

Condition 10 and s106 Agreement

Condition 10

Before the commencement of development the developer will carry out a survey of current on-street parking on highways within the area shown on plan 3 and thereafter repeat the survey annually in those zones without a residents' parking zone, unless agreed in writing with the local planning authority that in any year a survey is not required in any particular year and any specific zone. The surveys shall be carried out to a specification and at a time agreed with the Local Planning Authority.

Within 3 months of the annual survey being carried out, the developer will review the on street parking survey results and submit the review to the Local Planning Authority to demonstrate whether the volume of on-street parking in the surveyed zones has increased by more than 20% of the first annual survey as a consequence of the development.

If this percentage figure is exceeded then remedial measures agreed with the Local Planning Authority shall be undertaken.

REASON: To determine a baseline of on-street parking against which the impact of University expansion can be monitored and thereafter to determine the impact of University expansion on the volume of on-street car parking and in the interests of highway safety.

Deed of Variation to s106 Agreement (excerpt)

3 Off Site Parking Measures

3.1 In the event that a planning condition is attached to the Planning Permission requiring surveys to be carried out of on street parking, and that condition requires remedial measures to be taken in any of the Parking Survey Areas as a result of an increase in on street parking, the Developer shall carry out the obligations for the respective time periods as set out below:

3.2 Before 31 May 2020, the Developer shall:

3.2.1 fund a detailed survey to be undertaken to a specification to be agreed with the Council (acting reasonably) to identify the origin of the increase in on street parking so identified;

3.2.2 in the event that the detailed survey identifies that such increase is caused by students attending the University of York, employees working at or visitors visiting any building situated upon any part of the Site or the land shown on Plan 4, pay to the Council the costs properly incurred by the Council in introducing a scheme of parking and waiting restrictions over the area encompassing zones 5, 6, 7 and 8 where on street parking has increased and an area 100m around that affected area or areas;

3.2.3 if a scheme of parking or waiting restrictions is implemented under paragraph 3.2.2 above, pay to the Council the costs properly incurred by the Council in employing a presence in the area to enforce the parking restrictions up until 31 May 2020.

3.2.4 if a scheme of parking or waiting restrictions is implemented under paragraph 3.2.2 above, pay to the Council the agreed appropriate costs incurred by the Council in issuing permits and running the enforcement hotline for zones 5, 6, 7, 8 and 9 to enforce the parking restrictions until 31 March 2024

Provided that the payments to the Council under 3.2.2 and 3.2.3 and 3.2.4 shall not exceed £42,100.

3.3 From 01 March 2021 until 31 March 2024 the Developer shall:

3.3.1 fund a detailed survey to be undertaken in zones, 1, 10, 11, 12 or 13 and if reasonably required by the Council in zones 2,3, and 4 as shown on Plan 3 to a specification to be agreed with the Council (acting reasonably) to identify the origin of the increase in on street parking so identified.

- 3.3.2 in the event that the detailed survey identifies that such increase is caused by students attending the University of York, employees working at or visitors visiting any building situated upon any part of the Site or the land shown on Plan 4, pay to the Council the costs properly incurred by the Council in introducing a scheme of parking and waiting restrictions to cover zones 1,2,3,4, 10, 11, 12 or 13 where on street parking has increased in zones 1,2,3,4, 10, 11, 12 or 13 unless agreed in writing by the Council that the primary survey is not required in any particular year and any specific zone
- 3.3.3 if a scheme of parking or waiting restrictions is implemented under paragraph 3.3.2 above, pay to the Council the agreed appropriate costs properly incurred by the Council in issuing permits and running the enforcement hotline employing a presence in zones 1,2,3,4, 10, 11, 12 and/or 13 to enforce the parking restrictions until 31 March 2024.