

**Notice of meeting of
Area Planning Sub-Committee**

To: Councillors Galvin (Chair), Flinders (Vice-Chair), Cannon, Craghill, Crawshaw, Dew, Fenton, Gillies, Hunter, Mercer and Shepherd

Date: Thursday, 4 April 2019

Time: 4.30 pm

Venue: The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

To approve and sign the minutes of the last meeting of the Area Planning Sub-Committee held on Wednesday 20 March 2019.

[To follow]

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is on **Wednesday 3 April 2019 at 5.00 pm.**

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4. Plans List

To determine the following planning applications:

- a) **Land to North of Units 1-9 Evans Business Centre, Rose Avenue, Nether Poppleton, York [19/00280/FULM]** (Pages 1 - 18)

Erection of 2 buildings, creating 3 units for light industrial, general industrial or storage and distribution (use classes B1c, B2 and B8).

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Chris Elliott

Contact details:

- Telephone – (01904) 553631
- Email Christopher.elliott@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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COMMITTEE REPORT

Date: 4 April 2019 **Ward:** Rural West York
Team: Major and **Parish:** Nether Poppleton Parish
Commercial Team Council

Reference: 19/00280/FULM
Application at: Land to North of Units 1 - 9 Evans Business Centre Rose Avenue Nether Poppleton York
For: Erection of 2no. buildings creating 3 no. units for light industrial, general industrial or storage and distribution (use classes B1c, B2 and B8)
By: Mr Bottomley
Application Type: Major Full Application (13 weeks)
Target Date: 15 May 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for 3 no units to the south of Great North Way. The 3 no units would be provided within 2 no. buildings. The site is currently grassed with an earth bund around the site. As part of the development the land levels of this site would be reduced so they are level with Great North Way, from where access would be taken. The proposed units would be for B1, B2, B8 use. The site is within Flood Zone 1

RELEVANT PLANNING HISTORY

1.2 18/00201/FULM - Erection of 3no. buildings for light industrial, general industrial or storage and distribution uses (class B1c, B2 and B8) on sites west of 1 Rose Avenue and north of Evans Business Centre, Rose Avenue – Refused

1.3 The current application differs from the previous in that there is a reduction of 1 detached unit. The unit was sited on land safeguarded for potential future transport scheme in the Draft Local Plan (2019). The application was refused by committee (06.09.2018) on the grounds that the proposed development of this unit was not considered to be sustainable development as it would prevent the construction of a rail halt.

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:

- CYGP1 Design
- CYGP3 Planning against crime

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- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CGP15A Development and Flood Risk
- CYT4 Cycle parking standards
- CYE3B Existing and Proposed Employment Sites

2.2 The Publication Draft York Local Plan 2018:

- DP2 Sustainable Development
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- D1 Placemaking
- D2 Landscape and Setting
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No comments received

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.2 No comments received

FLOOD RISK MANAGEMENT TEAM

3.3 Insufficient details provided to consider the effect of the development will have on the site drainage and the downstream watercourse as follows; (i) To discount the use of infiltration methods of surface water disposal the applicant should carry out site specific soakaway tests or site specific ground investigation and supply the borehole logs to discount their use. (ii) Considering the 0.4 hectare site is Greenfield the 5 l/sec per building specified is not acceptable. If the above testing is found to be unsuitable then the design should be based on a Greenfield run-off using the IH124 methodology for the 1 in 1 year event.

PUBLIC PROTECTION

3.4 The proposed units are approximately 50 metres from residential premises however the units will be located within an industrial area, with other industrial activities taking place around the proposed units. Provided the units are only operating daytime and there are no proposals for external plant/machinery to be installed then there is no requirement for a noise assessment to be submitted. However if the intention is for night time working and external plant/machinery is to be installed then a noise assessment may be required. Request construction informative.

3.5 The Phase 1 report provides a good overview of the site's history, its setting and its potential to be affected by contamination. If contamination is found, appropriate remedial action will be required to make the site safe and suitable for its proposed use. Request an investigation and risk assessment to be submitted, and submission of remediation scheme and verification of the remedial works.

3.6 Request 1 electric vehicle recharging point

FORWARD PLANNING

3.7 No comments received

ECONOMIC GROWTH TEAM

3.8 Support application. The availability of suitable employment space is crucial to ensuring that York remains a great place to do business. Both anecdotal evidence through business engagement and recent office/industrial availability data demonstrates a strong demand for business accommodation across York, especially industrial units. Make It York have reported a strong demand for premises with a large number of searches being requested for light industrial units. This is supported by recent availability data that shows a tight market for industrial premises in York, with the city's vacancy rate being 2.0% and limited space likely to become available in the immediate future. Given the shortage of industrial accommodation across York and the limited supply in construction, the proposed development will provide much needed business accommodation to enable business start-ups, support business growth and create jobs for local people.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

NETHER POPPLETON PARISH COUNCIL

3.9 No comments received

YORKSHIRE WATER

3.10 No objections

AINSTY INTERNAL DRAINAGE BOARD

3.11 No comments received

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.12 No representations received.

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Design and landscape considerations
- Drainage
- Highways
- Impact to residential amenity
- Impact to neighbouring businesses

PLANNING POLICY

4.1 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. The development plan for this location is the Poppleton Neighbourhood Plan (2017).

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.2 Policy PNP7 of the Neighbourhood Plans states proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications.

4.3 The supporting text of the plans sets out the following: The experience of York Business Park trading estate, has shown that business and houses may not always be a good mix. It creates traffic congestion, road side parking and difficult egress onto the A1237 Ring Road at peak times (8.4). York Business Park is adjacent to a housing development Poppleton Park which has 200 houses. There is the potential to expand sections of this site either for further business premises or housing. As

employment is the key function of this area, it should be noted that there exists at the present time a critical shortage of parking facilities for cars. There is no bus route round the Business Park so most employees of the 70 businesses arrive by car. Parking currently occurs on a daily basis parking on the cycle paths, pavements and fire roads and makes it difficult for traffic to enter and exit the site. Evidence would suggest that at the present time there is a shortage of around 100 car parking spaces (8.11).

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. 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).

4.5 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

4.6 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.7 The City of York Draft 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, although the weight that can be afforded to them is very limited.

POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.8 The Poppleton Village Design Statement has a number of policies relevant to this application: Guidelines 11, 14, 16, 29.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.9 The levels would be reduced to a similar level as Great North Way which is adjacent to the site. The removal of bunds and the reduction in land levels are not considered to result in harm to the character of the area, as replacement landscaping would be sought by condition.

4.10 The design of the proposed buildings is considered to be in keeping with the surrounding business units. The proposed fencing is within the site to for sufficient landscaping to be provided. The soft landscaping boundaries are typical of this business park. The plans indicate that paladin fencing is proposed. It is considered necessary to condition a landscaping plan to ensure sufficient soft landscaping boundaries are secured.

4.11 It is considered that further details of the cladding could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units. In addition the details of any proposed external lighting should also be conditioned.

4.12 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

RESIDENTIAL AMENITY

4.13 The NPPF states planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts including noise, and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.14 The proposed units are set approx 45 metres (at closest point) from the residential dwellings as such would not result in loss of light and overshadowing. However Unit 1 is still relatively close to the dwellings and as such it is considered necessary to condition the details of machinery in order to protect residential amenity.

IMPACT ON NEIGHBOURING BUSINESSES

4.15 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. Policy GP1 of the Development Control Local Plan (2005) and ENV2 of the Publication Draft Local Plan (2018) require that there should be no undue adverse impact from noise disturbance.

4.16 Paragraph 182 of the NPPF is relevant. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

4.17 A landscaped boundary has been retained together with some retaining walls between units 1, 2, and 3 and the units to the south. The neighbouring units all form part of the business park and within this area most of the units are within Class B uses. The proposed units are not considered to negatively impact on the neighbouring business uses and their operation.

HIGHWAYS

4.18 The NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.19 Planning decisions should ensure:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.20 The business park is not served by public transport, the nearest bus route (no. 10) operating approximately every 30 minutes. The nearest bus stop is

approximately 900 metres from the proposed development. However the wider area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the units on the grounds of lack of access to public transport would be defended at appeal given the surrounding development.

4.21 The plans indicate 4 cycle parking spaces are provided for each unit (total 12 cycle spaces), it is considered sufficient cycle parking and vehicle parking provision has been provided. Unit 1 and 2 have 8 vehicle parking spaces each and Unit 3 has 7 vehicle spaces with space to provide more. The proposed parking provision is below the CYC Appendix E maximum standards relating to B1 use, but above maximum parking standards for B2 and B8 use. Given that the Poppleton Neighbourhood Plan has expressed concerns regarding the lack of parking provision with the business park, the over provision in this case is not objected to.

AIR QUALITY

4.22 No facilities for the re-charging of electric vehicles have been incorporated. The requirement for electric vehicle recharging facilities is in line with guidance contained within the NPPF and the Councils low emission strategy. It is considered that they can be sought by condition.

ECOLOGY

4.23 The submitted ecology report sets out that there are no protection species and there is no notable ecology on the site. Officers are not aware of any information that would contradict this conclusion.

DRAINAGE

4.24 The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.25 Unfortunately the drainage information that has been submitted is not acceptable and the applicant has been unable to demonstrate adequate drainage of the site. However it is considered that an acceptable drainage scheme can be sought via condition.

5.0 CONCLUSION

5.1 The proposed units are considered to be acceptable in this business park location and would not result in undue harm to the residential amenity of the

occupants of the nearby dwellings subject to conditions. The proposed would be in character with the surrounding development. The development would accord with the NPPF, the Poppleton Neighbourhood Plan (2017), the Draft Local Plan 2005 and the Emerging Local Plan 2018. On balance, the proposal complies with the thrust of national and local planning policy.

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 Number 2150-2001 'Site Plan' received 12 February 2019;
Drawing Number 2150-2002 'Unit 1 Plan o& Elevations' received 12 February 2019;
Drawing Number 2150-2003 ' Units 2&3 Plan & Elevation' received 12 February 2019;
Drawing Number 2150-2004 'Proposed Levels' received 12 February 2019;
Location Plan received 12 February 2019;
Drawing Number PL51L01 Revision PR1 'Planting Strategy' received 12 February 2019;

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

3 VISQ8 Samples of exterior materials to be app

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation and shall be provided in accordance with the approved details before the development is occupied.

INFORMATIVE: Palisade fencing is unlikely to be acceptable

Reason: In the interests of the visual amenity of the area and the amenity of neighbouring properties.

5 The development shall not be occupied until there has been 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. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning

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Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

6 Details of all machinery, plant and equipment to be installed in or located on Units hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (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 agreement of the Local Planning Authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby residents.

7 Details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation on the site.

Reason: To protect the amenity of the nearby residential properties and to prevent light pollution.

8 No raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area and the amenity of adjacent residents.

9 HWAY18 Cycle parking details to be agreed

10 HWAY19 Car and cycle parking laid out

11 Prior to the commencement of the development hereby approved, details of surface water drainage including discharge rates shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with these approved details.

Reason: The drainage information submitted with the application was not acceptable, further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is

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sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

Informative: Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort. If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then the design should be based on a Greenfield run-off using the IH124 methodology for the 1 in 1 year event.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

12 One electric vehicle recharge point shall be provided with the parking area for each unit (a total 3 no. electric vehicle recharge points). The recharge point should be installed prior to first occupation of the unit to which it relates. The location and specification of the recharge point shall be approved in writing with the Local Planning Authority prior to installation.

INFORMATIVE: The installation of a freestanding PAYG solution is recommended. Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to a standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

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Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

13 HWAY14 Access to be approved, details reqd

14 The refuse storage areas (as detailed in Drawing Number 2150-2001 'Site Plan' received 12 February 2019) shall be in place prior to the first use of the units and shall be retained for refuse storage use only.

Reason: To ensure there is suitable refuse storage areas of the life of the development. So as to achieve a visually cohesive appearance. To protect the amenity of local residents and businesses.

15 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and agreed in writing by 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's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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.

16 Prior to development, 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) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

17 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall 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.

18. In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared, shall be submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall 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

7.0 INFORMATIVES:

Notes to Applicant

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

In considering the application, the Local Planning Authority has implemented the

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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:

- Request additional information
- Request revised plans and drainage information
- Use of conditions

2. YORKSHIRE WATER INFORMATIVE

If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

3. INFORMATIVE: NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. DEMOLITION AND CONSTRUCTION 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

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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.

(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.

5. INFORMATIVE:

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:

Streetworks Special Permission - streetworks@york.gov.uk

6. 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.

Contact details:

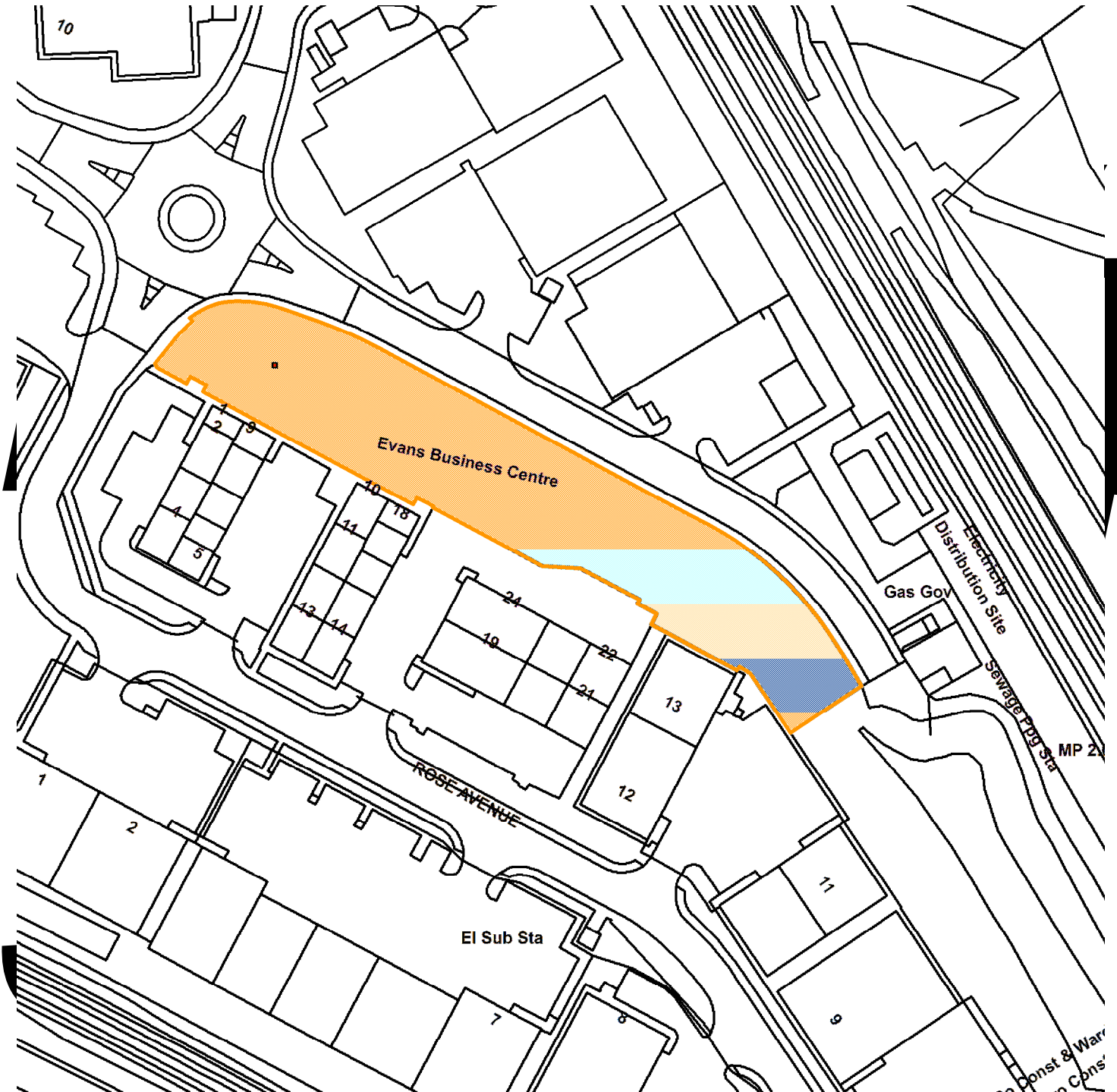
Author: Victoria Bell Development Management Officer

Tel No: 01904 551347

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19/00280/FULM

Land To North Of Units 1 - 9 Evans Business Centre Rose Avenue



1:1262

Not Set

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27 March 2019

Not Set

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