

COMMITTEE REPORT

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

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 undertaken, 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:

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