

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Skelton, Rawcliffe, Clifton Without
Date: 29 April 2010 **Parish:** Clifton Without Parish Council

Reference: 10/00143/FULM
Application at: Land Lying To The West Of Whitehall Grange Wigginton Road York
For: Construction of up to 600 vehicle space park and ride facility with associated access, passenger terminal building and ground mounted photovoltaic solar array.
By: Mr Paul Thackray
Application Type: Major Full Application (13 weeks)
Target Date: 29 April 2010
Recommendation: Approve

1.0 PROPOSAL

1.1 Full planning permission is sought in respect of the construction of a 600-space Park and Ride facility with associated access, passenger terminal building and ground mounted photovoltaic array on land at Whitehall Grange, Wigginton Road York. The site lies within the designated Green Belt to the north of the City and lies in close proximity to the Clifton Moor Employment Area. The surroundings comprise a generally flat landscape bounded by individual trees and lengths of hedgerow. The proposal forms part of a wider current programme of car traffic management measures including an expanded and relocated Askham Bar Park and Ride facility and an additional Park and Ride site accessed from the A59 at Northfield Lane Upper Poppleton both of which have previously been considered by this Committee. The bus access to the site has been amended to take account of development being undertaken within the Clifton Moor Employment Area to the west.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGP5
Renewable energy

CYGP1
Design

CYGP3
Planning against crime

CYSP8
Reducing dependence on the car

CYGP4A
Sustainability

CYGP9
Landscaping

CYGB1
Development within the Green Belt

CYT6
Park and Ride

3.0 CONSULTATIONS

INTERNAL:

3.1 City Development - raise no objection to the proposal subject to any approval being conditioned to require submission of a full landscaping scheme for further approval;

3.2 The City Structures and Drainage Engineering Consultancy - raise no objection to the proposal;

3.3 Environmental Protection Unit - raise no objection to the proposal subject to any approval being conditioned to require submission and prior approval of a Construction Environmental Management Plan, the restriction of construction and delivery times, a contamination remediation strategy and strict controls on noise and light emissions from the site;

3.4 Design, Conservation and Sustainable Development - raise no objection in principle to the proposal subject to any approval being conditioned to require submission and prior approval of details of the proposed ground mounted solar array, a detailed landscape scheme and habitat management plan and scheme of archaeological investigation;

3.5 Highway Network Management - raise no objection to the proposal subject to the addition of a number of standard conditions covering junction and parking design and layout being appended to any approval.

EXTERNAL:

3.6 The North Yorkshire Police Architectural Liaison Officer - raises no objection to the proposal;

3.7 Natural England - raise no objection to the proposal;

3.8 Yorkshire Forward - raise no objection to the proposal;

3.9 Yorkshire Water Services Limited - raise no objection to the proposal;

3.10 The Environment Agency - raise no objection in principle to the proposal subject to details of drainage, contamination remediation and foundation design for the proposed terminal building being reserved for further approval;

3.11 York Natural Environment Panel - raise no objection in principle to the proposal subject to details of the proposed landscaping and site lighting being reserved by condition for further approval;

3.12 Haxby Town Council - raise no objection to the proposal;

3.13 Rawcliffe Parish Council - raise no objection in principle to the proposal but requests that the site be developed in its entirety and expresses concern with respect to the failure of the scheme to penetrate the City Centre, to provide for the needs of the nearby retail/industrial park and a lack of clarity in respect of bus routes servicing the site;

3.14 Clifton Without Parish Council - raise no objection in principle to the scheme but request that a further length of cycle way be provided along Wigginton Road linking with the existing cycle way at the junction with Crichton Avenue with additional bus bays being provided on Wigginton Road outside of York Hospital;

3.15 Councillor Merrett objects to the proposal as submitted on the grounds that the cycle lane on Wigginton Road should be extended from the built up edge of the City to the entrance of the application site, that pedestrian facilities at the approach junctions to the site are presently inadequate and that pedestrian access from the application site into the Clifton Moor Leisure/Business Park should be improved.

3.16 One letter of objection has been received, on behalf of an adjoining landowner. This expresses detailed concern in respect of the proposed access to the site for buses from Stirling Road which would cause safety concerns for commercial vehicles accessing the adjacent site, together with pedestrians using Stirling Road and motor cars entering and leaving the car park serving the adjacent site.

4.0 APPRAISAL

DETAILED POLICY CONTEXT:-

4.1 PPG 2 "Green Belts" is of particular relevance in considering the current case. This firmly establishes a presumption against development other than for specific purposes deemed appropriate, including the provision of Park and Ride facilities within the Green Belt. In order to be deemed as "appropriate development" within the Green Belt it is required that there be no alternative more sustainable non-Green Belt locations for the proposal and the development must demonstrate that the openness of the Green Belt can be safeguarded.

4.2 PPG 13 " Transport" is of particular relevance in considering the current case. This further clarifies the policy guidance outlined in PPG 2 establishing that to be

located within the Green Belt a Park and Ride facility must be in the most sustainable location and must not have an adverse impact upon the openness and purposes of designation of the Green Belt.

4.3 Policies T2(E) and Y1 D(3) of the Yorkshire and Humber Regional Spatial Strategy are of particular relevance in considering this case. Both policies stress the importance of using the provision of new Park and Ride facilities as a means of managing car use within the local area and more specifically the use of Park and Ride facilities as a means of improving accessibility to and within York.

4.4 Policy SP8 of the York Development Control Local Plan is of particular relevance in considering this proposal in that it sets a firm policy requirement for all large scale new development to be designed to minimise car use on sustainability grounds.

4.5 Policy GB1 of the York Development Control Local Plan is of particular relevance in considering this proposal in that it sets out a firm policy presumption against new development within Green Belt areas other than for very specific purposes deemed to be "appropriate". These include the provision of Green Belt facilities.

4.6 Policy T6 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets out a firm policy basis for the provision of additional Park and Ride facilities within the City which should be well related to the route of the Outer Ring Road, be on or easily accessible to a major radial route and should not have an adverse impact upon the open character and purposes of designation of the Green Belt.

4.7 Policy GP1 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets a firm policy presumption in favour of new developments which respect or enhance the local environment, are of a density, layout, scale and design that is compatible with neighbouring buildings, spaces and the character of the area and which incorporate out door lighting schemes which provide the minimum level of lighting necessary for working and security purposes and which take into account any adverse impact upon the character of the area, night sky illumination and ecological systems.

4.8 Policy GP3 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets a firm policy requirement for new development where required to incorporate crime prevention measures to achieve natural surveillance of public spaces and paths from existing or proposed development, secure locations for associated car and cycle parking, satisfactory lighting and the provision of CCTV where the proposal would result in the gathering together of large groups of people or the parking of large numbers of vehicles.

4.9 Policy GP4a) of the York Development Control Local Plan is of particular relevance in considering this application in that it sets down in conjunction with the Adopted Interim Policy Statement on Sustainable Construction a firm policy requirement for new development projects to clearly demonstrate adherence to sustainable principles in their execution.

4.10 Policy GP9 of the York Development Control Local Plan is of particular relevance in considering this application in that it sets down a clear requirement for

new development proposals where appropriate to incorporate a suitable landscape scheme which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and the surrounding development and form a long term edge to development adjoining or within open countryside.

KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the open character and purposes of designation of the Green Belt;
- * Justification for and Sustainability of the scheme;
- * Impact upon the landscape setting of a principal approach to the City;
- * Impact of the proposal upon the natural environment and local biodiversity;
- * Impact of the proposal upon the safety and convenience of highway users in the vicinity of the proposed access points to the site;
- * Provision for pedestrians and cyclists entering and leaving the site;
- * Impact of the chosen mode of renewable energy generation over and above the alternative possibilities;
- * Impact of the proposal upon the amenity of nearby residential properties and the surrounding landscape.

GREEN BELT IMPACTS:-

4.11 Central Government Planning Policy guidance outlined in PPG2 " Green Belts" in conjunction with Draft Local Plan Policy GB1 identifies Park and Ride sites as being inherently appropriate development within the Green Belt providing that no sustainable non-Green Belt locations are available in preference to the application site and that the proposed development would not compromise the open character and purposes of designation of the Green Belt. The current development site was selected as the end result of a wide site identification exercise. A wide range of criteria were examined including impact upon the wider landscape and natural environment, impact upon wider residential and local amenity, accessibility of the proposal to a major desire line in terms of vehicular traffic and compliance with wider planning and transportation policies. The application site was chosen on the basis that it was the most suitable location to accommodate the required size characteristics of the facility, it had the least impact of the possible sites on locally designated sites of nature conservation importance and it would have the least adverse impact upon the residential amenity of nearby properties in terms of noise, lighting and other forms of pollution. The application site was furthermore considered to be particularly well located in terms of its relationship to the junction of the B1363 Wigginton Road and the A1237 York Outer Ring Road. In terms of impact upon openness, whilst the site lies within an area that could be described as having the characteristics of a "Green Wedge" its relationship to the built development of the eastern area of the Clifton Moor Business Park would act to minimise any adverse impact and on balance the terms of Central Government Planning Policy on Green Belts in PPG 2 together with Draft Local Plan Policy GB1 would be complied with.

JUSTIFICATION FOR AND SUSTAINABILITY OF THE SCHEME:-

4.12 The managed reduction of car borne traffic in to the City Centre forms a major element of the Local Transport Plan for the City and the Regional Spatial Strategy for Yorkshire and the Humber in so far as it affects York. The provision of enhanced

Park and Ride facilities including the expanded Askham Bar Park and Ride and Poppleton Bar Park and Ride recently approved by this Committee form an integral part of this strategy. The current application site lies in close proximity to a major vehicular route into the centre of York from the north as well as a major access point for staff and visitors accessing York District Hospital. The B1363 suffers from particularly high peak vehicle usage and is used as an alternative route by traffic coming from the A19 to the north. The proposed scheme is envisaged to reduce vehicle flow into the City Centre along the B1363 by the order of 20% when fully operational with consequent improvements in air quality and reductions in traffic congestion along adjoining roads. It would also be providing an alternative mode of transport for staff and visitors significantly improve traffic flow in the vicinity of the principal entrances to York District Hospital, an area of particular pressure in terms of congestion.

IMPACT UPON THE LANDSCAPE SETTING OF A PRINCIPAL APPROACH TO THE CITY:-

4.13 The application site lies within an area that can be defined as a "Green Wedge" with built development to the south and west and open landscape directly to the east. The application site is located some 105 metres from the B1363 at its nearest point. The surrounding landscape is broadly flat and characterised by individual mature trees and lengths of hedgerow. The proposed landscape strategy which envisages the use of a mix of shrub planting with native tree species at strategic locations would complement the existing characteristics of the site and its surroundings. The location of the proposed terminal building, solar array and site lighting columns have similarly been chosen to minimise wider impacts. The site is furthermore characterised by significant longer distance views of York Minster to the south west which would be safeguarded by the location and design of the Terminal Building. It is felt that the design of the proposal would safeguard the "Green Wedge" character of the site and that the terms of Policy GP9 of the Draft Local Plan would be complied with.

IMPACT UPON THE NATURAL ENVIRONMENT AND LOCAL BIODIVERSITY:-

4.14 The Environmental Impact Assessment accompanying the application identifies the presence of a number of important and protected species in close proximity to the application site. These include Great Crested Newts and several species of bat. Great Crested Newts in particular are recorded in within 150 metres of the site boundary. The design and layout of the application site has been specifically designed so as to enhance habitat for newts and other protected species. With the proposed means of renewable energy generation specifically chosen so as to minimise impact upon the range of bats and bird life known to be present within the vicinity. Lighting is also likely to be a sensitive issue in terms of impact upon bats and it is recommended that details of lighting be conditioned for further approval and that construction site lighting be specifically excluded. Any work impacting upon the Great Crested Newt habitat will require a specific licence from English Nature and it is recommended that any approval be conditioned to require the prior approval of an appropriate mitigation strategy.

IMPACT OF THE PROPOSAL UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS PASSING THE SITE:-

4.15 The application site would be serviced by access points for buses to the north west via Clifton Moor and by buses and cars to the south east along Wigginton Road. The proposal envisages the partial extension of the existing public footpath along Wigginton Road in the vicinity of the filling station to the south east. Concern has however been expressed in relation to the provision for cyclists using Wigginton Road with a suggestion that a dedicated cycle lane or track be provided linking the site up with the main urban area. However not being directly related to the proposed development this would lie outside of the scope of the current application. Furthermore the likely increase in usage of Wigginton Road by cycle traffic as a result of the proposal would not be significant enough to justify a dedicated cycle track/lane being installed. The proposed bus access to the north west in the vicinity of the former Icon and Diva Night Club lies within an area of notable pedestrian movements and specific arrangements have been put in place involving a network of refuges for those crossing the point of access. Concern has however been expressed that the proposed facilities should be extended further with provision of additional footpath links and a pedestrian crossing. This may be desirable but once again does not directly relate to the development applied for. The additional pedestrian flows generated by the Park and Ride Facility would furthermore not justify this. Concern has also been expressed in relation to the impact of the development upon users of the car park adjacent to the bus egress on to Stirling Road. In practice the location of the business car park access and bus route would not be detrimental to users of the car park because of the low intensity of use of the access with buses travelling into the site once every 10 minutes. Furthermore if correctly aligned any vehicle within the access to the car park would have a clear view of buses entering and leaving the site.

PROVISION FOR CYCLISTS AND PEDESTRIANS ACCESSING AND EGRESSING THE SITE:-

4.16 Concern has also been expressed in relation to the facilities to be provided for cyclists and pedestrians entering and leaving the site. A footpath link adjacent to the bus access to Stirling Road within Clifton Moor would be provided as part of the scheme allowing individuals to park within the site and walk to work or to use the leisure/retail facilities within Clifton Moor. Opportunities to improve facilities for cyclists have also been identified in the vicinity of the principal site access on to Wigginton Road. However the facility has been designed primarily as a means of vehicle journey demand management in relation to the City Centre and not to enhance car borne trips (with parking at the P&R site and easy pedestrian/cycle access) to nearby facilities in the Clifton Moor Business/Leisure Park and it is on that basis that the special exemption from the presumption against what would otherwise be "inappropriate" development within the Green Belt exists.

RENEWABLE ENERGY GENERATION:-

4.17 The City's Adopted Interim Policy Statement on Sustainable Construction requires that a minimum of 10% of the site's energy needs should be generated via renewable sources. In respect of the other Park and Ride sites recently approved at Askham Bar and at Northfield Lane Upper Poppleton the chosen mode of renewable

energy generation has been a single vertical access wind turbine. Studies of wind patterns in relation to the current application site together with the presence of bats have suggested that a vertical access turbine would be less viable as a means of renewable generation as a consequence a ground mounted adjustable solar array has been selected as the proposed mode of renewable energy generation. As mentioned this would be sited so as to minimise its visual impact locally.

IMPACT UPON RESIDENTIAL AMENITY:-

4.18 The proposed application site lies at some distance from any significant concentration of residential development. However the nearest residential property Whitehall Grange would be only 85 metres from the application site. The proposal envisages a significant degree of landscape boundary planting to reflect the local landscape character whilst at the same time lessen the impact of the proposal on nearby areas. The proposed ground mounted photovoltaic tracker would be some 5.2 metres wide and 4.5 metres high, sitting on a 1 metre high superstructure which would be located so as to not give rise to issues of light reflection for motorists and nearby residential properties. The proposed lighting would be "dark skies" compliant and would consist of some 10 x 15 metre high columns located so as to not impact upon adjacent properties. The Park and Ride bus service would operate between the hours of 07:00 and 20:20 on weekdays and Saturdays and between the hours of 09:30 and 18:00 on Sundays. Overall the scheme has been designed so as to not have a material impact upon the residential amenity of neighbouring properties and the terms of Policy GP1 of the Draft Local Plan would be complied with.

5.0 CONCLUSION

5.1 . The scheme described forms part of a wider package of measures to tackle the quantity of vehicle journeys entering the City Centre which have included new and expanded Park and Ride facilities at Askham Bar and Northfield Lane Upper Poppleton. The application site would be landscaped to complement the surrounding landscape and the site would incorporate a terminal building designed according to sustainable principles. The site lies in close proximity to an area of Great Crested Newt habitat that would be appropriately mitigated. The design and layout of the site would not impact significantly upon the openness of the Green Belt and there would be no material impact upon the residential amenity of neighbouring properties. Concern has been expressed in relation to the facilities available to pedestrians and cyclists passing the site as well as entering and leaving the site. A number of the suggested features such as a dedicated cycle way along Wigginton Road linking into the City and improvements to the pavement layout and provision of additional crossings on Stirling Road would be desirable but not made essential by the development applied for i.e. imposition of the additional cost of these works on this scheme is not justified by its effect on these matters. Taken as a whole the scheme amounts to "appropriate development "within the Green Belt, complies with the relevant policies of the Draft Local Plan and approval is therefore recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Refs: HE/DEC08010355/009A; HE/DEC08010355/007 K; HE/DEC08010355/016; CBHAEN009/23/F; 0864/01; 0864/02; 0864/03. Date Stamped 27th January 2010.

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

3 Notwithstanding any proposed materials for the Terminal Building hereby approved as specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 Notwithstanding the application details hereby approved full details of the proposed floorscaping materials and street furniture including finishes, designs and locations shall be submitted to and approved in writing by the Local Planning Authority prior to their erection on site. The development shall thenceforth be undertaken in strict accordance with the details thereby approved.

Reason: To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GP1 of the York Development Control Local Plan.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape scheme (including details for the living roof of the terminal building) which shall include the species, stock size, species mixes, density (spacing); position of trees, shrubs and other plants; means of protection from rabbits; seeding mix, and sowing rate. This scheme shall be implemented within a period of six months of substantial completion of the development. Any trees or plants that in perpetuity from completion of the landscape scheme, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size or species, unless the Local Planning Authority agrees to alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme is integral to the amenity and visual mitigation of the development.

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed landscape/habitat management plan which shall make reference to the landscape scheme, and include ground preparation and operational specifications for the creation and management of the various landscape types, with particular reference to the hedgerow, wetland planting, and the four types of grassland.

Reason: So that the Local Planning Authority may be satisfied with the suitability of the planting and habitat implementation and establishment methods which form part of the amenity and mitigation of the development.

7 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work in accordance with the Archaeological Framework (a scheme of archaeological excavation and subsequent programme of analysis and publication involving community archaeology groups at all stages) agreed in writing with the Local Planning Authority. This programme of archaeological work shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies in an Area of Archaeological Importance and the development may affect important archaeological deposits that must be recorded prior to destruction.

8 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the development will provide from on-site renewable energy sources, 10% of the development's predicted energy requirements. This must include acceptable calculations that demonstrate how the 10% target will be met.

Reason: To ensure that the development is undertaken in accordance with sustainable principles and to secure compliance with Policy GP4a) of the York Development Control Local Plan.

9 Notwithstanding the application details hereby approved full details of the proposed ground mounted solar array including location, height, design and mode of fixing shall be submitted to and approved in writing by the Local Planning Authority, before work on site commences. The development shall thenceforth be undertaken in strict accordance with the details thereby approved. All apparatus shall be retained and shall remain operational for the lifetime of the development unless the Local Planning Authority otherwise agree in writing.

Reason: To ensure that the development is undertaken in accordance with sustainable principles and to secure compliance with Policy GP 5 of the York Development Control Local Plan.

10 Prior to the commencement of the development hereby authorised, full details shall be agreed in writing with the Local Planning Authority of the design of the following access points to serve the Park and Ride site:

- a) the new access and egress point for bus services on to Stirling Road;
- b) the new access point for vehicular traffic on to the B1363 Wigginton Road;

Stage 1, 2 and 3 Safety Audits area also to be undertaken and submitted for approval in respect of the works.

Reason: In the interests of highway safety.

11 Prior to the commencement of any works, full details shall be agreed in writing with the Local Planning Authority of the construction of the Park and Ride facility, including cycle parking facilities, drainage, lighting, signing and lining, barrier control equipment, and CCTV equipment .

Reason: In the interests of highway safety.

12 Prior to the commencement of the development hereby authorised, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure 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 construction materials, and the hours during which this will be permitted.

Reason: To ensure that the works are undertaken in a safe and expedient manner, and with the minimum disruption to users of the adjacent public highway

13 Prior to the commencement of the development hereby authorised, details shall be agreed in writing with the Local Planning Authority of the arrangements for maintaining the free flow of traffic within the vicinity of the site, during the periods when construction work is due to take place in relation to the provision of new access points serving the Park and Ride facility.

Reason: In the interests of highway safety.

14 HWAY40 Dilapidation survey

15 HWAY31 No mud on highway during construction

16 Piling or any other foundation design using penetrative methods shall not take place other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in strict accordance with the details thereby approved.

Reason: To prevent the creation of pathways for any surface contamination migrating down to ground water.

17 The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment and Drainage Statement and the following measures outlined therein:

- i) Sustainable Urban Drainage Systems shall be used to attenuate surface water run off from the site;
- ii) The discharge should be regulated to the green field run-off from a 1 in 1 year storm and sufficient storage be provided to at least accommodate a 1 in 30 year storm;
- iii) The design should also ensure that storm water resulting from a 1 in 100 year event plus 20% for climate change and surcharging the drainage system can be stored on the site without risk to people or property and without overflowing into the watercourse;

iv) Details of how the drainage system shall be managed and maintained should be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

18 The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall thenceforth be implemented in strict accordance with the details thereby approved.

Reason: To protect water quality.

19 During the development of the site, all preparation and construction works and ancillary operations, including deliveries to and despatch from the site, shall be confined to the following hours, unless otherwise agreed in writing by the Local Planning Authority:

Monday to Friday 08:00 to 18:00
Saturday 08:00 to 12:00
Not at all on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of nearby properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

20 Prior to the development hereby authorised being commenced, a Construction Environmental Management Plan (CEMP), incorporating the measures outlined in Section 7 of the submitted Environmental Statement, 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 demolition, site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP1 of the York Development Control Local Plan.

21 Details of all machinery, plant and equipment to be installed in or located on the site hereby permitted, which are audible outside of the site boundary when in use, shall be submitted to the Local Planning Authority for approval. These details shall include maximum sound levels (LA max(f)) and average sound levels (LA eq), 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 development first opens and shall be maintained for use thereafter.

Reason: To safeguard the residential amenity of neighbouring properties and to secure compliance with Policy GP 1 of the York Development Control Local Plan.

22 Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c below have been complied with:

a) Site Characterisation:

An investigation and risk assessment, in addition to any assessment currently provided, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the written approval of the Local Planning Authority. A written report of findings must also be submitted to and approved in writing by the Local Planning Authority, such a report must include:

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

ii) An assessment of the potential risks to:

- * human health;
- * property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- * adjoining land;
- * ground waters and surface waters;
- * ecological systems;
- * archaeological sites and ancient monuments;

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

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

b) Submission of Remediation Scheme:

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 11 A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c) Implementation of Approved Remediation Scheme:

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by 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.

23 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact upon the open character and purposes of designation of the Green Belt, justification for and sustainability of the scheme, impact upon the landscape setting of a principal approach to the City, impact upon the natural environment and local biodiversity, impact upon the safety and convenience of highway users in the vicinity of the access points to the site, provision for pedestrians and cyclists entering and leaving the site, impact of the chosen mode of renewable energy generation over and above the alternative available possibilities and impact of the proposal upon the amenity of nearby residential properties and the surrounding landscape. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GP1, GP3 , SP8, GP4a), GP9 ,GB1, T6 and GP5 of the City of York Development Control Local Plan and Government policy contained within Planning Policy Guidance note 2 'Green Belts'.

2. HIGHWAY WORKS:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. STATUTORY UNDERTAKERS:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Erik Matthews Development Control Officer

Tel No: 01904 551416