

COMMITTEE REPORT

Date: 7 February 2013 **Ward:** Strensall
Team: Major and **Parish:** Stockton-on-the-Forest
Commercial Team Parish Council

Reference: 12/01667/FULM

Application at: Agricultural Building Lying To the East Of Gardenia Malton Road
Stockton On The Forest York

For: Retention of unit 1 as a car wash, retention of units 3 - 12incl., 13
to 16 incl. and unit 18 for B2/ B8 industrial/storage use retention of
units 20 - 34 for B8 storage use. Demolition and replacement of
existing building for B2/B8 use (part retrospective unit 19),
retention and provision of car parking to serve the site and
provision of area for external storage of agricultural equipment

By: Mr Ian Parker

Application Type: Major Full Application (13 weeks)

Target Date: 2 August 2012

Recommendation: Approve

1.0 PROPOSAL

1.1 Full planning permission is sought, in the main retrospectively, for the conversion of existing agricultural buildings and completion of a further part constructed building for employment use (B1/B8 use class) together with storage area for agricultural use at the above site.

1.2 The site is located about a mile beyond the outer ring road to the north east of the city. It abuts the A64 and is a broadly rectangular area with a red line site area of approximately 2ha. There is further land within the ownership of the applicant to the north and east of the site. To the south-west of the site are four dwellings adjacent to the road. The opposite side of the road includes a transport cafe and an associated dwelling and a nursery with associated cafe and dwelling .The land was formerly an intensive pig farm. In 2004, when an appeal for new employment development was considered at the site, it was a matter of common ground with the applicant that there were 7,142 sq.m. of building on the site with hardstanding covering 1.7 ha. It was agreed that there were existing buildings on the site of varying heights footprint and volumes; ridge heights of the buildings were a maximum of 9.8 metres.

1.3 The purpose of this application is to regularise all the existing uses on the site and to gain permission for the remaining buildings. The proposal is for the following:-

- The retention of car wash (sui generis) in an existing building located on the north western frontage of the site (referred to as unit 1 on the plans)

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- Retention of 12 industrial B2/B8 units within existing buildings located centrally within the site (referred to as units 3 to 12 on the plan). This building has an approved scheme for 4 units. A total of 24 parking spaces are provided for these units to the north of the building.
- Retention of an existing building on the south of the site for 4 industrial units B2/B8 (referred to as units 13 to 16). 23 car parking spaces are provided for these units
- Retention of building on the north side of the site for industrial B2/B8 use (referred to as unit 18) with 6 car parking spaces
- Rebuild of existing building for B2 general industrial use, part constructed. (referred to as plot 19) with 7 car parking spaces
- Retention of 14 B8 storage units converted from an existing building, each unit measuring 35 sq.m. (referred to as units 20 to 34) with 8 car parking spaces.
- Formation of designated area of 1400 sq.m. for storage of agricultural equipment to the south side of the site

1.4 In total this application relates to 3000 sq.m. of floor space.

SITE HISTORY

1.5 Planning permission was refused for the erection of employment development (new industrial buildings) in March 2003 because of the location of the site in the Green Belt and the unsustainable location of the site. The application was subsequently dismissed on appeal in June 2004. (Planning ref:01/03567/OUT)

1.6 In January 2007 planning permission was granted for the conversion of existing buildings located centrally within the site into B2/B8 uses.(Planning ref: 05/00623/FUL)

1.7 No objections were raised to the construction of an agricultural building under the agricultural notification procedure in 2007 (Planning ref: 07/01436/AGNOT)

1.8 In August 2009 permission was granted for the operation of a waste sorting station from an existing agricultural building (Planning ref: 09/00845/FULM). The waste sorting station was originally placed in the field to the back of the site without planning permission and was subsequently moved to this site through the issue of the decision and negotiation with the applicant.

1.9 An application was submitted retrospectively for the conversion of existing agricultural buildings into B8 storage units and the rebuild of an existing agricultural building for use as B2 industrial unit in May 2011. The application was subsequently withdrawn to allow the applicant to submit a comprehensive application to regularise all unauthorised development at the site.

1.10 There have been various enforcement cases raised on this site although no formal notices have been served.

The enforcement cases relate to the siting of the waste transfer station in open agricultural land, various caravans that have previously been stored at the site as well as other outside storage. The use of the new agricultural building (erected under permitted development in 2007) has been questioned.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

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

2.2 Policies:

CYGB3
Reuse of buildings

CYGP1
Design

3.0 CONSULTATIONS

INTERNAL

3.1 Highways Network Management - The site is within the jurisdiction of the Highways Agency therefore no comments.

3.2 Environmental Protection - The Preliminary Investigation Report (dated Oct 2005) and the Geo Environmental Appraisal (dated Feb 2006) characterise the ground conditions and the associated contamination at the site. Elevated levels of ground gases were detected and the installation of gas protection measures is recommended in order to protect future site users. In addition, elevated levels of cyanide in soil, asbestos in buildings and visual/olfactory evidence of hydrocarbons require further investigation and/or remediation. The standard contaminated land conditions should be attached to any planning approval.

EXTERNAL

3.3 Stockton-on -the-Forest Parish Council - The application unit site must be identified and must not be extended; The industrial area must show a definite tight boundary only encapsulating units and not the residential property; The extension of any unit on site must not be allowed; The business use of these buildings needs to be regularized both in scale and number that is appropriate to the site and current regulations.

3.4 Highways Agency - No objections. The Agency indicates that any further expansion of this site will not be acceptable.

3.5 Environment Agency - No objections. Would like an informative adding to the application decision relating to the movement of waste and the use of waste in the site.

3.6 Foss Internal Drainage Board - As far as possible surface water from the site should be managed in a sustainable manner to mimic surface water run-off prior to the proposed development. Soakaways are proposed; the drainage board are not aware of the effectiveness of soakaways and recommend an appropriate condition be attached.

3.7 Local residents - No replies

3.8 Site Notice/Newspaper Advert - No response

4.0 APPRAISAL

4.1 Key Issues:

- Principle of the development
- Design and landscape
- Highways access and parking
- Sustainability
- Drainage and flood risk
- Contamination
- Residential amenity

4.2 The application site is located within the Green Belt beyond the ring road on the north side of York.

4.3 Paragraph 7 of the National Planning Policy Framework (NPPF) says that there are three dimensions to sustainable development, namely economic, social and environmental. These roles should not be considered in isolation because they are mutually dependent. The planning system should play an active role in guiding development to sustainable solutions.

4.4 Paragraph 19 says significant weight should be placed on the need to support economic growth through the planning system. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development (para 28).

4.5 Section 4 of the NPPF 'promoting sustainable transport' says plans and decisions should ensure developments that generate significant traffic movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in the framework, particularly in rural areas.

4.6 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. (para.79)

4.7 Once Green Belts have been defined, Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (para.81)

4.8 Paragraph 87 and 88 of the NPPF concern development within the Green Belt and state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities, should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.9 New buildings should be regarded as inappropriate development in Green Belt. Exceptions to this are provision of facilities for outdoor sport or recreation, extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building; the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces; limited infill in villages; or limited infill or the partial or complete redevelopment of previously developed sites (Para.89).

4.10 Certain other forms of development are also not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction (para. 90).

4.11 Section 7 of the NPPF requires good design. Paragraph 56 says good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment (Para 61).

4.12 Policy YH9 and Y1 of the Yorkshire and Humber Plan - Regional Spatial Strategy to 2026 which defines the general extent of the green belt around York with an outer boundary about 6 miles from the city centre.

4.13 Policies in the draft local plan (DLP) that are considered to be relevant and accord with the aims of the NPPF are GB3 'reuse of buildings' and GP1 'design'

THE PRINCIPLE OF THE DEVELOPMENT

4.14 The site is located within the Green Belt. The previous history shows that a certain degree of change of use of agricultural buildings to industrial use has been accepted although the wholesale redevelopment of the site for industrial purposes was dismissed on appeal in 2004. The NPPF says that the re-use of buildings is not inappropriate provided that the buildings are of permanent and substantial construction and provided the openness of the Green Belt is preserved and the proposals do not conflict with the purposes of including land in the Green Belt. This is a retrospective application and therefore it is more difficult to assess the original condition of the buildings and thus the extent to which this scheme is a conversion of the original structures. What we can be clear about, because it is documented within the appeal statement in the 2004 appeal and is clear from aerial photographs, is that at the time of the appeal there was a substantial amount of buildings and hardstanding on the site. The applicant's agent confirms that all the units except unit 19, which is currently under construction, were largely converted from the existing structures on site and the case officers site visit would on the whole agree with this assessment.

4.15 Although some of the buildings have certainly undergone significant repair, aerial photographs show that between 2007 and the present day many of the buildings have been re-roofed, car parking has been formed but also the site has been considerably improved by the removal of outside storage and the formation of a landscaped boundary on the north side of the site. Taken as a whole it is considered that the development represents a reuse of buildings and is therefore not inappropriate development provided the development does not impact on openness and the purposes of including land within the Green Belt.

Openness

4.16 The buildings can be seen when approaching the site from the north. The backdrop to the development from this direction is a fairly substantial landscaped boundary and open fields.

The buildings in their height and massing still retain their agricultural form and the introduction of the industrial uses has not in any significant way changed the overall visual appearance of the site when viewed from this vantage point. The most prominent building on the site from the road frontage is unit 1 which is being used as a car wash facility. This building has been used for none agricultural uses for a considerable amount of time, albeit with no formal planning permissions. The remaining industrial and storage uses are set back into the site and the curtilage and majority of the structures are shielded by the frontage building and an adjacent agricultural building. Approaching the site from the south the site is screened by the existing dwellings and their landscaped boundaries and the site is very much viewed in the context of a cluster of existing buildings both in domestic and agricultural use. Overall it is considered that the use of the buildings for storage and industrial use has been accommodated in the site without increasing the site's visibility or increasing the impact of the site on the openness of the Green Belt.

Purposes of including land in Green Belt

4.17 Paragraph 80 of the NPPF states that the Green Belt serves five purposes. These are to check the unrestricted sprawl of large built-up areas; prevent neighbouring towns from merging; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In relation to the proposal the scheme has the potential to conflict with the objective of safeguarding of the countryside. However, in officers view given the existence of the farm buildings and extensive hardstanding within the site from the former agricultural use, the new use of the buildings will not conflict with the purposes of the Green Belt. Furthermore the grant of the permission will allow the protection of surrounding open land owned by the applicant being encroached upon in the future and will control the visual quality of the site through conditions preventing outside storage.

4.18 The scheme is considered to be appropriate development within the Green Belt having regard to paragraph 90 of the NPPF. Furthermore the NPPF is supportive of economic growth in rural areas. The majority of the B2/B8 units at this site are occupied by small businesses. The site as it has developed here has, in Officer opinion, provided for a section of the economic market which caters for small businesses requiring low cost accommodation and storage facilities for short term use. In this respect the site is providing employment and economic activity in the region and it is clearly Government policy to stimulate the economy through the setting up of small businesses and supporting economic growth. These factors weigh in favour of the principle of the development.

DESIGN AND LANDSCAPE

4.19 The buildings on this site reflect its previous agricultural use. The buildings vary from small scale brick built structures to substantial steel clad spaces reflecting the later more 'industrial' type of building now common on agricultural holdings. The piecemeal way in which the site has been developed and the efforts to reuse existing structures means that the site retains many of the characteristics of the original holding, which is acknowledged as intense. The main problem with this site has been the extent of unauthorised permissions and the level of external storage/clutter that has been placed both adjacent to buildings and on the land to the east of the application site but within the applicants ownership. The proposals set out in this application define an area of outside storage for agricultural equipment and indicate that land to the east will be kept clear. The permission that was granted for the conversion of one of the buildings to industrial use had a condition attached to it that restricted outside storage, as did the waste transfer station application. A similar condition is proposed for this application to minimise the visual impact of the development.

4.20 The site is relatively well screened on its northern boundary and additional infill planting is proposed on this side as part of the scheme. The southern boundary is well screened on the approach to the site because of adjacent development. The eastern boundary is presently open to the field beyond and screened at the back of this field by the planting adjacent to the dyke and the golf course beyond.

4.21 It is considered that the elements of reconstruction that have taken place within the site reflect the original character and form of the agricultural buildings and are visually acceptable in the Green Belt. The landscaping proposals reflect the need to reinforce the existing boundary treatment to provide an appropriate edge to the development having regard to the open nature of the adjacent land and the original agricultural boundaries.

HIGHWAYS, ACCESS AND PARKING ARRANGEMENTS

4.22 Access to the site is via two access points on the frontage of the site. The A64 (T) provides direct access to the site, which at this point is a single carriageway, where the national speed limit of 60mph applies. The two site access points are located on the westbound side of the carriageway. There are a four access points off the eastbound side of the carriageway within the vicinity of the site, providing access to a garden nursery and a lay-by, providing access to the Highway Man Cafe.

4.23 The application is supported by a Transport Statement. The Statement can be summarised as follows:-

- The statement has compared the existing vehicular movements into and out of the site and on the A64 and what could be generated by the development.
- The statement takes account of all the development that is accessed from the two access points.
- A traffic count shows that there will be no detrimental impact on the operation of either access point as a result of the development. Trip rates were obtained from TRICS data in order to provide a comparison. The TRICS data would produce a significantly higher level of traffic to those actually produced by the traffic count
- Accident data for the last three years shows that there have been nine accidents along the stretch of road, three of which were outside the site. These three were slight in severity.
- Both access points will operate within acceptable capacity.

4.24 The conclusion of the Statement is that the level of traffic currently generated by the site is minimal and does not have a significant impact upon the operation of the A64 (T) and the accesses alone. As the site is currently operating the level of traffic should not increase.

4.25 The site is under the jurisdiction of the Highways Agency because of its proximity to the A64 trunk road. The Highways Agency have not raised any objections to the development and is not suggesting any conditions be attached to the permission. They do however say that in their view this proposal represents the maximum amount of development and that any further development would not be supported.

4.26 The car parking arrangements at the site have never been formalised. The submitted scheme shows the location of car parking for each unit. The car parking is either existing or utilises the existing hardstanding areas. Conditions will need to be imposed on any permission granted to ensure that the car parking layout on the submitted scheme is implemented.

4.27 Although it is not anticipated that there will be many people arriving by bicycle (see below) there would be space within units for cycle storage for employees.

SUSTAINABILITY

4.28 The principle aim of the NPPF is to achieve sustainable development by balancing economic, social and environmental aims. The policies however acknowledge that in rural areas that the promotion of sustainable transport may not always be possible. The site is located on the main A64 trunk road and the dominant form of access to the area is by car.

Whilst there is a relatively regular bus service along the A64 realistically pedestrian and cycle access to the site are very limited and most journeys to and from the site will be by car. In the 2004 appeal the Inspector considered that as a location for new industrial development the scheme needed to incorporate clear measures to reduce dependency on the private car. The distinction between this and the previous proposal is the extent of the site and the usability of the space provided. The converted buildings provide low level single operator businesses as opposed to the appeal scheme which proposed purpose built open plan type office structures which could provide space for significant number of employees. The appeal permission also related to a much larger scheme extending into open land to the east of the site. The accessibility of this site by sustainable transport modes cannot be realistically achieved and therefore it has to be considered whether it would be reasonable to refuse planning permission on these grounds.

4.29 In Officers opinion, the types of business which operate from this site, namely motor repairs, storage facilities, and fabrication business, would mean that the use of a car would be the main form of transport to the site regardless of location. The NPPF provides the basis to consider the rural context of development in assessing sustainable transport when it states that there is a need to take into account other policies in the framework especially in rural areas. In this case given the nature of many of the businesses, small scale sole traders or small firms, the permissions that establish a degree of industrial use on the site and the policy support for business development, it is considered that the economic benefits of the proposal outweigh any concerns relating to accessibility by other modes of transport than the car.

FLOOD RISK AND DRAINAGE

4.30 The site is located within flood zone 1 and will not suffer from river flooding. The site is serviced by existing drainage systems. The foul drainage goes to the existing main sewer and the surface water is discharged to soakaways. It is understood that the soakaway drains on to the applicants adjacent field. As the buildings and surrounding hardstanding are existing and surface water is already discharging to soakaways it is considered that the development will not result in any increase in surface water run off and the use of soakaways is acceptable for the site. A plan has however been requested from the applicant that shows the full drainage arrangements for the site. This plan should be received prior to committee and will form one of the approved drawings. The Internal Drainage Board have not raised any concerns about the way the surface water is discharged from the site.

CONTAMINATION

4.31 The application is supported by a GeoEnvironmental appraisal dated 2006 and a Preliminary Investigation Report dated Oct 2005. The reports characterise the ground conditions and the associated contamination at the site.

Elevated levels of ground gases were detected and the installation of gas protection measures is recommended in order to protect future site users. In addition, elevated levels of cyanide in soil, asbestos in buildings and visual/olfactory evidence of hydrocarbons require further investigation and/or remediation. The Environmental Protection Unit recommend that the standard contaminated land conditions be attached to any planning approval which will require contamination at the site to be remediated.

RESIDENTIAL AMENITY

4.32 There are four residential properties located on the south side of the site. The property at the entrance to the site known as 'The Gardens' is owned and occupied by the applicant, two further residential properties are located with an A64 frontage, set away from the application area and the fourth shares the southern boundary with the application site. The proposals include a new brick wall to the joint boundary with trees planted on the inside. The area adjacent to the boundary is currently hardstanding and has previously been occupied by a large agricultural building. The hardstanding area will provide car parking for unit 14 and for the waste sorting station (unit 17) which has been granted consent under a previous permission. The adjacent property is a bungalow with the front area facing the site, to the front of the bungalow is a turning area, access to agricultural buildings and a range of outbuildings. Although the parking is close to the joint boundary it is considered that the introduction of the wall will create adequate separation between the two sites because of the orientation of the bungalow and the intervening access area. The Environmental Protection Unit have not raised any objections to the proximity of the site to adjacent properties.

4.33 All four of the residential properties share the same accesses as the development proposals. The access points are sufficient separated from the residential properties so that the residential uses will not be affected by any increase in the use of the access points.

5.0 CONCLUSION

5.1 The scheme is considered to be appropriate development within the Green Belt having regard to paragraph 90 of the NPPF. Furthermore the NPPF is supportive of economic growth in rural areas. The majority of the B2/B8 units at this site are occupied by small businesses. The site as it has developed here has, in officer opinion, provided for a section of the economic market which caters for small businesses requiring low cost accommodation and storage facilities for short term use. In this respect the site is providing employment and economic activity in the region and it is clearly Government policy to stimulate the economy through the setting up of small businesses and supporting economic growth. These factors weigh in favour of the principle of the development.

5.2 It is considered that the elements of reconstruction that have taken place within the site reflect the original character and form of the agricultural buildings and are visually acceptable in the Green Belt. The landscaping proposals reflect the need to reinforce the existing boundary treatment to provide an appropriate edge to the development having regard to the open nature of the adjacent land and the original agricultural boundaries.

5.3 Overall it is considered that proposals and the retrospective development would not cause undue harm to interests of acknowledged importance, with particular reference to the principle of the development including the consideration of the appropriateness of the development in the Green Belt, design and landscape, highways and parking arrangements, sustainability, drainage and flooding, contamination and residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing no. PAR-251-02 10 Rev A

Drawing no. PAR-251-02 11 Rev A

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

2 Within 3 months of the date of this permission there shall be submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs on the northern, southern boundaries and within the site area. This scheme shall be implemented within the first planting season following the approval of the scheme. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site to enhance the setting of the buildings in this Green Belt location.

3 Within 3 months of the date of this permission the car parking layout shown on drawing no. PAR-251-02 10 rev A shall be implemented to the satisfaction of the Local Planning Authority. Areas of existing car parking to be removed as part of the implementation of the car parking layout shall be treated in accordance with a scheme and within a time scale to be submitted and agreed by the Local Planning Authority in writing within one month of the date of this permission.

Reason: To ensure the adequate provision of car parking facilities for each unit within the site and to protect the visual amenity of the Green Belt.

4 Within 3 months of the date of this permission all materials and hardstanding located in the area edge blue to the east of the application site shall be removed to the satisfaction of the Local Planning Authority and the land shall thereafter be kept clear of all materials associated with the approved use on the application site.

Reason: The area of land is relatively open area of Green Belt, and its use for industrial storage is considered to be inappropriate development within the Green Belt as defined in the National Planning Policy Framework and detrimental to the visual amenity of the area.

5 No parts, containers, waste materials or equipment connected with any process undertaken within any of the buildings the subject of the approval shall be placed or stored on any part of the site other than within a building.

Reason: To protect the openness of the Green Belt and the visual appearance of the site.

6 C1 Development on Land Affected by Contamination

Within 3 months of the date of this permission parts, or in the case of units so far unoccupied, prior to the commencement of the unit, a to c of this condition shall be complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters 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' 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

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

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms within 3 months of the date of this permission or within such longer period as may be agreed in writing with the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

7 C2 Reporting of Unexpected Contamination

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

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

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

8 Notwithstanding the provisions of Part 8 of schedule II of the Town and Country Planning (General Permitted Development Order 1995 (as amended) no extension shall be erected to any building hereby approved without the prior written approval of the Local Planning Authority through the submission of a planning application.

Reason: In order to protect the openness of the Green Belt and in the interests of the visual amenity of the area it is considered that further development should be restricted. Furthermore the Highways Agency has expressed concerns about the potential to increase the use of the site and the impacts of this on the A64 Trunk Road. In the interests of highway safety it is considered that any further development should be specifically controlled.

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 the principle of the development including the consideration of the appropriateness of the development in the Green Belt having regard to openness and the purposes of including land within the Green Belt, design and landscape, highways and parking arrangements, sustainability, drainage and flooding, contamination and residential amenity. As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, policies GB3 and GP1 of the City of York Development Control Local Plan and Government policy contained within paragraphs 79 - 92 of the National Planning Policy Framework.

2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Negotiations with the applicant to achieve an acceptable layout for the parking and storage arrangements around the site.
- Negotiations with the applicant to remove unacceptable development from the site.
- Discussions with consultees to provide an understanding of the proposals to regularise the use of the site.

- Discussions with Enforcement Officers to resolve outstanding enforcement issues

3. Off Site Movement of Wastes

The Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable for any off-site movements of wastes. The developer as waste producer therefore has a duty of care to ensure all materials removed go to an appropriate permitted facility and all relevant documentation is completed and kept in line with regulations.

Use of Waste on Site

If any waste is to be used onsite, the applicant will be required to obtain the appropriate waste exemption or permit from the Environment Agency.

The Agency are unable to specify what exactly would be required if anything, due to the limited amount of information provided.

The applicant is advised to contact the Environment Management Team at our York Office on 01904 822589 or refer to guidance on the Environment Agency website: <http://www.environment-agency.gov.uk/subjects/waste>

Contact details:

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