any building unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of local and residential amenity.

61 A full Lighting Impact Assessment for all proposals involving floodlighting shall be undertaken by an independent assessor, and the assessment submitted to and approved by the local planning authority prior to installation of any floodlighting. The assessment should include: -

- * Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- * Drawings showing the luminance levels (separate drawings for each item listed):
- * Plan showing horizontal luminance levels (E_h), showing all buildings within 100 metres.
- * Plan showing vertical luminance levels (E_v), showing all buildings within 100 metres.
- * Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the Reduction of Light Pollution.

* A statement of the need for floodlighting.

Reason: In the interests of local and residential amenity.

INFORMATIVE: E_v is the average vertical luminance, which is a measurement of the quantity of light at height of 1.5 metres above ground with an orientation towards the fixed camera positions.

62 Full details of the proposed CCTV facilities and lighting for the site, adjacent decked car-park and cycle route shall be submitted to and approved in writing by the Local Planning Authority, prior to the respective phase of the development being brought into use.

Reason: In the interests of safety and visual amenity.

63 Prior to the commencement of any works on each respective phase of development of the site, a detailed method of works statement for that phase shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure that the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material. That phase of the development shall thereafter be carried out in accordance with the approved method statement.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway and adjacent occupants.

64 Notwithstanding the hereby approved details, the number of nursery school places shall be limited to a maximum of 80 children in accordance with the parameters plan.

Reason: To protect the viability of existing childcare providers and allow local parents a good and varied choice of nursery school.

65 Prior to the commencement of work on each phase of development the applicant will secure 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.

Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, the proposed scheme would not cause undue harm to interests of acknowledged importance, with particular reference to:-

- Highway and pedestrian safety
- The Terry's Conservation Area Conservation and adjacent listed buildings
- Archaeological Deposits at the site
- Ecology at or adjacent to the site
- Residential amenity
- Affordable housing considerations
- Air quality
- Noise and Construction Related Disturbance
- Security and designing out crime considerations
- Flooding and Drainage
- Sustainability
- Impact on Local Education Provision

As such the proposal complies with relevant policies contained within the Council's Development Control Local Plan (2005) and guidance contained within PPS1, PPG2, PPS3, PPS4, PPS12, PPS5, PPG17, PPG21, PPG24 and PPS25.

2. In addition to the above specific conditions 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.

3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8.00 m of the top of the bank on the River Ouse, designated a 'main river'.

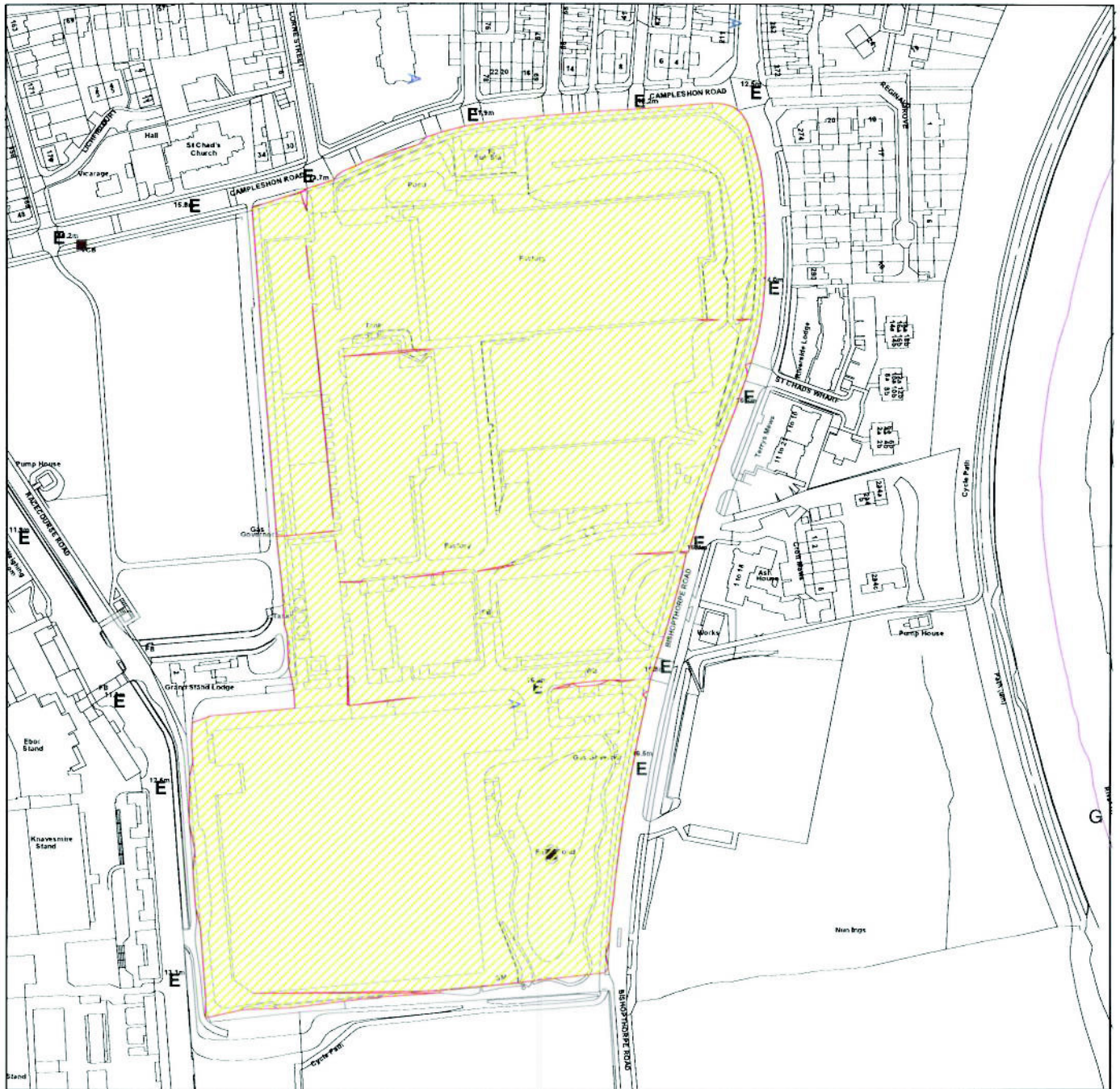
4. On site re-cycling facilities may require a relevant waste exemption which can be viewed on the Environment Agency's external website.

09/01606/OUTM

Factory, Bishopthorpe Road



GIS by ESRI (UK)



Scale : 1:3000

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Organisation	City of York Council
Department	Planning and Sustainable Development
Comments	
Date	15 October 2012
SLA Number	Not Set

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