

as part of this. Definitive Closure is a term used by the Environment Agency to describe a permitted facility that has ceased receiving waste and/or has ceased operating the process which the EA has permitted, is in a managed stable state and is being managed by the relevant operator in such a manner that the Environment Agency considers that it requires reduced ongoing regulatory management.

PROPOSALS

1.6 The application is to undertake the remediation and reclamation strategy (February 2015 version) and the re-profiling of the site to make it suitable for re-development. Ground levels are detailed on the provided contours plans. The scheme includes a bund and noise barrier around the Tangerine Factory. As part of the re-profiling vegetation will be removed, in particular by Millfield Lane and where the bund at the rear of Plantation Drive is being reduced. Trees which are to remain and would be protected during the works are shown in the Arboricultural Report, August 2017 version. Replacement planting and landscaping is proposed around the Tangerine factory. There would be further landscaping in future which would be secured through the outline application for residential development.

RELEVANT PLANNING HISTORY

Application 13/03048/EIASP

1.7 Prior to the submission of this application, an Environmental Impact Assessment (EIA) scoping opinion for proposed residential-led development of the Site was submitted to the Council in September 2013. The scoping opinion was issued by the City Council on 18th October 2013. It confirmed that an EIA was required as the development would have significant environmental effects, in particular considering the proposed residential population, traffic generation and land contamination. An Environmental Statement has been submitted in support of this application.

14/02789/OUTM

1.8 Submitted at the same time as this application was an outline application for residential development; up to 1,100 dwellings, and ancillary uses (community hub, pre-school, primary school and open space) on the British Sugar site. The vehicular access points and alignment of the main road (including through the former Manor School site) are detailed in this application.

17/01072/FUL

1.9 An application for only the access roads into the British Sugar site, which included associated demolition of the former Manor School buildings, was considered by members at planning committee on 17 August. Members resolved that the application will be approved when there is a suitable condition to secure mitigation for the loss of bat habitat within the former Manor School buildings. A bat survey was undertaken for the Council in July 2017, however the report is still to be issued and therefore this permission is yet to be granted.

15/00523/FULM and 15/00524/OUTM

1.10 These are duplicate applications of this application and 14/02789/OUTM submitted March 2015. The applicants appealed to the Planning Inspectorate against non-determination of these applications in June 2017. The applicants lodged these appeals because to satisfy the option agreement they have with the council, they require a planning permission (free of challenge) for the access though the former Manor School Site.

1.11 Should members decide to approve this application then the appeal against 15/00523/FULM would effectively become redundant. Officers are still in negotiation with the applicants over the outline application, specifically around the design parameters and principles for the development, the legal agreement and viability. To determine this application would not prejudice decision making of the current outline application or any future applications to re-develop the site.

2.0 POLICY CONTEXT

2.1 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. There is no adopted Local Plan in York. In the absence of a formally adopted local plan the most up-to date representation of key relevant policy issues is the NPPF and it is against this Framework that the application proposal should principally be addressed.

NPPF

2.2 Paragraph 14 of the National Planning Policy Framework (NPPF) says that at the heart of the NPPF is a presumption in favour of sustainable development for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless specific policies in the framework indicate development should be restricted. (Foot note 9 indicates restrictions include Green Belt locations, flood risk areas, site protected under the Birds and Habitats directive and Sites of special scientific interest).

2.3 Most relevant sections of the NPPF to this application are as follows:

- 1. Building a strong, competitive economy
- 7. Requiring good design
- 11. Conserving and enhancing the natural environment

“Development Control Local Plan” 2005 (DCLP)

2.4 Although there is no formally adopted local plan, the “City of York Draft Local

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Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF.

2.5 Policies considered to be compatible with the aims of the NPPF and most relevant to the development include:

SP3	Safeguarding the Historic Character and Setting of York
SP6	Location Strategy
GP1	Design
GP6	Contaminated Land
GP9	Landscaping
NE1	Trees, Woodlands and Hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation

Emerging Local Plan

2.6 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

2.7 The main draft policies that are relevant to matters raised by this application are:

H1	Housing Allocations
D1	Landscape and Setting

2.8 The British Sugar site is allocated for housing in the plan, being referred to as a strategic housing site - ST1.

Upper and Nether Poppleton Neighbourhood Plan

2.9 The draft Upper and Nether Poppleton Neighbourhood Plan is in the process of proceeding to adoption following a referendum vote in favour of the plan which took place on 23 August 2017. The Neighbourhood Planning Act 2017 provides that a local planning authority must have regard to a post-examination (draft) neighbourhood plan as a material consideration in the determination of planning applications so far as that plan is material to the application. Once the

neighbourhood plan is formally brought into legal force by the Council, it will form part of the development plan.

2.10 The north part of the application site is within the Neighbourhood Plan. Policy PNP 6 D within the plan allocates the British Sugar site for residential use.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Officers provided an initial response in February 2015. Conditions were recommended to deal with the following matters -

- Restricted times of working and movements of heavy goods vehicles during construction
- A construction management plan (CEMP) to be approved

3.2 Officers approved the applicants CEMP (version 1.0) May 2016. The CEMP has since been updated (version 1.1 June 2017) adding drawings to the appendix.

3.3 The Contaminated Land officer is satisfied that works could proceed provided the Remediation and Reclamation Strategy (dated February 2015) is implemented and a Verification Report, demonstrating the effectiveness of the remediation, be approved in writing by the Local Planning Authority. In addition any unexpected contamination encountered would need to be reported to the Council.

3.4 Elevated levels of ground gas, ammonia, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, asbestos and heavy metals have all been detected at the site. This contamination originates from a layer of made ground (up to 13 metres thick) present across the surface of the site.

3.5 The Environmental Statement and the Remediation and Reclamation Strategy propose that all of the made ground will be excavated, sorted, treated (as necessary) and reused onsite. Bioremediation will be used to treat material containing high levels of contaminants, high levels of organic matter (i.e. more than 3% total organic carbon) or hydrocarbon/chemical odours.

3.6 Once contaminant levels fall below the remedial target values (RTVs), the material will be re-laid and stabilised to create a development platform. In addition, a one metre thick clean cover layer, to be sourced from appropriate onsite materials, is recommended for areas which would become gardens and areas of soft landscaping.

3.7 Gas monitoring of the original monitoring wells will be undertaken before and during the remediation works. New monitoring wells will be installed after the works, as the original wells will have been destroyed by the works, and a minimum of 12 months post remediation monitoring will be carried out prior to commencement of construction.

3.8 The strategy states that 'the objective of the remediation and reclamation works will be to reduce ground gas concentrations and flow to a level compliant with the Amber 1 level of the NHBC traffic light system, with the proviso that conditions following remediation and reclamation will be no greater than Amber 2. This objective will make the site suitable for housing.

Highway Network Management

3.9 Officers recommended changes to the first version of the CEMP (17.2.2016) to ensure there were adequate measures to prevent construction traffic leaving detritus on the highway and that provision be made for any damage to the highway as a consequence of construction to be rectified promptly. The CEMP was revised accordingly.

Flood Risk Management

3.10 Officers recommend a condition to approve the drainage scheme. This would manage surface water run-off in a satisfactory manner, with permitted discharge based on a Greenfield run-off rate based on 1.4 l/sec/ha.

EXTERNAL

Environment Agency

3.11 The Agency in their original response asked for conditions to secure the proposed remediation and for a programme of long-term monitoring and contingency measures until the target groundwater remediation values had been achieved.

3.12 However in later correspondence (letter dated 5.8.2015) the Agency advised that their recommended condition regarding groundwater remediation was not necessary, because groundwater is regulated by the Agency under the Environmental Permitting Regime.

Internal Drainage Board (IDB)

3.13 The run off rate proposed within this application alone meets the requirements of the IDB. Because the surface water flows arising from the site prior to the

proposed development cannot be proven (due to demolition works) the (agricultural/Greenfield) rate at 1.4 l/sec/ha is proposed.

3.14 However the consultation response from the IDB relates to the overall scheme i.e. including the proposed re-development in the outline application, and explains why they are not in support of the current strategy for overall drainage of the site due to the amount of surface water run-off proposed into the Carr Drain which passes through the south end of the site and is within the board's drainage district.

3.15 Within the outline application the proposed run off rates into the drain exceed the Greenfield (rather than Brownfield) site i.e. 1.4 litre/sec/ha required by the IDB. This position is maintained by the IDB because the applicants are unable to prove the previous surface water run-off rates into the drain.

Network Rail

3.16 No objection on the extent of the works being undertaken as part of the construction works.

3.17 Network Rail have concerns though related to the management of construction traffic and the routing of HGV's and other traffic to and from the site. NR strongly advise that no access be taken from Millfield Lane for the construction works as this generates an unacceptable level of associated risk. A construction access should be provided from Boroughbridge Road as this will minimise impact on the function of the Level Crossing.

Yorkshire Water

3.18 Yorkshire Water asked for the means of surface water discharge from the site to be agreed by Yorkshire Water and the council. When re-consulted on the revised strategy (January 2017) no objection was raised to the proposed means of drainage - foul water will discharge to public 450mm diameter combined water sewer and surface water to the watercourse.

Natural England

3.19 No objection; the proposal is unlikely to affect any statutorily protected sites or landscapes.

3.20 Natural England have not assessed this application and associated documents for impacts on protected species, on which they have published Standing Advice. Comments have been provided on the need to consider any local designations, NPPF recommendations to enhance biodiversity and the benefit of enhancing landscape character.

Holgate Planning Panel

3.21 Support the application.

Nether Poppleton Parish Council

3.22 Comments made on the outline application only.

Rufforth with Knapton Parish Council

3.23 The Parish Council have commented on the outline application. Relevant to this application is the consequent ground levels following re-profiling and that it would enable over-dominant development over Millfield Lane.

Publicity

3.24 36 comments have been made on this application alone. 2 in support.

3.25 Approximately 20 of the residents in Langholme Drive have made representation on applications for the British Sugar site referring to proposals to re-profile the site and remove the bund and much of the vegetation behind the houses.

3.26 Comments include that residents were of the understanding they had been assured previously by local councillors the bund would remain. The feature is regarded to be a local landmark. If it were removed residents would suffer a loss of privacy and outlook; there would be a loss of ecological value, mature trees and wildlife, as a consequence of removal of landscaping behind Plantation Drive

3.27 Vegetation by the Millfield Lane access (areas previously supported by a grant by the Forestry Commission) would also be removed and this has been met with objection.

3.28 Other comments made were as follows -

Procedural Matters

- The original publicity lacked time for residents to comment & when the application was validated not all reports were available.
- There were no site notices placed on Princess Drive, Sovereign Drive or Millgates.

Amenity

- Loss of amenity during construction / remediation

Highway Network

- Increased traffic levels as a consequence of this development and other proposed along Boroughbridge Road.
- Queried why two lanes and a central reservation are proposed for the access through FMS.
- Plantation Drive previously provided access for the BS site. There have been comments that it could accommodate more than 10% of cars associated with this development. However there have been more comments to the contrary, that extra traffic and parked cars on Plantation Drive will bring highway safety issues.

4.0 APPRAISAL

KEY ISSUES

4.1 The key issues related to this application for remediation and changes to ground levels are as follows -

- Principle of the proposed development
- Land Contamination
- Impact on amenity and setting as a consequence of site re-profiling
- Biodiversity
- Archaeology
- Site Drainage
- Construction Management

RELEVANT POLICIES OF THE NPPF

4.2 NPPF paragraph 7 states planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. York has no adopted development plan.

4.3 NPPF paragraph 14 states that for decision making where the development plan is absent, silent or relevant policies are out-of-date, LPA's are to grant permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted

4.4 Paragraph 17 Core Planning Principles establishes the following relevant requirements -

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that

the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Section 11 Conserving and enhancing the natural environment

4.5 Paragraph 118 states that when determining planning applications, LPA's should aim to conserve and enhance biodiversity by applying the following principles:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss

4.6 Paragraph 121 states planning decisions should also ensure:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990 and adequate site investigation information, prepared by a competent person, is presented.

4.7 Paragraph 123 states decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions

Section 12 - Conserving and enhancing the historic environment

4.8 Paragraphs 128 and 129 state as follows –

- Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, LPA's should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation... Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal ... taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

SITE DESIGNATION WITHIN THE EMERGING LOCAL PLAN & EMERGING UPPER AND NETHER POPPLETON NEIGHBOURHOOD PLAN

4.9 The Site Selection Paper Addendum Sept 2014 is part of the evidence base that informs allocations in the emerging plan. The selection criteria and methodology is detailed in the paper along with justifications for site allocations. The British Sugar and Former Manor School site are identified for residential development in the emerging Local Plan. The site reference is ST1.

4.10 The neighbourhood plan will proceed to being adopted planning policy following the August referendum. Before then, the post-examination (draft) neighbourhood plan is a material consideration in the determination of planning applications so far as that plan is material to the application. The part of the application site within the plan boundary is allocated for housing. This proposal will enable the site to be suitable for housing and is therefore consistent with the plan.

ASSESSMENT

Principle of the Proposed Development

4.11 The application site is previously developed, classed as brownfield land. It is in the urban area. The site is being allocated for re-development in the emerging plan. The Council has worked with developers to see it re-used since the factory closed and a Supplementary Planning Guidance Document prepared setting out the Council aspirations for the site (April 2012 - former British Sugar/Manor School draft supplementary planning document).

4.12 To remediate the application site and provide a platform capable of accommodating re-development is compliant with policies in the NPPF to promote sustainable economic growth and fits with the Council's location strategy for development in the city, as detailed in 2005 DCLP policy SP6.

Land Contamination

4.13 The proposed remediation strategy along with the removal of the environmental permit (the latter is regulated by the Environment Agency) will deal with contamination which arrived as a consequence of previous uses of the site. In this respect the proposals accord with the thrust of section 11 of the NPPF.

4.14 The strategy will reduce the concentrations of substances within the ground to an acceptable level and improve the engineering competence (strength and stiffness / compressibility) of materials comprising the made ground to allow it to be used to form the development platform suitable for building roads, houses and related engineered structures and facilities such as drainage. The approach is explained in parts 0.5 and 0.6 of the strategy (Feb 2015 version).

4.15 No specific re-use of the site formed part of this application as such conditions proposed are for the carrying out and of the strategy and for validation the proposed targets are met. Depending on the proposed end use of the site further measures could be required, such as the installation of gas protection measures within buildings. These would be conditioned as part of any relevant future application.

Impact on Amenity and Setting as a Consequence of Site Re-Profiling

4.16 Ground levels on site are currently elevated towards the north where storage lagoons were installed and bunds screened the site from its surrounds - around the former playing fields, in part behind Langholme Drive and at the south end of the site by Ouseacres. Ground levels generally rise to the North-west. By Ouseacres and Plantation Drive ground levels are around 15 AOD, rising to 19 AOD at Millfield Lane by the former site access.

4.17 The proposed ground levels would gradually rise towards the centre of the site, with a maximum level of 22 AOD to the east of the Tangerine factory. Behind Langholme Drive the majority of the existing bund would be removed, with a far smaller bund left behind nos. 66 to 82. This smaller bund would rise to around 1.7m higher than neighbouring gardens. At the north-west end of the site ground levels would be some 40cm higher than the level of the industrial buildings along the lane, and further back, elevated some 1.6m higher compared to the transformer station. There would be no material change to ground levels around the south side of the site and by the Plantation Drive entrance into the site.

4.18 The remediation strategy would lead to the loss of vegetation.

4.19 Vegetation and trees would remain in the following areas -

- Along the south boundary
- Eastern boundary by the railway line
- The Bee Bank, a site of regional nature importance is preserved
- Trees behind nos. 10 - 30 Langholme Drive

4.20 The proposed levels would be akin to the sites original level, before intervention, to enable re-development. This is justified and has officer support, being consistent with planning policies to promote sustainable economic growth and re-use vacant formerly developer sites in urban areas. There would be two areas where site levels would remain over 1.5m higher than adjacent sites - along part of the North-west boundary and behind nos. 66-82 Langholme Drive. The change in level would be reduced compared to the previous situation at the latter area. The NW boundary is less sensitive, with there being a transformer station adjacent the site. The changes to the site profile do not create an unacceptable impact on wider views, including strategic views of the city centre and Minster (as identified in the Central Historic Core conservation area appraisal) or the local townscape.

4.21 The resulting topography would have no undue impact on neighbours amenity considering whether it would be over-bearing, over-dominant or leading to a loss of light or outlook. The impact of any proposed future re-development would need to be considered on its merits within the relevant application.

4.22 There remain bunds and areas of planting around the periphery of the site which previously helped screen the former industrial use of the site. It is accepted a considerable amount of this needs to be removed to enable remediation.

4.23 Prominent areas which will be cleared and would change public views of the site are by Millfield Lane (which was subject to a Forestry Commission Grant and the commission will need to grant consent for its removal/replacement) and the area to the rear of Plantation Drive which is dominated by young broadleaved trees and scrub on the top of the banks.

4.24 Re-development of the site will to a degree change the landscape character. The envisaged re-use of the site will not be industrial in nature. It will not require screening, but will complement surrounding housing and assimilate into its surrounds.

New green infrastructure and open spaces will be integral to the development and provide space for recreation. Details of which would come forward within the outline application.

4.25 Only a limited level of replacement landscaping at the periphery of the site can be secured through this application. The landscaping to be secured through condition will be in areas where planting is proposed within the master-plan in the companion outline application to give the site its distinctive character, when viewed from beyond the site - at the rear of Langholme Drive, and to replace trees to be lost and along Millfield Lane. It is noted here that to allow trees to mature and protect the amenity of Langholme Drive residents, the current positions within the outline application are for deep gardens to houses adjacent the boundary here, to prevent new houses being over-dominant/over-bearing and to acknowledge the previous

landscape character. Planting is also proposed around the tangerine factory. The landscaping will be implemented in the planting season following completion of the remediation.

4.26 The proposed re-profiling of the site and its consequential appearance following development in this application would not have an undue impact on visual or residential amenity. Trees to be removed behind Langholme Drive will be replaced following the remediation works. In due course when the site has been fully re-developed the aspiration is that the site makes an enhanced contribution to its setting.

Biodiversity

4.27 The British Sugar Railway Sidings SINC 'the bee bank' is located on the eastern boundary of the site. A SINC is a Site of Importance for Nature Conservation, classed as being of regional importance.

4.28 The SINC is a sandy bank with scrub, qualifying for designation because of the presence of nationally and regionally scarce invertebrate. A survey in 2013 confirmed it remains a valuable resource for invertebrates and is assessed as being of county importance and a medium value as a receptor. This site would be protected and unaffected by the development the subject of this application.

4.29 The site has been assessed (Phase 1 Habitat Survey) as to whether it accommodates protected species, including birds, badgers, great crested newts and bats. No habitats were found. However the mature trees on the northern and western sides of the lagoons had bat roost potential. The remainder of the habitats on British Sugar site are of negligible value.

4.30 The trees previously identified to be of moderate to high roosting bat potential, which are proposed to be removed, will be subject to updated surveys, and mitigation detailed if relevant. This work is required to ensure that if bats have colonised the trees in the intervening period, there is suitable mitigation and no harm to protected species.

4.31 Officers recommend a condition also to approve a method of works requiring steps to avoid harm to protected species and the bee bank. The condition would provide replacement bat habitat also. The measures would be akin to those proposed in chapter 11 of the applicants Environmental Statement.

4.32 The scheme does not conflict with NPPF paragraph 118 as there would be no significant harm to biodiversity. Paragraph 118 also states opportunities to incorporate biodiversity in and around developments should be encouraged. There were large areas of landscaping around the site which screened the former industrial development on-site which will be removed as part of the proposed works.

This is deemed necessary; justified to allow a re-development of the site. Planning conditions will secure replacement planting, of higher ecological value in certain areas. However the landscaping throughout the site needs to be secured in conjunction with re-development (i.e. in a different planning application) so it syncs with any approved master-plan and subsequent construction.

Archaeology

4.33 A desk-based assessment for the application site has been undertaken by On-Site Archaeology in consultation with Council officers. The majority of the British Sugar site was subject to substantial ground disturbance during the 20th century, with major differences in ground levels. This intervention suggests a negligible potential for the survival of archaeological deposits. The assessment identified that the main areas with the potential for the survival of archaeology were the sports field and parts of the staff car park at the south-east end of the site.

4.34 The sports field was investigated in 2014. Findings were modern, associated with the British Sugar site and agricultural ridge and furrow. The archaeological importance of such is negligible. A watching brief can be secured through condition to cover the car park which was not previously investigated. The proposed condition would fulfil the requirements of NPPF paragraphs 128 and 129 which relates to heritage assets as the archaeology will have been suitably investigated and evaluated.

Site Drainage

4.35 The drainage strategy and relevant proposed planning condition associated with this application permits a discharge rate based on a Greenfield run-off rate (1.4 l/sec/ha) and uses sustainable urban drainage methods (SuDS).

4.36 The main concerns of the IDB are the point of connection i.e. straight into Carr Drain and the proposed run off rates associated with the outline application for re-development of the site.

4.37 The proposed point of connection is acceptable to the LPA considering the fact that both discharge options (the 610mm diameter outfall and Carr Drain & the preferred alternative suggested by the IDB) ultimately discharge to the River Ouse.

4.38 The proposed drainage strategy in this application is acceptable to officers. It meets the requirements of the Council's Strategic Flood Risk Assessment and is as requested by the IDB.

4.39 For information, in reply to issues raised by the IDB over the outline application, officers view is that although the applicant cannot prove existing connected areas, historically the factory buildings did discharge in the region of 95 l/sec (not including

the 69.5 l/sec discharge to the 610mm diameter outfall and the 10 l/sec to the Yorkshire Water surface water sewer in Plantation Drive). Therefore the 43.2 l/sec maximum run off rate, currently proposed within the outline application has been agreed with the applicants as such a rate would be significantly less than previous run off rates into Carr Drain.

Construction Management

4.40 In accordance with NPPF paragraph 123 steps are being taken to minimise and mitigate impacts on amenity as a consequence of the proposed development. A construction management plan (version 1.1) has been agreed with the applicants. This requires best practical means to limit impact from noise, dust, air quality, vibration, odour and light pollution whilst the remediation strategy is carried out. It also includes measures to maintain the condition of the highway during construction.

4.41 During the Remediation/Reclamation stage of the development, which is anticipated to be completed within approximately 12 months, the daily level of forecast traffic movements is estimated to not exceed 169 vehicle movements per day. Of these, 31 movements are estimated to be undertaken by HGV. All construction traffic would use Millfield Lane. Officers have agreed to this approach as despite concerns raised by Network Rail over safety at the railway crossing, overall this approach would have less impact on the local residential community. A condition will limit construction traffic to reasonable hours (08:00-18:00 on weekdays & 09:00-13:00 Saturdays only).

5.0 CONCLUSION

5.1 The site is previously developed, now vacant and in a sustainable and urban location. The proposals, to allow site remediation and to create ground levels suitable for development, are consistent with the NPPF core principle for planning to proactively drive and support sustainable economic development. The development also assists in enabling the local aspiration, as established in the emerging Local Plan, to develop the site for housing.

5.2 The proposed works will lead to the loss of landscaped areas and reduce habitats on site. A limited level of mitigation can be secured through this application but it is accepted a more comprehensive landscaping strategy will need to be delivered in conjunction with development proposals for new uses on the site. There is a current application still under consideration by officers which would deliver such mitigation in due course.

5.3 Through the use of planning conditions, there is suitable mitigation to enable compliance with NPPF policy with regards to other material considerations; amenity, archaeology, drainage and flood risk and managing disruption during construction.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development (the remediation & reclamation strategy hereby approved) shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved Plans

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

Location Plan

URS plan DR GE 00002 rev P1

Existing Contours Plan - DR-CE-00600 P3

Proposed Contours - DR-CE- 00602 P5

Interpolated Base of Excavation Contours Plan DR-CE-00601 P3

Cross Sections

DR-CE-00605 P5

DR-CE-00606 P5

DR-CE-00607 P5

Details of noise barrier

DR - CE -

00611 P6

00612 P5

00613 P6

00614 P5

Landscaping Plans

60531863 BS LS 009 - Landscaping proposed around tangerine factory

Remediation and reclamation strategy dated Feb 2015

Construction Management Plan Version 1.1 dated June 2017

Arboricultural Method Statement reference IJK/6810/WDC dated August 2017

Reason: For the avoidance of doubt and to ensure that the development is carried

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out only as approved by the Local Planning Authority.

3 Archaeology: watching brief

No work shall commence on the relevant part of the site until the developer has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. The watching brief shall cover the British Sugar car parking area (at the south-east end of the site as annotated on Figure 7 in the Desktop Assessment by OSA, dated May 2007). The programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences and development carried out in accordance with the approved details.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

4 Biodiversity Management Plan

No development shall take place (including demolition, ground works, vegetation clearance) until a Biodiversity Management Plan has been submitted to and approved in writing by the Local Planning Authority. The content of the plan shall include the measures set out in Section 11.165, 11.166 of the Environmental Statement (specifically referring to the British Sugar Railway Sidings SINC) and also be based on BS 42020:2013, unless otherwise agreed in writing with the Local Planning Authority prior to submission. The approved plan shall be adhered to and implemented throughout the construction period in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and comply with Section 11 of the National Planning Policy Framework.

5 Bat Mitigation

There shall be no felling of trees identified in the Environmental Statement Figure 11.1 Phase 1 Habitat Plan (Target Notes 5 & 6), where these trees have moderate to high potential to support roosting bats, until an updated bat survey has been submitted to and approved in writing by the Local Planning Authority. The survey shall include any necessary mitigation and development shall be carried out in accordance with the approved survey. (Note - The trees referred to at Fig. 11.1 are trees in the main part of the BS site that will be removed as part of the creation of the development platforms and reclamation of the site through the detailed application).

Reason: To take account of and to enhance the habitat for a protected species and comply with Section 11 of the National Planning Policy Framework.

6 Drainage

Prior to completion of the remediation strategy and associated re-profiling of the site, details of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The following site specific details are required:

- Proposals for the inclusion of SuDS features in accordance with the SuDS Manual.
- Plans to demonstrate that there will be no surface run-off from the site in a 1:100 year storm (+ 20% allowance for climate change) and that run-off from the site will not have an adverse effect on existing properties.
- Cover and invert levels to ordnance datum of the drainage proposals for the new development.
- Computer modelling of the surface water attenuation to accommodate the 1:30 year storm and proposals to accommodate the flood volumes above the 1:30 year storm up to the 1:100yr + 20% climate change storm.
- The flow control chamber limiting the surface water to the 43.2 l/s.
- The drainage discharge point.
- The assumptions and design limitations to be applied to the drainage design of each development plot.
- Future management and maintenance of the proposed drainage scheme.

Reason: To ensure proper drainage of the site and so that there is no increase in flood risk elsewhere, in accordance with paragraph 103 of the National Planning Policy Framework.

7 Landscaping

A detailed landscaping scheme which shall include the number, species, height and position of trees to be planted, adjacent Millfield Lane and at the rear of Langholme Drive shall be submitted to and approved in writing by the local planning authority prior to completion of the development hereby approved.

The approved scheme(s) and the landscaping scheme shown on drawing 60531863 BS LS 009 - Landscaping proposed around tangerine factory shall be implemented before the end of the first planting season following approval of the verification report (as required under condition 8) by the Local Planning Authority (which will confirm completion of the site remediation).

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: In the interests of good design, visual amenity and in the interests of residential amenity, in accordance with place-making design guidance within Building for Life 12 and design guidance within National Planning Policy Guidance regarding the retention and promotion of distinctive character. Also to mitigate against biodiversity lost due to removal of soft landscaping to allow the remediation, in particular the group of trees of high amenity value by the existing Millfield Lane entrance.

8 Site remediation

The development hereby approved shall be implemented in accordance with the Remediation and Reclamation Strategy (dated February 2015). A Verification Report, demonstrating the effectiveness of the remediation, shall be submitted to and approved in writing by the Local Planning Authority within 6 months of completion of the post completion monitoring (as detailed in section 9 of the strategy).

Reason: To ensure that risks from land contamination (including landfill gas) to the future users of the land and neighbouring land are mitigated, together with those to controlled waters, property and ecological systems, in accordance with paragraphs 109, 120 and 121 of the National Planning Policy Framework.

9 Unexpected contamination

In the event that contamination is found at any time when carrying out the remediation and reclamation works that was not previously identified, it shall be reported in writing to the Local Planning Authority immediately and shall be investigated, assessed, remediated and verified in accordance with the Remediation and Reclamation Strategy.

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, in accordance with paragraphs 120 and 121 of the National Planning Policy Framework.

10 Construction Management

The development hereby permitted shall be carried out in accordance with the construction environmental management plan (CEMP) version 1.0 dated 29.4.2016, or any subsequent CEMP submitted to and approved in writing by the Local

Planning Authority.

Reason: To mitigate against harm to amenity during construction, in accordance with paragraph 123 of the National Planning Policy Framework.

11 Surface water discharge

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

12 Tree/bee bank protection during works

The development hereby permitted shall be carried out in accordance with the approved Arboricultural Method Statement (dated August 2017), or any subsequent statement submitted to and approved in writing by the Local Planning Authority.

Reason: To protect existing trees which are considered to make a significant contribution to the amenity of the area and/or development and to avoid a loss in biodiversity.

13 During the construction phases heavy goods vehicles shall only enter or leave the site between the hours of

08:00-18:00 on weekdays

09:00-13:00 Saturdays

There shall be no such movements on or off the site on Sundays or Public Holidays (this excludes the movement of private vehicles for personal transport).

Reason: In the interests of amenity of surrounding occupants.

14 Noise barrier construction

The supporting structure (vertical and horizontal posts) to the noise barrier shall be of concrete construction (as shown on the approved drawings).

Reason: In the interest of good design, to ensure the fencing is robust, to reduce the need for maintenance.

15 Dilapidation survey

Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority. A method statement detailing the undertaking any required repair works shall be approved in writing by the Local Planning Authority and development shall occur in accordance with the approved details.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

7.0 INFORMATIVES:

Notes to Applicant

1. Network Rail

At least six weeks prior to works commencing on site the NR Asset Protection Project Manager should be contacted, contact details as below. The manager will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Asset Protection Project Manager contact details -

Network Rail (London North Eastern)

Floor 2A

George Stephenson House

Toft Green

York

Y01 6JT

Email: assetprotectionlne@networkrail.co.uk

The following measures should also be adhered to during construction -

Drainage

All surface and foul water should be collected and diverted away from Network Rail property.

Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement and provided to Network Rail. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken.

Armco Safety Barriers

An Armco or similar barrier should be located in positions where vehicles may be in a position to drive into or roll onto the railway or damage the lineside fencing.

Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, will be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Security of Mutual Boundary

Security of the railway boundary shall be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant should contact Network Rail's Asset Protection Project Manager.

Boundary Treatment

At all times there will be a secure boundary fence to the Network Rail land.

Demolition

Any demolition or refurbishment works must not be carried out on the development site that may endanger the safe operation of the railway, or the stability of the adjoining Network Rail structures. The demolition of buildings or other structures near to the operational railway infrastructure must be carried out in accordance with an agreed method statement. Approval of the method statement must be obtained from Network Rail's Asset Protection Project Manager before the development can commence.

Landscaping

Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it.

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: required revised plans and documents and through the use of planning conditions to make the application NPPF compliant.

Application Reference Number: 14/02798/FULM

Item No:

Contact details:

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