

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

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.

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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 (LAeq), 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.