

COMMITTEE REPORT

Date: 20 August 2020 **Ward:** Osbaldwick and Derwent
Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 19/02738/FULM
Application at: Etas Ltd Bacchus House Link Road Court Osbaldwick Link Road
Osbaldwick
For: Proposed change of use from offices (Use Class B1) to health
care unit (Use Class D1), and single storey extension and flat
roof canopy to the north west elevation.
By: Mr Chris Parker
Application Type: Major Full Application
Target Date: 26 August 2020
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for the change of use of the building from Office (B1 Use Class) to a community team base for York Children & Adolescent Mental Health Service (CAMHS) (Use Class D1). In addition, a single storey extension to the front/north elevation is proposed, together with a canopy. The other alterations include: creating window openings; creating door openings in the north and west elevations. The total proposed floor areas would be 1047sqm.

1.2 The building is part of a complex of office buildings built in 2000. The site is within Flood Zone 1. The eastern side of Osbaldwick Link Road is commercial in character. There is residential development to the west of the link road.

1.3 The unit is situated on a business park accessed via Osbaldwick Link Road, and currently provides 1,035 sqm of B1 office space. Officers understand this is not the creation of additional jobs rather the relocation of a unit currently located at Lime Trees on Shipton Road. The applicant has advised that due to increased investment the service has expanded and there is insufficient space at Lime Trees to accommodate the team and the increased therapy they are able to deliver. Lime Trees would be vacated once the proposed scheme has been undertaken.

1.4 Proposed opening hours of the unit would be 08.00 to 18.00 hours with out of hours being based at the Foss Park Hospital. There are 10 proposed interview/group rooms. It is expected that each interview/therapy room would be used for a maximum of 6 sessions per day, lasting approx. 1.5 hours with follow ups of approx. 45mins. The expectation is that each room would be in use for average 5 hours 20 mins per day. Group sessions will be run approx. twice a week, with a maximum of 10 patients.

1.5 During the application process additional information regarding highway safety and parking has been submitted. In addition, information has been submitted regarding the marketing of the unit, as well as how the unit would be used. Information on BREEAM has also been submitted.

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

GP1 Design

GP4a Sustainability

E3b Existing and Proposed Employment Sites

C1 Community Facilities

2.2 The Publication Draft York Local Plan (2018)

EC2 Loss of Employment Land

HW5 Healthcare Services

D1 Placemaking

D11 Extensions and Alterations to Existing Buildings

ENV1 Air Quality

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

T1 Sustainable Access

CC2 Sustainable design and Construction of New Development

2.3 Please see the Appraisal Section (5.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections subject to the following conditions: a footway extension to connect Link Road Court to a tactile crossing, intersecting Osbaldwick Link Road; Travel Plan, submission of cycle parking details; safety audit. Also a legal agreement for potential restrictions on nearby roads. HNM have been in contact with the agents and it is understood that that the above has been agreed.

3.2 A Transport Assessment has been submitted in support of the application. This has been amended (by way of addendums) to reflect a robust assessment based on staff surveys and rotas. The anticipated traffic generation is not deemed to have a significant impact on the highway from that of its existing use.

3.4 The Transport Assessment details the expected level of parking created as a result of the proposed use. It was identified that the existing office (Shipton Road) was underprovided for in terms of parking provision for this area. The headline figures from the proposed assessment reveal that overspill parking is to be expected at certain times of the day, albeit to a lesser extent than the previous use of the building (Maximum 18 spaces from the previous 28 spaces). Due to the impact being a reduction of 10 on-street car parking spaces from that of which has been previously approved, HNM do not consider that it can object. HNM have negotiated measures with the applicant to mitigate the impact of parking and encourage sustainable transport modes.

3.5 To encourage travel by public transport, the applicant has agreed to provide a footway extension to connect Link Road Court to a tactile crossing, intersecting Osbaldwick Link Road. Given that the development expects overspill parking, there is some concern that that the use of the site would result indiscriminate parking and obstruct the free flow of traffic on streets in the vicinity of the site or obscure the visibility of the newly proposed pedestrian crossing. As such, it is considered that it would be reasonable to secure a contribution via a legal agreement towards parking restrictions (to include assessment, processing and implementing Traffic Regulation Orders) on the highway within 500m of the development. These would be processed if deemed necessary within the first 5 years of occupation, to protect the proposed crossing and junctions as a result of the projected parking generation. The trust has indicated that they would be prepared to fund the £5K required.

LEAD LOCAL FLOOD AUTHORITY

3.6 No objections

PUBLIC PROTECTION

3.7 No objections, subject to following conditions: 1 no. electric vehicle recharging point; details of all machinery audible outside of the premises; restriction of the hours of deliveries and waste removal; and adequate facilities for the treatment and extraction of cooking odours. Request Development Informative.

FORWARD PLANNING

3.8 Given the advanced stage of the emerging Local Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the NPPF, Forward Planning would advise that the policy requirements of emerging Local Plan policies EC2, HW5, T1, CC2, ENV1, ENV4 and ENV5 should be applied with moderate weight.

3.9 The key policy test for the change of use from B1 to D1 is whether the site is needed for employment use; the applicant should submit a statement to satisfy the

policy requirements of EC2. The views of the Council's Economic Development Team should also be sought.

3.10 If minded to accept the loss of the site's employment use, Forward Planning would not wish to raise a policy objection to the principle of the proposed use, which accords with policy HW5. Forward Planning advise that the following further policy requirements are addressed:

- o Re policy CC2, non-residential change of use should achieve BREEAM 'excellent';
- o Re policy ENV1, submit an Emissions Statement, identifying all new emissions likely to arise as a result of the proposal and demonstrating how these will be minimised and mitigated against as part of the development;
- o Agreement re extent of requirements under ENV4 and ENV5.

ECONOMIC DEVELOPMENT UNIT

3.11 No comments received.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

OSBALDWICK PARISH COUNCIL

3.12 No comments received.

4.0 REPRESENTATIONS

4.1 No representations have been received to date.

5.0 APPRAISAL

PLANNING POLICY

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.3 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications. Where policies relevant to the application are consistent with those in the NPPF (as revised in February 2019), the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.4 The revised National Planning Policy Framework was published February 2019 (NPPF) and its planning policies are a material consideration in the determination of planning applications. The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

LOSS OF OFFICE SPACE

5.6 Policy DP1 of the Publication Draft Local Plan set out the approach taken in the plan is that development will aim to ensure York fulfil its role as a key economic driver. Policy EC2 considers the loss of employment land. Policy E3b of the 2005 DCLP states site in employment use shall be retained in their current use class unless there is a sufficient supply of employment land to meet both immediate and longer term requirements in both qualitative and quantitative terms or the development for other appropriate uses will lead to significant benefits to the local economy.

5.7 Policy EC2 'Loss of Employment Land' expects proposals which involve the loss of land and/or buildings which are either identified, currently used or were last used for employment uses, to be accompanied by a statement to the satisfaction of the Council demonstrating that the site is not viable and that the proposal would not lead to the loss of an employment site that is necessary to meet employment needs during the plan period.

5.8 Policy HW5 'Healthcare Services' of the Draft Local Plan (2018) supports the provision of accessible new or enhanced primary and secondary care services to both improve existing provision and support planned growth. This is reflected in NPPF's definition of sustainable development, encouraging strong, vibrant and healthy communities, making sufficient provision for facilities such as health infrastructure, and, at para 121, to "make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision".

5.9 The NPPF is clear in that Planning should operate to encourage and not act as an impediment to sustainable growth. Some marketing information has been submitted however it is not considered to demonstrate that the building is no longer required as a B1 use. From the submitted information it appears that once the building was to be marketed the estate agents approached the applicant. As such, 6 months of adequate marketing has not been demonstrated. The proposed change of use would result in the loss of existing office space, however it would be replaced by a medical use that would provide a valuable facility in the city. The NPPF makes it clear that there is a social objective to sustainability, including supporting health.

HIGHWAY IMPLICATIONS

5.10 The NPPF encourages development that is sustainably located and accessible. Paragraph 108 requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 110 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Policy T1 of the 2018 Draft Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.11 The Transport Assessment details the expected level of parking created as a result of the proposed use. It was identified that the existing office (Shipton Road) was underprovided for in terms of parking provision for this area. The assessment reveals that overspill parking is to be expected at certain times of the day at the application site, albeit to a lesser extent than the previous office use of the building (Maximum 18 spaces from the previous 28 spaces). Highway Network Management (HNM) do not object to the 10 on-street parking spaces. HNM have negotiated measures with the applicant to mitigate the impact of parking and encourage sustainable transport modes. HNM have advised that the applicant has agreed to providing a footway extension to connect Link Road Court to a tactile crossing,

intersecting Osbaldwick Link Road, this can be sought via condition. Given that the development expects overspill parking, there is some concern that the use of the site would result in indiscriminate parking and obstruct the free flow of traffic on streets in the vicinity of the site or obscure the visibility of the newly proposed pedestrian crossing. As such, it is considered that it would be necessary to secure a contribution via a legal agreement towards parking restrictions (to include assessment, processing and implementing Traffic Regulation Orders) on the highway within 500m of the development. These would be processed if deemed necessary within the first 5 years of occupation, to protect the proposed crossing and junctions as a result of the projected parking generation.

5.12 To complement the aims and objectives of the NHS trust, and reduce the impact of parking on the highway as a result of projected overspill parking, a Travel Plan is conditioned to take advantage of sustainable travel options obtainable to the 53 staff expected, thus reduce reliance on the private car in accordance with the sentiments of NPPF 2018.

5.13 Any facilities should be easily accessible by foot, bike and public transport in line with policy T1 'Sustainable Access'. Osbaldwick Link Road is served by a frequent bus route (number 6), offering connections to the city centre during and beyond the facility's proposed opening hours. Provision of vehicle re-charging points can be sought via condition.

VISUAL AMENITY AND CHARACTER

5.14 Chapter 12 of the NPPF gives advice on design, placing great importance to the design of the built environment. At paragraph 130, it advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The advice in Chapter 12 is reflected in DCLP policy GP1 (Design) and 2018 Draft Local Plan policy D1 (Placemaking) and, therefore, these policies are considered to accord with the NPPF. The policies require new development to respect or enhance its local environment and be of an appropriate density, layout, scale, mass and design compatible with neighbouring buildings and using appropriate materials. The alterations to the building and the proposed extension are considered to be relatively minor and have a neutral impact on the appearance of the building and the character of the surrounding commercial area.

SUSTAINABILITY

5.15 Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy requires that non-residential change of

use will be required to achieve BREEAM 'Excellent'. The Local Plan policy CC2 "Sustainable Design and Construction of New Development" is considered to have moderate weight given the evidence base that supports it.

5.16 The agent has advised that the development is unable to achieve BREEAM 'Excellent'. The agent advises that the works to convert the building from an office to a D1 use would be minimal and if they were required to upgrade to the building to BREEAM 'Excellent' there would be a question of financial viability. As such the proposed development would not comply with Policy C2. There is a compelling requirement for the retention of this facility within York, together with the enhanced capacity that the use of this building would allow. The Local Plan policy is considered to have moderate weight given the evidence base that supports it. The NPPF requires the presumption in favour of sustainable development should apply. This means that the application should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. On balance it is considered that the non-compliance with Policy CC2, does not significantly and demonstrably outweigh the public benefits of the proposed development.

6.0 CONCLUSION

6.1 The proposed development would result in the loss of office use/accommodation, however the proposed use is considered to employ similar numbers to the permitted use. The proposed use would provide an expansion to the capacity of this service and would benefit the health of the wider population for the city and the surrounding area. Officers recommend approval of the scheme subject to the completion and signing of a Section 106 agreement covering introduction of parking restrictions to the surrounding area.

6.2 The proposal falls within class D1 (Non-residential institutions) of the Use Classes Order 1987 (as amended). Permitted uses within D1 use class include clinics, health centres, crèches, day nurseries, day centres, schools, art galleries (other than for sale or hire), museums, libraries, halls, places of worship, church halls, law court, non-residential education and training centres. Change of use to a different use within the same use class does not normally require planning permission. Whilst the currently proposed use is in principle acceptable in this area - subject to appropriate conditions - the characteristics of other uses in class D1 may make those uses unacceptable. A condition should therefore be attached limiting the planning permission to the proposed clinic use only and no other use within class D1.

7.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years

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

Drawing Number 2047.005 'Location Plan' received 20 December 2019;
Drawing Number 2047.200 'Proposed_Site_Plan' received 20 December 2019;
Drawing Number 2047.021 revision B 'Proposed_Floor_Plans' received 20 December 2019;
Drawing Number 2047.022 Revision A 'Proposed_Elevations_&_Sections' received 10 March 2020;

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

3 VISQ1 Matching materials

4 The premises shall be used as a mental health care unit and for no other purpose, including any other purpose in Class D1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: Whilst the proposed use is considered acceptable in this area, the characteristics of other uses within class D1 may make such uses unacceptable in terms of highway and parking impacts and the impact on the surrounding road network. The characteristics of other uses within class D1 may make such uses incompatible with the surrounding uses and character of the area. This condition is therefore required to enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

5 Prior to the first occupation of the development 1 Electric Vehicle Recharging Point(s) the specification shall be submitted to and approved in writing by the Local Planning Authority. In addition, a minimum of 1 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision). The locations of these additional bays shall be submitted to and agreed in writing by the Local Planning Authority. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, an Electric Vehicle Recharging Point Management Plan shall be submitted in writing and approved by the Local Planning Authority. The plan shall detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years The approved plan shall be adhered to.

INFORMATIVE:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.

Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

6 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for written approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the development comes into use and shall be maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

7 Upon completion of the development, delivery vehicles and waste removal vehicles to the development shall be confined to the following hours:

Monday to Friday 08:00 to 18:00 hours

Saturday 09:00 to 13:00 hours and not at all on Sundays and Bank Holidays

Reason: To protect the amenity of occupants of the nearby properties from noise.

8 There shall be adequate facilities for the treatment and extraction of cooking

odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the development comes into use and shall be maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 The development hereby permitted shall not come into use until the following highway works: Footway extension to the junction of Osbaldwick Link Road Court and tactile crossing across Osbaldwick Link Road, amendments to the cycle/footpath opposite as indicatively shown on drawing YK6481-1PD-001 dated 24.06.20 included within the submitted addendum to the Transport Assessment dated 24/06/20 (includes works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Informative: It is anticipated that the works will be carried under a Section 278 Highway agreement or similar.

Reason: In the interests of the safe and free passage of highway users.

12 A three stage road safety audit carried out in line with advice set out in GG119 Road safety audit (formerly HD 19/15), and guidance issued by the council, will be required for the proposed pedestrian crossing on Osbaldwick Link Road. Reports for

Stages 1 and 2 shall be submitted to and agreed in writing by the Local Planning Authority prior to works commencing on site. The Stage 3 report shall be submitted to and agreed in writing by the Local planning Authority prior to occupation. The development shall be carried out in accordance with the agreed reports.

Reason: To minimise the road safety risks associated with the changes imposed by the development.

13 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of approved Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To promote the usage of sustainable means of transport and reducing the reliance on the private car.

8.0 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 (paragraph 38) 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:

- Request revised plans
- Request additional information
- Use of conditions
- Use of legal agreement

2. Development Informative

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

(i) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

(ii) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

(iii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.
https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

(iv) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(v) There shall be no bonfires on the site.

(vi) 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 (clean-up) 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. 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.

3. AVOIDING DAMAGE TO THE HIGHWAY GRASS VERGE

Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGV's). The Council is particularly concerned at the increasing impacts and damage occurring to grass verges. This is detrimental to residential amenity, can present safety issues and places an unreasonable financial burden on the Council, if repairs are subsequently deemed necessary. Therefore, applicants/developers are strongly advised to work proactively with their appointed contractors and delivery companies to ensure that their vehicles avoid both parking and manoeuvring on areas of the

public highway (grass verges) which are susceptible to damage. The council wishes to remind applicants that legislation (Highways Act 1980) is available to the authority to recover any costs (incurred in making good damage) from persons who can be shown to have damaged the highway, including verges. If the development is likely to require the temporary storage of building materials on the highway, then it is necessary to apply for a licence to do so. In the first instance please email highway.regulation@york.gov.uk, with details of the site location, planning application reference, anticipated materials, timelines and volume. Please refer to the Council website for further details, associated fees and the application form.

4. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

5. INFORMATIVE:

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.

6. Consent for highway works

You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980 (or legislation/ regulations listed below). For further information, please contact the following:

- Execution of works within existing highway (Section 278) -

development.adoption@york.gov.uk

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347