

level being elevated due to flood risk. The development would provide 3624 sq m floor space and have the capacity for up to 300 employees. The existing vehicle entrance point would be retained, leading to a car parking area with capacity for 23 cars. The flood wall, which protects the houses to the west would be retained and the proposed offices would have an elevated means of escape onto Lower Ebor Street. The caravan park would be relocated to the south end of the site, thus it will no longer be detached from the main park.

PLANNING HISTORY

1.5 2005 - Application withdrawn for residential development of the site - 05/00618/GRG3. 2012- Application for 4-storey office building withdrawn - 12/02856/FULM.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

2.2 Policies:

CYGP1 Design

CYGP4 Sustainability

CYHE2 Development in historic locations

CYT4 Cycle parking standards

CYT13A Travel Plans and Contributions

CYE3B Existing and Proposed Employment Sites

3.0 CONSULTATIONS

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT

3.1 Officers consider that although the scheme is an improvement over the previous application which was withdrawn, the proposals are still for a stand-alone use (offices) and there is concern the building appears over-scaled for its immediate environment and too close to the south and west boundaries to create an appropriate landscape context for this transition site next to the green belt and the riverside conservation area. The elevation overlooking the river is of suitable architectural interest and materials although this is not carried through, especially on the south and west elevations where the profiled roof disappears and there is less inherent architectural interest and little response to the characteristics of the surrounding environment.

LANDSCAPE OFFICERS

3.2 Officers seek comfort that the construction can occur without impacting the trees which line Terry Avenue. Otherwise no objections to the proposal. Comments are as follows -

RELATIONSHIP BETWEEN THE PROPOSED BUILDING AND THE TREES ON THE TERRY AVENUE SIDE OF THE SITE

- The existing Sycamore trees are not currently subject to a tree preservation order (TPO) as they are still within council ownership. It would be deemed appropriate to serve a TPO on the four Sycamores to be retained, given a change of ownership.
- The two Sycamores (T11 and T12) closest to the building are single-stemmed, young mature specimens (category B), so their canopies will continue to grow and may ultimately need to be trimmed back from the building. As the proposal is for offices, although the separation between the proposed building and the trees is tight, the two will be able to co-exist without harm to the trees.
- Clarification is requested that the building would be erected without entering the root protection area and without causing damage to the tree canopies is required.

PROPOSED LANDSCAPING

- The proposed riverside landscape scheme has simple approach consisting of grass and trees; this is in keeping with the important but simple, landscape character of Terry Avenue.
- The landscape scheme puts a tree directly back in the place of Acer T4, but this should be retained if possible.
- There is sufficient width along the southern boundary to accommodate a reasonable border of trees and shrubs, as shown on the landscape plan. The proposed trees are middling size – Rowan and birch, plus a range of tall shrubs set close to the boundary so there is space for the full canopies to develop though these will be tight to the building at maturity.
- Replacement trees (Field Maple) are proposed along the western boundary to soften the development at the end of Low Ebor Street but clearly there will be a change of view from here (as only the tops of the trees along Terry Avenue will be seen above the proposed building).

- The Sedum roof is very welcome; a wildflower roof would be of greater biodiversity value and therefore preferable.

DRAINAGE ENGINEERS

3.3 No objection provided the scheme is carried out in accordance with the proposed FRA. Officers ask for conditions to deal with the detailed design of the drainage system.

ECONOMIC DEVELOPMENT UNIT

3.4 Economic Development welcomes the development of Grade A office premises at Parkside, giving York the opportunity to promote a site suitable for a high quality business (both for indigenous and inward investors) with high quality jobs. Potential occupiers would be attracted to the iconic and central location.

3.5 Officers advise that the majority of the office floor-space in York is outside the city centre. There is an under-supply of grade A office space within the city centre, the delivery of such is constrained by the historic urban grain and competition from other locations. Officers advise evidence shows the city centre is again the preferred location for office based businesses. A speculative development such as that proposed would be positive for the cities economy.

ENVIRONMENTAL PROTECTION UNIT

3.6 No objection. Ask that -

- details of external plant are agreed so it does not affect the amenity of neighbours
- if any unexpected land contamination, is found, it is reported to the Local Planning Authority
- that electric vehicle charging points are provided in the car park, in accordance with the National Planning Policy Framework and York's Low Emissions Strategy.

HIGHWAY NETWORK MANAGEMENT

3.7 Officers do not object to the scheme but have made comments about the provision and quality of cycle parking facilities. It is also asked for improvements to Terry Avenue outside the site to give pedestrians priority over vehicles.

3.8 The level of cycle parking proposed (42 spaces) is below the CYC Annex E standards which are expressed as a minimum level of provision. Officers would rather see a lower level of very high quality provision as opposed underused spaces due to an overprovision of low quality facilities. The potential to increase the level of cycle parking provided on site should demand require such is an agreeable

approach. Officers would like to see specific reference to this point in the TP and an area identified on the site plan for the location of this future cycle parking (if required). The need for the further cycle parking should be determined from regular and ongoing surveying of the use of cycle parking facilities and this should be a specific measure within the TP.

3.9 The level of car parking (22 spaces) is significantly below the 81 spaces which could be permitted under the CYC Annex E maximum standards. The level of provision is accepted given the sites highly sustainable location and given adjacent waiting restrictions which will prevent indiscriminate on-street parking. The restriction of car parking is only one tool as part of a package of measures to promote sustainable travel.

POLICE ARCHITECTURAL LIAISON OFFICER

3.10 No objection. Note that the design has been designed with security and crime prevention in mind. In particular the site will be secure and access controlled.

MICKLEGATE PLANNING PANEL

3.11 Do not object but make the following comments -

- Design - welcome the proposed use of solar power, the reduction in height of the building and the increased use of brick. However note the size of the proposed building and that it does not fit with the residential character of the area.
- Overlooking of apartments next door - residents comments should be given consideration.
- Highway Network Management - concern that in reality people will travel by car and there will be an impact on the surrounding streets that are not controlled by res-park measures.
- Inadequate cycle parking
- Landscaping - The panel feels that the trees proposed are too small (14-16cm in diameter and a 2m clear stem is suggested). The panel also suggests an aphid-free lime may be more appropriate.

PUBLICITY

3.12 A public consultation exercise was undertaken in 2012 when the scheme was originally submitted to the Local Planning Authority. 12 comments were received. 7 objections were received and 3 letters in support (2 neutral). There was a general consensus that the site was in need of re-development but there were concerns over the scale of the development proposed and an increase in traffic. As a result of

the consultation carried out as part of the planning application 11 comments were received.

3.13 The issues raised (from both forms of consultation) were as follows -

VISUAL IMPACT

- Existing site is an eyesore.
- The scale and materials of the proposed development are out of keeping with the locality, where traditional materials - brick and stone are prevalent.
- Objection to the architectural approach.
- A more discreet development would be preferred.

AMENITY OF SURROUNDING OCCUPANTS

- Over-development of the site. The amount of office development and number of employees would have an adverse effect on amenity. In particular if Lower Ebor Street were used as an entrance.
- Development would lead to overshadowing over surrounding properties.

HIGHWAY MANAGEMENT

- Concern employees would take up existing car parking spaces in the locality.
- Traffic levels would increase on Terry Ave, which is essentially used as a shared surface currently. This would have an adverse impact on safety and alter the character of the road, which is used for recreation.

FLOOD RISK

- How would the site operate in times of flooding? Considering access for emergency services and servicing vehicles.
- Queries whether the flood wall and flood risk would be affected for surrounding occupants.

SUPPORT FOR THE SCHEME

- Proposals would benefit the area provided they lead to a reduction in anti-social behaviour, such as persons using Parkside as a cut through and trespassing on private land.

4.0 APPRAISAL

4.1 KEY ISSUES

- Principle of the proposed development
- Visual impact, considering the impact on the New Walk/Terry Avenue Conservation area
- Impact on the amenity of surrounding occupants
- Highway Network Management

- Sustainable design and construction
- Flood risk
- Designing out crime

PRINCIPLE OF THE PROPOSED DEVELOPMENT

4.2 The application proposes office development that would create around 3,620 sq m of floor space, which could accommodate up to 300 employees. The offices would be high quality and the aspiration is that the offices achieve a BREEAM excellent rating. The site was previously in employment use as it accommodated industrial units.

4.3 The National Planning Policy Framework advises that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

4.4 The objectives of the Local Plan are to create the conditions necessary to stimulate the local economy, to provide new employment opportunities and achieve increased sustainability in employment premises and processes. The Local Plan also seeks to keep employment sites in such a use (policy E3b).

4.5 To encourage the proposed development, given its sustainability credentials, considering design and location, and as it would supply needed modern office space, would be consistent with national and local planning policy. Housing has been considered for the site, but discounted as the site is in flood zone 3.

VISUAL IMPACT, CONSIDERING THE IMPACT ON THE NEW WALK/TERRY AVENUE CONSERVATION AREA

4.6 The site presently accommodates single storey buildings, caravans and areas of hard-standing. The site is a transitional point between the open setting to the south and the urban environment to the north. The land to the immediate south of the site and Terry Avenue between the site and the river are within the green belt. Terry Avenue is within the New Walk / Terry Avenue Conservation area. A main character element of the conservation area is the public cycleway / walkway with a wealth of mature trees and views south of the countryside. The presence of the caravan park and, further to the south, Rowntree Park (a Registered Historic Garden), assist in bringing the countryside into the heart of the city. Such green wedges of York, including the river Ouse corridor, are one of the defining characteristics of the city, as outlined in the York Central Historic Core conservation area appraisal.

4.7 The National Planning Policy Framework advises that proposals should either sustain or enhance conservation areas. If proposals would have a harmful impact, in order to be justified there must be demonstrable public benefits that would outweigh the identified harm. The NPPF requires good design and advises that proposals should aim to:

- function well and add to the overall quality of the area
- create and sustain an appropriate mix of uses, including green and public spaces
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation
- be visually attractive

These requirements are also described in Local Plan policy HE2: Development in Historic Locations.

4.8 Since the withdrawn application in 2012 the proposed building has been reduced in height and massing (the latter by reducing the scale of the roof), refined in design and the building footprint has been revised, so the rear wing is aligned with the terrace on Lower Ebor Street.

4.9 The building would sit on a brick plinth, with the ground floor elevated to protect against flooding. It would be 3-storey where it would face towards the river, of comparable height to Dukes Wharf to the north, and 2-storey along the rear wing, comparable with the ridge height of the terraced houses on Lower Ebor Street. The ground floor area and the rear wing would be clad in brick, the upper two floors of the building would otherwise predominantly be clad in a natural zinc , which would go from a brown to green over time. The mono-pitched roofs would accommodate PV panels. The building would be 22m away from Dukes Wharf and the trees that line Terry Avenue would remain.

4.10 Because the building would be 22m from the block to the north, set back behind trees and coloured to blend in with the vegetation, it would appear less prominent from opposite the river and Terry Avenue than the more dense development to the north where there is no tree cover. Condition 11 covers tree protection measures during construction. The proposed building would form a reasonable transition between the urban environment to the north and the green belt setting to the south of the application site. The building is deemed to be of appropriate scale and materials and in terms of its contribution to the riverside setting, meets the design criteria required by the National Planning Policy Framework referenced in paragraph 4.7.

4.11 Views along Lower Ebor Street are presently of the trees that align Terry Avenue and the vista would be replaced by the proposed development. The

proposals add Acer trees immediately behind the flood wall at the end of the street, which in time will soften the view. The footprint and massing of the building have been considered to reduce its prominence in views, as the taller part of the building would be some 24m from the end of Lower Ebor Street. Since the Conservation Officer's comments there has been a reduction in the footprint of the building, moving it slightly further from Lower Ebor Street (which allows for more planting)

and the elevations have been re-considered, so to continue through the design approach on the riverside elevation and lift the design quality of the side and rear elevations. The proposed building would considerably change the setting, and be visually dominant due to its scale in relation to the previous buildings on site and the terraced houses on Lower Ebor Street. Whilst there would be a fundamental change in the setting, the design of the proposed building will be reasonable and officers consider the visual impact is not grounds to refuse the application.

IMPACT ON THE AMENITY OF SURROUNDING OCCUPANTS

4.12 The National Planning Policy Framework asks that developments always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Local Plan policy GP1: Design requires that development proposals ensure no undue adverse impact from noise disturbance, overlooking, overshadowing or from over-dominant structures.

4.13 Although the proposed building would be visually dominant due to its scale and height, there would not be an undue effect on residential amenity on the following grounds:-

Over-bearing / Over-dominance

4.14 The proposed building would not have an undue impact on Dukes Wharf as the buildings would be some 22m apart and the buildings would be of comparable height.

4.15 At the rear the building steps down in height; it would be aligned with the terrace of houses on Lower Ebor Street and the maximum heights comparable. Where the building is taller, it would be at least 24m from the side elevation and rear yard of the end terrace on Lower Ebor Street.

Overlooking

4.16 The habitable room windows on Dukes Wharf would continue to look towards either the river or the proposed car park, and not directly at the proposed building. On both the side elevation and the rear elevation the windows closest to surrounding buildings and gardens are narrower than other windows to prevent overlooking; 300mm wide on the side elevation and 800mm on the rear elevation.

Character of the area

4.17 The proposed site entrance would be from Terry Avenue, Lower Ebor Street would only be used in times of flooding. Terry Avenue is already a popular route, for recreation, commuters walking or cycling into the city and there is traffic movement associated with the caravan park. It is intended that the majority of employees of the proposed building do not travel by private car and this will be enforced as there is limited car parking on site (23 spaces overall). It is realistic there will be low car use, as the site is at the edge of the city centre and it is now common for large scale

offices to operate without providing commuter car parking. It is considered the additional activity in the area as a consequence of the offices would not have an undue effect.

HIGHWAY NETWORK MANAGEMENT

4.18 The National Planning Policy Framework seeks to promote sustainable transport. This includes giving priority to pedestrians and cyclists and encouraging development where it is accessible to public transport. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised and should be supported by a travel plan. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

4.19 The Local Plan requires that developments have adequate cycle parking facilities and recommends the use of travel plans, to encourage sustainable travel.

4.20 The application site is at a sustainable location; it is within walking distance of the train station, the city centre and public transport.

4.21 Private car travel will be discouraged due to the limited number of car parking spaces provided on site (23) and sustainable means of travel would be promoted through the travel plan. It is proposed to provide 30 covered and secure cycle spaces for staff and 10 covered spaces for visitors. The required travel plan for the site will be developed over time and through this mechanism more cycle parking spaces could be provided if needed. Conditions can ensure that additional cycle parking of acceptable quality could be provided if necessary and that changing/washing facilities for cyclist and electric vehicle charging points are provided.

4.22 There is a concern from residents that parking will be affected in the area due to commuters. Of the surrounding streets only Lower Ebor Street is a street where parking is unrestricted.

4.23 The applicants transport assessment advises that there would only be a 'small' change in traffic flow (49 and 43 additional vehicle movements at am and pm peak times) which would not have an adverse effect on the highway network.

4.24 The application complies with the NPPF, the thrust of which is to promote sustainable travel and steer development to accessible locations. The location is one where sustainable transport modes can be maximised and there would be measures and incentives in place to promote such. Despite residents concern over car parking in the locality the proposals do not conflict with the NPPF in terms of highway safety and the need to promote sustainable transport.

SUSTAINABLE DESIGN AND CONSTRUCTION

4.25 According to York's interim planning document on sustainable design and construction the development should achieve a BREEAM rating of Very Good and at least 10% of energy demand supplied from on-site low or zero carbon technology.

4.26 The requirements of the IPD can be secured through planning conditions. The intention is that the scheme achieves BREEAM excellent (a pre-assessment report has been provided to inform how this would be achieved) and PV panels are proposed as part of the roof design. The BREEAM pre-assessment illustrates how the building would meet criteria in terms of providing a comfortable office environment which is energy and water efficient, provision of cyclist facilities and improving site ecology (existing vegetation will be kept and part of the building would have a sedum roof).

FLOOD RISK

4.27 The site is in Flood Zone 3. The proposed use is appropriate within this area of flood risk. However in accordance with the National Planning Policy Framework (paragraphs 102 & 103) in order for the proposals to be acceptable it must be demonstrated the development will be safe for its lifetime and not increase flood risk elsewhere.

4.28 The building would be protected from flooding and means of escape is provided. The finished floor level of the proposed offices is raised, and there would be a floodable void below. The intention would be that occupants of the building received advanced warning of any flood event. In terms of escape there would be a raised walkway which would allow occupants of the building to escape onto Lower Ebor Street, which has flood defences. There would be a secondary vehicle exit, which could be used in times of flooding, onto Vine Street via the caravan site.

4.29 It is proposed that existing rates of surface water run-off would be reduced by 30%. Ground levels would not be altered and the flood wall would remain in-situ. As such flood risk elsewhere would not be increased.

DESIGNING OUT CRIME

4.30 Policy requires that secure by design is considered in developments. The development site will be fenced off so beyond the front of the building access would be prevented out of opening hours.

5.0 CONCLUSION

5.1 The proposals are supported as to allow the application would be compliant with the objectives of the National Planning Policy Framework which is committed to ensuring that the planning system does everything it can to support sustainable economic growth. The proposals would supply modern office space, which is required in the city, in sustainable locations. There would be no undue harm considering the impact on the adjacent conservation area and the green belt, residential amenity and highway safety.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years -

2 PLANS

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

Masterplan	201-1F
Floor plans	202 C
Elevations	203.1, 2, 3, 4, 5
Sections	205B
Secure by design plan	206
Landscape proposals	0566-2 REV B

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

3 MATERIALS

The materials used shall be as annotated on the approved drawings. Samples of the external materials to be used shall be 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 (samples to be provided on site for inspection).

Sample panels of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork 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. The panel(s) 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.

4 LARGE SCALE DETAILS

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

Typical section drawing at a scale of 1:5 or 1:10 (based on drawing 203.5A).

- a) (Clerestory) roof-lights and plant room
- b) Balustrading
- c) Typical bays and window details (to include means of opening where proposed)
- d) Flood wall (to include location, height and details of escape route)
- e) Entrance gate / ramp to front
- f) Brise soleil
- g) External gills and service attachments

Reason: In the interests of visual amenity.

5 LIGHTING

The following details shall be approved by the Local Planning Authority and the development carried out accordingly -

- a) External lighting strategy - to include the location and design of external lighting and details of lux levels. The strategy shall be approved prior to installation and comply with the proposals established with the submitted design and access statement.
- b) Within 3 months of occupation a strategy for preventing light pollution from windows on the front elevation shall be approved by the Local Planning Authority and the development shall operate in accordance with the approved strategy.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

6 SUSTAINABLE DESIGN AND CONSTRUCTION

The development hereby approved shall achieve at least a BREEAM Very Good rating (or equivalent) and at least 10% of the predicted energy requirements for the building shall be obtained from low or zero carbon technologies. The Considerate Construction scheme or equivalent shall be adhered to during construction and all timber products used in construction shall be from sustainable sources.

Details of how the building shall at least meet the 10% requirement shall be approved in writing by the Local Planning Authority prior to development commencing and the development carried out in accordance with the approved details thereafter.

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 first occupation of the building. Should the development 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 should be undertaken to achieve a 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.

7 TRAVEL PLAN

Within six months of occupation of the site a travel plan, for employees and visitors, setting out measures to promote sustainable travel and reduce dependency on private car journeys, shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with Department of Transport guidelines and be updated and provided to the Local Planning Authority annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Reason: To reduce private car travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

INFORMATIVE: The applicants have agreed in writing to partake in the iOn Travel scheme. The program is a monitoring tool for TP's and will enable the local authority to provide a dedicated monitoring/checking/assistance service for TP Co-ordinators. See - <http://www.iontravel.co.uk/york/default.asp>

8 SUSTAINABLE TRAVEL MEASURES

Prior to development commencing details of the following cyclist facilities and sustainable travel measures shall be approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- a) Details of the proposed cycle store including layout and amount of cycle stands (stands need to allow for cycles around 1.8m length and be spaced around 900mm apart).
- b) Details of how use of the staff and visitor cycle storage shall be monitored and the procedure for the installation of additional facilities if/when necessary (to include location and trigger points for the installation of additional facilities). This item can be agreed prior to occupation of the building.
- c) Details of showering/changing facilities (as proposed in the BREEAM pre-construction assessment).
- d) The location of at least 2 electric vehicle charging points.

Reason: To encourage sustainable modes of transport in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

9 ELECTRIC VEHICLE CHARGING POINTS

Before the occupation of the development, two free-standing, weatherproof, outdoor recharging units for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) shall be provided on site within the car parking area.

Within 3 months of the first occupation of the units, the owner shall submit to the Local Planning Authority for approval in writing an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 25 years.

INFORMATIVE: Charging points should be for the exclusive use of zero emission vehicles. Also, to prepare for increased demand in future years, cable provision for additional units should be included in the scheme design and development in agreement with the Local Planning Authority.

Reason: To promote sustainable transport in accordance with paragraph 35 of the National Planning Policy Framework.

10 LANDSCAPING

The development shall occur in accordance with the approved landscaping scheme (although T4 shall be retained if possible). In addition the following hard and soft landscaping details shall be approved in writing by the Local Planning Authority and the development carried out in accordance with the approved details;

- a) Proposed materials for hard landscaping.
- b) Highway layout and pedestrian priority measures along Terry Avenue.
- c) Planting schedule for the 'green roof' - a wildflower roof is preferred.

The approved details 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: In the interests of visual amenity.

11 TREE PROTECTION DURING CONSTRUCTION

Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or maneuvering of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

12 DRAINAGE

The development shall be carried out in accordance with the Drainage & Flood Risk Statement by JPG Civil & Structural Engineering - Ref:AMF/DFS/4455.V4 - dated May 2013.

Prior to development commencing, the following items shall be approved by the Local Planning Authority and the development carried out in accordance with the approved details.

- a) Site specific details of the flow control device manhole limiting the surface water to the 6.82 lit/sec.
- b) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- c) Existing ground levels shall not be raised. A plan of the proposed development showing existing and proposed levels shall be provided to demonstrate such.
- d) Details of the future management / maintenance of the proposed drainage scheme.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

13 PLANT & MACHINERY

Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the amenity of neighbouring residents from noise.

14 UNEXPECTED CONTAMINATION

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (cleanup) 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.

INFORMATIVE: Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part 2A of the Environmental Protection Act 1990.

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.

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (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: meetings and pre-application advice and the use of planning conditions.

2. INFORMATIVE:

Demolition & construction / Control of Pollution Act 1974

Contact details:

Author: Jonathan Kenyon Development Management Officer

Tel No: 01904 551323