

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 27 May 2008

**Ward:** Guildhall  
**Parish:** Guildhall Planning Panel

**Reference:** 08/00475/FULM  
**Application at:** 7 Hazel Court York YO10 3DS  
**For:** Erection of 7no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190SQM) (Resubmission)  
**By:** Yorvale Properties Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 29 May 2008

### 1.0 PROPOSAL

1.1 The application is for the erection of 7 no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190sqm) (resubmission).

1.2 The site is presently an open piece of land; the surrounding area is predominantly industrial units although there is residential to the north of the site approx 130 metres away. The Tang Hall Beck runs to north of the site (classified as open space).

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams Central Area 0002

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYE4  
Employment devt on unallocated land

CYSP6  
Location strategy

CYSP7A

The sequential approach to development

CYGP1  
Design

CYGP4A  
Sustainability

CYGP6  
Contaminated land

CYGP15  
Protection from flooding

CYT20  
Planning agreements

### **3.0 CONSULTATIONS**

#### **3.1 PUBLICITY DATES/PERIODS**

Neighbour Notification - Expires 01/04/2008

Site Notice - Expires 10/04/2008

Press Advert - Expires 02/04/2008

Internal/External Consultations - Expires 27/03/2008

13 WEEK TARGET DATE 29/05/2008

#### **3.2 INTERNAL CONSULTATIONS**

##### **HIGHWAY NETWORK MANAGEMENT**

- Cycle storage is to be one per unit. This is adequate for B8 use only; the recommended minimum numbers for B1 and B2 range from 2 to 4 depending upon the size of the units

- On-site car parking levels equate to approximately only 2 spaces per unit. The recommended maximum levels per individual unit range from one to five spaces depending upon the units size and use class

- No specific end users are identified at this time. It seems logical therefore to cater for all contingencies including staff, visitors and customers then, despite minimum standards being met it must be assumed that there is a possibility of associated vehicles being parked outside of the site and within Hazel Court.

- There is already a tendency for vehicles associated with other users in Hazel Court to park outside of their respective sites, therefore to ensure that the entrance to this site is maintained clear particularly for use by commercial vehicles then it is our intention to introduce Traffic Regulations measures to restrict on street parking in the vicinity of the site.

- Traffic Regulation measures will be sought as a direct consequence of the approval of this proposed development then it is proper that contributions from the applicant should be sought towards the costs of introducing such measures

- There are no associated staffing numbers. It is thought probable that the staff numbers will be sufficient to warrant a Travel Plan being submitted in support of the application. The development is not large enough to warrant a transport assessment.

#### LANDSCAPE ARCHITECT

- This development should not impact on the edge of St Nicholas Fields. Cannot quite ascertain from the drawings (there is no site survey) where the site boundary is in relation to the vegetation (namely a line of Hawthorns) along the northern site boundary. It is important that the site fencing is installed to the rear of the spread of these Hawthorn trees/shrubs in order to retain as much of the natural environment and screening as possible, which should then be supplemented with native planting within the site boundary to blur the division between the two.

- In the 'Design and Access Statement' under 'Layout and Landscaping' not sure why the applicant feels that a cycle route would preclude additional planting along the eastern boundary. A line of clear-stemmed trees and a low hedge (i.e. with security in mind) should be planted along this boundary.

- Under policy L1 c there should be some degree of amenity space for staff to sit out in.

- In the temporary absence of a Sustainability Officer, this appears to be an ideal roof situation for rainwater harvesting (e.g. for toilet use), or for a green roof, especially in light of its proximity to the Eco depot and St Nicholas fields 'nature reserve'. There is now supplementary planning guidance available to support this requirement. There is also the potential for some micro-regeneration, especially solar power.

COUNTRYSIDE OFFICER - The landscape is limited to the rear boundary, adjacent to the Tang Hall Beck with the buildings butting right up against the route retained for a cycle path. This leaves the route constrained and limited in its value as an attractive route whilst buffering an already vegetated area. It would be better to reduce the area of planting at the back and provide a more attractive boundary to the cycle route. This would also integrate the industrial estate better into the Tang Hall Beck corridor and the St Nicholas Field Local Nature Reserve

#### DRAINAGE

- The development is shown on the EA's Flood Risk Maps to be in medium risk Zone 2, and high risk Zone 3. However, the submitted FRA provides details to show that the EA's flood mapping is inaccurate at this location and the site will not suffer from river flooding.

- The principle of attenuation of surface water flows is acceptable, however object to the proposed development on the grounds of excessive surface water discharge rate

-The proposed surface water run-off will require attenuation to a maximum discharge rate of 4.3 l/s, controlled by a flow attenuation device (e.g. HydroBrake or similar), as Tang Hall Beck has insufficient capacity to accept additional flows. The site currently has no positive drainage, but it is accepted that a discharge from the site would have been established at outline planning stage.

- The permitted discharge for the Council's nearby Hazel Court Waste Recycling Centre was 8 l/s, based on an area of 0.56Ha. Therefore, pro-rata, this site equates to  $(0.30/0.56)*8 = 4.3$  l/s

The objection was removed, the applicant agreed to restrict surface water run off to 4.3 litres per second

- Confirmed in Flood Zone 1
- Tank storage should be sized to accommodate a 1:30 year storm, with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm return period
- Conditions relating to full details of storage tank and flow control device submitted prior to commencement of development

#### CITY DEVELOPMENT

- The applicant has not submitted information applying a sequential test
- The proposed site is within flood zones 2 and 3B. The City of York Council's Strategic Flood Risk Assessment states that in Zone 2 industrial development is appropriate, however within zone 3B (functional floodplain), development would not be permitted.
- More information is requested regarding the sustainability statement. It is clear that the applicant has referred to the Interim Planning Statement and that the development would fall under Large Scale Commercial development section, no reference has been made to undertaking a BREEAM assessment.

Later confirmed that the sequential test for the B1 use (agent confirmed that it would not be used as offices) and the PPS25 sequential test are no longer required.

#### ENVIRONMENTAL PROTECTION UNIT - No objections

- Conditions requiring a desktop study, site investigation and gas monitoring must be attached.
- Although the site is 150m away from the nearest residential unit, the applicants must provide a noise survey to establish what the current background noise levels are and what measures they would put in place if the noise levels were to rise unacceptably during night time periods due to their desire for 24x7 working hours.
- Recommend that forklift trucks with conventional reversing beepers are not used between 7pm to 7am, as the sound has been shown to carry for long distances and could seriously affect the amenity of nearby residents.
- Recommend that a condition is attached regarding the type of plant and equipment that may be installed in the units to ensure that sound levels from the site do not creep upwards and to prevent background levels from increasing to unacceptable levels, within the World Health Organisation Guidelines, that affect local residents.
- As the site is upon made ground there will be a need for piled foundations and conditions should therefore be attached to reduce noise and vibration affects on the occupiers of nearby premises during the construction phase.
- Piling may create pathways for any landfill gases in the vicinity as well as endangering nearby aquifers.
- The issue of lighting should also be considered if there is to be night time working, to ensure that excessive glare does not affect the amenity of local residents.

### 3.3 EXTERNAL CONSULTATIONS/REPRESENTATIONS

GUILDHALL PLANNING PANEL - No objections

POLICE ARCHITECTURAL LIAISON OFFICER - No objections

ENVIRONMENT AGENCY

- The Agency originally objected to this planning proposal on the grounds of insufficient information contained within the FRA. The Agency has reviewed the updated FRA and considers the FRA as acceptable subject to conditions regarding a scheme for the provision and implementation of surface water run-off limitation, increase in floor levels, and two informative regarding written consent from the agency and maintenance of the watercourse.

- The site is within a former industrial area; it overlies a major aquifer and is close to a river. The application does not include a preliminary contaminated land risk assessment. The Agency therefore objects to the proposed development, as there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable. Two strands to this objection (1) the application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment (including a desk study, conceptual model and initial assessment of risk) has not been provided. PPS23 takes a precautionary approach. It requires a popper assessment whenever there might be a risk, not only where the risk is known. (2) Under PPS23, the application should not be determined until information is provided to the satisfaction of the Local Planning Authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures.

Objection was removed after the contaminated land risk assessment was submitted subject to conditions regarding further details: a preliminary risk assessment, site investigation scheme, options appraisal, remediation strategy, and verification plan. Piling and foundation designed, contamination found during construction. Informative regarding risk management framework and land contamination reports and contaminated soils.

-Confirmed the site was within Flood Zone 2 and 3b, flood zone maps are updated every 3/4 months

## **4.0 APPRAISAL**

### **4.1 RELEVANT SITE HISTORY**

07/02167/FULM - Erection of 7 no. units for business, light industrial and storage distribution (B1, B2, and B8) uses with associated parking, service yard and landscaping (1190sqm) - Withdrawn

7/010/04424E/GRG - New access road to serve future light industrial estate - Approved

7/010/04424D/GRG - Outline application for business (B1), general industrial (B2) and storage and distribution (B8) uses - Approved

7/10//4424C/DP - Formation of Nature Park - Approved

7/10/4424B/DP - Depositing of sub soil for earth mounds in connection with a proposed nature park - Approved

7/10/4424A/PA - Erection of plant and machinery for the production of ready mixed concrete - Refuse

- The proposed plant and machinery by virtue of its appearance and prominent position in an area where environmental improvement and rejuvenation is taking place would be detrimental to the visual amenities of the area and to its emerging character.

7/00/4424/DP - Roads, sewers and associated land reclamation works in connection with the industrial development of land at St Nicholas - Approved

## 4.2 ADDITIONAL PLANNING POLICY

Planning Policy Statement 1: Delivering Sustainable Development

Planning Policy Guidance 4: Industrial, commercial development and small firms

Planning Policy Statement 25: Development and Flood Risk

City of York Strategic Flood Risk Assessment, 2007

## 4.3 KEY ISSUES

1. Appearance of the development
2. Drainage
3. Impact on highway safety

## 4.4 ASSESSMENT

### PLANNING POLICY

4.4.1 Policy SP6 'Location Strategy' of the City of York Council Development Control Local Plan (2005) states that development will be concentrated on brownfield land within the built up area of the City and Urban extensions, followed by surrounding settlements and selected existing and proposed public transport corridors. Outside defined settlement limits, planning permission will only be given development appropriate to the Green Belt or the open countryside.

4.4.2 Policy SP7a 'The Sequential Approach to Development' in the City of York Council Development Control Local Plan (2005) states that to ensure development outside York City Centre is highly accessible by non-car modes of transport, a sequential approach will be taken in assessing planning applications for new retail, commercial, leisure and office development. Planning permission will be granted for new retail, leisure and office development over 400 m<sup>2</sup> floor space (net) in accordance with the following hierarchy:

- (a) The defined Central Shopping Area for retail and York City Centre for leisure and office; then in
- (b) Edge of City Centre sites or Acomb or Haxby District Centre, where it can be demonstrated that all potential City Centre locations have been assessed and are incapable of meeting the development requirements of the proposal; then in
- (c) Other out of centre locations genuinely accessible by a wide choice of means of transport, where it can be demonstrated that criterion (a) and (b) locations have been assessed and are incapable of meeting the development requirements of the proposal.

4.4.3 Policy E4 'Employment development on Unallocated Land' in the City of York Council Development Control Local Plan (2005) states that within defined settlement limits, planning permission will be granted for employment use of a scale and design appropriate to the locality where: the site is vacant, derelict or underused or it involves infilling, extension, redevelopment or conversion of existing buildings.

4.4.4 Policy GP1 'Design' of the City of York Council Development Control Local Plan includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.4.5 Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development. Development should: provide details setting out the accessibility of the site by means other than the car and, where the type and size of development requires, be within 400 metres walk of a frequent public transport route and easily accessible for pedestrians and cyclists; contribute towards meeting the social needs of communities within the City of York and to safe and socially inclusive environments; maintain and increase the economic prosperity and diversity of the City of York and maximize employment opportunities; be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City; minimize the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered; minimize pollution, including that relating to air, water, land, light and noise; conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife area and room for trees to reach full growth; maximize the use of renewable resources on development sites and seek to make use of renewable energy sources; and make adequate provision for the storage and collection of refuse and recycling.

4.4.6 Policy GP6 'Contaminated Land' in the City of York Council Development Control Local Plan (2005) states that planning applications for development on, or adjacent to, land which may have been contaminated by a previous use should, as a minimum include a preliminary assessment (desk study) of the potential for contamination. The assessment should consider the potential impacts on all receptors as detailed in Part II A of the Environment Protection Act 1990. Should this preliminary assessment indicate the potential for contamination, a more detailed site investigation should be submitted prior to determination of the application. This should be undertaken in line with the British Standards BS 10175: 'Investigation of potentially Contaminated Sites: Code of Practice'. This assessment should assess

risks to the environment and human health and establish remediation objectives for the site. Planning conditions will normally be used to secure site remediation and where appropriate post remediation monitoring and validation, for sites affected by contamination.

4.4.7 Policy GP15a 'Development and Flood Risk' in the City of York Council Development Control Local Plan (2005) states that there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits. Proposals for new development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere. All applications in the low to medium risk or high risk areas should submit a Flood Risk Assessment (FRA) providing an assessment of additional risk arising from the proposal and the measures proposed to deal with these effects.

#### APPEARANCE OF THE DEVELOPMENT

4.4.8 The proposed units are set in two blocks parallel to each other set at a 90 degree angle to the road. The larger block along the west boundary of the site would measure 53.6 metres in length, 15.4 metres in width, and 7.3 metres in height including a shallow mono pitch. There are four units in this block; Unit 1 is 234.1 square metres in area, Units 2 and 3 152.8 square metres, and Unit 4 190.3 square metres. The front elevation of the block has variation in the frontage such as variation in colour of the cladding, roller shutters, pedestrian access doors with canopies and windows. The rear elevation, which would be visible when travelling along Hazel Court is, has little visual interest, with nothing breaking the singular colour cladding and this emphasises the blandness of the elevation. There is an empty plot adjacent to the site, a bulk construction materials plant has been approved on this site (06/01892/FUL) and this would provide an element of screening of the rear elevation.

4.4.9 Units 5 to 7 create a smaller block along the eastern boundary of the site measuring 34.2 metres in length, 15.4 metres in width, and 7.3 metres in height. Unit 5 is 175.9 square metres in area, Unit 6 is 141.6 square metres, and Unit 7 is 142.5 square metres. The units are of the same design as the larger block. The large blank rear elevation faces the office block and car park at the eco depot. The two blocks have the standard appearance of industrial units similar to others in the area. By virtue of the number and scale of the units on the site, the proposal would appear a little cramped especially when seen in context with the surrounding units which have more space around them than the proposed. It would have been preferred to have a proposal that was more architecturally individual on this site especially when viewed in relation to some of the distinctive architecture on the CYC eco depot site this in itself is not considered to be a reason for refusal by virtue of the examples of similar developments in the area.

#### FLOODING AND DRAINAGE

4.4.10 There is some ambiguity as to which flood risk zone the site lies within. The site has been built up in height recently and the York Consultancy (Drainage) state



that it is within a flood zone 1 while the Environment Agency have confirmed that the site is within Flood Zone 2 and 3b (functional floodplain). The use is described in PPS25 as a 'less vulnerable use' however as part of the site is within Flood Zone 3b development is deemed not appropriate. The Flood Risk Assessment submitted by the agent only discusses Flood Zone 2. Despite this omission by the agent the Environment Agency do not have concerns regarding the submitted FRA and do not require a sequential test in line with PPS25.

4.4.11 There was some concern from the York Consultancy (Drainage) regarding excessive surface water discharge however the agent has confirmed that they would restrict the discharge rate to 4.3 litres per second and York Consultancy (Drainage) has removed their objection subject to a condition requesting full details of the storage tank and the flow control device prior to construction.

4.4.12 The Environment Agency had concerns regarding contaminated land and groundwater however just prior to the writing of this report a contaminated land risk assessment was submitted which the EA has accepted and have withdrawn their original objection subject to conditions requesting for additional information prior to commencement on site.

#### IMPACT ON HIGHWAY SAFETY

4.4.13 There is an existing problem with parking on Hazel Court and therefore to ensure the entrance of the site is clear Highways Network Management would like to introduce traffic regulation measures as a direct consequence of this development and therefore a contribution would be sought from the developer. From guidance obtained by Highways Network Management this is not something that would be conditioned as part of this planning application but would be a separate agreement with that department. The agent has expressed concern regarding the issue of a contribution.

4.4.14 As the application is speculative there are no indication of staff numbers. Sixteen parking spaces have been provided two of these are for the disabled, however it is probable that the staff levels would be sufficient to warrant a Travel Plan.

4.4.15 A B2 (General Industry) and B8 (Storage and Distribution) use in this scale of unit generally have a lower staff level than a B1 (Business) use would. The site is near the centre of town and public transport links but as can be seen at present there is an existing problem with parking and a B1 use would be likely to encourage more vehicle parking than a B2 or B8 use. It is considered that a condition could be placed on a planning permission removing the B1(a) use - an (office) and this may help to reduce potential parking issues. The agent has confirmed that it is not their intention for the site to be used as offices and they have not submitted a B1 (a) office sequential test.

#### LANDSCAPING

4.4.16 The countryside officer has concerns regarding the landscaping along the northern boundary, as this would abut a proposed cycle path. There is minimal

landscaping shown in the submitted plans and it is considered that further details could be requested as conditions. There is also some ambiguity regarding boundary treatment and it is considered requesting further details of this fencing, as part of a condition would be prudent.

## IMPACT ON NEARBY RESIDENTS

4.4.17 There is some concern regarding potential disturbance to nearby residents and the Environmental Protection Unit has requested a noise survey as the units are proposed for a 24 hour 7 days a week. EPU have also requested that forklift trucks using conventional beepers are not used between 7pm and 7am which is considered to be an appropriate condition. Light spillage from external lighting is also considered to be prudent to condition so no neighbours are disturbed by excessive lighting and glare.

## SUSTAINABLE FEATURES

4.4.18 The sustainability statement submitted has stated that no sustainable features or renewable energy would be incorporated into the design, however this on its own is not a reason for refusal.

## 5.0 CONCLUSION

5.1 The proposal is considered to be acceptable on this site. On the basis of the below conditions it is not considered to impact on residential amenity of nearby residents. It is in keeping with the visual character of the surrounding area. Approval is recommended.

## 6.0 RECOMMENDATION: Approve

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

Drawing Number 003 Revision F received 28 February 2008  
Drawing Number 004 Revision G received 28 February 2008  
Drawing Number 005 Revision D received 28 February 2008;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

2 TIME2 Development start within three years

3 VISQ8 Samples of exterior materials to be app

4 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development commencing at the site.

Informative: This should where possible date back to 1800.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

5 A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

6 A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing at the site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

7 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing at the site.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

8 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development at the site.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment and to protect controlled waters .

9 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect the amenity and health and safety of neighbouring residents and

the wider environment.

10 Prior to the commencement of development hereby approved, gas monitoring shall be carried out to the satisfaction of the local planning authority, to consider the effect of any landfill gas generation and migration.

Reason: For the protection of property and human health.

11 Based on information from the gas monitoring, proposals for landfill gas protection systems to be included in the development shall be submitted to and approved by the local planning authority prior to the commencement of development.

Reason: For the protection of property and human health.

12 A scheme to prevent the introduction of preferential pathways through foundation design and construction shall be submitted in writing to and approved by the local planning authority prior to the commencement of works on site. This scheme should have due regard for the Environment Agency guidance document report NC/99/73: Piling and penetrative ground improvement methods on land affected by contamination.

Reason: To protect the amenity and health and safety of neighbouring residents and the wider environment.

13 A scheme of mitigation measures necessary to adequately protect the amenity of local residents from light intrusion shall be submitted in writing to the Local Planning Authority for approval prior to development. The approved mitigation measures must be fully installed prior to the use hereby permitted. The scheme should include:

- a) A contour map showing illumination spill beyond the site boundary measured in lux in the horizontal plane.
- b) The main beam angle of each light source.
- c) The uniformity ratio in respect of the lighting.
- d) The level of illuminance measured in lux, in the vertical plane at the windows of the nearest residential properties facing the site.
- e) The height of any lighting stanchions.

Reason: To protect the amenity of local residents.

14 A noise impact assessment shall be undertaken to establish the background noise levels at the boundary of the site of the proposed development during daytime and night time periods prior to the development commencing. The assessment should also establish what the combined noise levels are likely to be from various plant and equipment, plus noise from estimated vehicle movements including any fork lift trucks, and what effect the noise will have on the background noise levels. The results should be compared to the World Health Organisation guidelines for noise in residential properties. Once the assessment has been completed a copy of the report, including proposals for noise attenuation should be submitted to the local planning authority for approval prior to occupation of the units.

Reason: to protect the amenity of local residents.

15 Details of all machinery, plant and equipment to be installed in the proposed premises, which is audible outside the site boundary, and the proposed noise mitigation measures, shall be submitted to the local planning authority. These details shall include maximum (L<sub>Amax</sub>(f)) and average (L<sub>Aeq</sub>) sound levels (A weighted), and octave band noise levels they produce. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be appropriately maintained thereafter.

Reason: to protect the amenity of occupiers of nearby buildings.

16 No development shall take place 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 Authority.

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

17 No development approved by this permission shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason: To prevent the increased risk of flooding.

18 Floor levels should be set at 600mm above the modelled 1 in 100 year flood level of 10.53 metres above Ordnance Datum.

Reason: To protect the development from flooding.

19 Prior to the occupation of the site, a heads of terms agreement to be included in a future company travel plan shall be submitted and approved in writing by the Local Planning Authority. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

- Within 6 months of occupation of the site a full company travel plan developed and implemented with national guidance and guidance currently published by the City of York Council shall have been submitted and approved in writing by the Local Planning Authority.

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

Reason: To ensure the development complies with advice contained in PPG 13 - Transport, and in Policy T20 of the City of York deposit Draft Local Plan (2005), and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

20 HWAY10 Vehicular areas surfaced, details reqd

21 HWAY18 Cycle parking details to be agreed

22 HWAY19 Car and cycle parking laid out

23 HWAY22 Internal turning areas, details reqd

24 HWAY31 No mud on highway during construction

25 Before commencement on site full details of the storage tank and the flow control device should be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding.

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

Reason: To protect controlled waters

27 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

28 No raw materials, finished or unfinished products or parts, crates, materials, waste, refuse, or overnight/weekend storage of vehicles or any other item shall be stacked or stored outside any building on the site.

Reason: In the interests of visual amenity of the area.

29 There shall be no retail sales including ancillary retailing (as defined in Class A1 of the Town and Country Planning (Use Classes Order 1987)) from the development hereby approved without the express permission of the Local Planning

Authority following receipt of a planning application in that respect.

Reason: This site and locality is not appropriate for commercial retail activity by virtue of its potential traffic and parking impact.

30 The proposed units shall only be used for purposes set out in Use Class B1 (b), B1 (c), B2, and B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987.

Reason: By virtue of the potential traffic and parking impact.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference the residential amenity of the neighbours, the visual amenity of the units and the locality, and highway safety. As such, the proposal complies with Policies SP6, SP7a, SP10, GP1, GP6, and GP15a of the City of York Development Control Local Plan (2005).

#### 2. Contaminated Materials

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction 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 IIA of the Environmental Protection Act 1990.

#### 3. Demolition and Construction

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

a. All demolition and construction works and ancillary operations, including deliveries to and despatch 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.	

b. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of

practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

c. 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.

d. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

e. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

f. There shall be no bonfires on the site."

#### 4. Environment Agency Consent

Under the terms of the Water Resources Act 1991 and the Land Drainage By-laws the prior written consent of the Environment Agency is required for any proposed works or structures in, under, over or within 8 metres of the top of the bank of the Tang Hall Beck, designated a 'main river'

#### 5. Maintenance of Watercourse

Under the Water Resources Act 1991 and The Land Drainage Act 1991 both the Environment Agency and the Local Authority have permissive powers to maintain watercourses. Their jurisdiction depends on the Watercourse designation as 'Main River' or 'Ordinary Watercourse'. However, responsibility for the general maintenance of the watercourse and their banks, rest with riparian owners.

#### 6. Consent for Highway Works

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

#### 7. Environment Agency Informative

The Environment Agency recommends that developers should:

1) Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

2) Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.



- 3) Refer to our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for more information.  
8. Environment Agency Informative

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to the Environment Agency's:

- remediation position statements outlining its regulatory position on remediation processes
- guidance on the Definition of Waste: developing greenfield and brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.

**Contact details:**

**Author:** Victoria Bell Development Control Officer  
**Tel No:** 01904 551347