

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Heworth
Date: 24 July 2008 **Parish:** Heworth Planning Panel

Reference: 08/01225/FUL
Application at: Council Depot Foss Islands Road York YO31 7UL
For: Removal of Condition 11, restricting minimum size of retail unit to 929 sq m (reference to 06/00338/GRG3)
By: Keyland Gregory (Retail) Limited
Application Type: Full Application
Target Date: 8 July 2008

1.0 PROPOSAL

1.1 This application is submitted in accordance with Section 73 of the Town and Country Planning Act 1990. It seeks to remove condition 11 of planning permission 06/00338/GRG3 (which varied 03/00737/GRG4) for Foss Islands Retail Park.

1.2 Condition 11 of the 06/00338/GRG3 approval requires the floor area of the units to be no less than 929sq.m net. It also restricts the subdivision of units without prior written consent of the Local Planning Authority. The stated reason for the condition was to ensure that smaller units do not trade from the site which could have a detrimental impact on the vitality and viability of York City Centre.

1.3 According to the applicant's agent, the reason for the proposed removal of condition 11 is because in marketing the scheme, there are retailers who require this size of footplate, but do not require the additional mezzanine space within these units.

1.4 It has been confirmed that the footprints of units would remain as shown on the approved plans for the scheme, although as different retailer requirements emerge, there may be some need for variation, such as changes to the mezzanine floorspace within the overall limits of the planning permission.

1.5 The footplate sizes (gross in all cases) proposed are as follows:

Unit 1	1,393sq.m (15,000sq.ft)
Unit 2a	697sq.m (7,500sq.ft)
Unit 2b	697sq.m (7,500sq.ft)
Unit 3	929sq.m (10,000sq.ft)
Unit 4	3,251sq.m (35,000sq.ft) and 706sq.m (7,600sq ft) garden centre

PLANNING HISTORY

1.6 In November 1999, an outline application was submitted which sought permission for a non food retail park development on a site falling generally within the site of the current planning application but including additional land to the south and excluding certain parcels to the north. At the 2nd March 2000 Planning and Transport Committee, Members resolved to approve the application subject to the

referral of the application to the Secretary of State and subject to the signing of a Section 106 Agreement.

1.7 On 28 September 2000, Members approved a revision to the scheme, which involved the resiting of the restaurant and associated car parking. The application (comprising the revision) was referred to the Secretary of State who confirmed that the application would be left to the determination of the Local Planning Authority. Negotiations relating to the Section 106 Agreement proceeded but were not completed due to the nature of the scheme and the precise site area changing over time.

1.8 The outline planning permission was issued on 9th December 2004 following referral of the application to the Government Office for Yorkshire and Humber and the completion of a Section 106 Agreement. The outline application, which included details of the siting and means of access for consideration at that stage established the principle of the development and set limitations on the amount of food and non food retail floorspace, as follows:-

- i. Non-food retail units with a footprint of 6,970 sq m (75,000 sq ft) and gross floorspace of 10,220 sq m (110,00 sq ft);
- ii. A foodstore of 6,718 sq m (82,000 sq ft) for occupation by Morrison Supermarkets, to include a petrol filling station;
- iii. A restaurant of 372 sq m (4,000 sq ft); and
- iv Relocation of Kwik Fit 643 sq m (6,830 sq ft).

1.9 That outline permission was then amended by planning permission 04/04420/GRG4 dated 24th February 2004. This was also a Section 73 application and was sought in order to allow the redevelopment of the site in phases and introduced a phasing condition to allow for this. A number of the other conditions were also amended. A further outline permission was then issued on 2nd September 2005 which further varied condition 4 (non-food sales floorspace be limited) of 04/04420/GRG4

1.10 A reserved matters application was submitted in December 2004 (04/04381/REM) illustrating the same layout and footprint as that indicated at the time of the outline application, but also including details of the cycle, bus and pedestrian route onto and through the site from Foss Islands Road to the James Street Link Road.

1.11 In 2006 an application to vary the details of the reserved matters application 04/04381/REM (planning ref. no. 06/00338/GRG3) was approved by members. The approved changes were as followings:

- i. alterations to the elevations of the Morrisons supermarket;
- ii. incorporation of Homebase to operate from one of the units in the non-food retail park area. This involved the introduction of a garden centre and consequently required a revised footprint in order to accommodate Homebase's trading requirements;

iii. a reduction in the size of the petrol filling station canopy and a reconfiguration of the general layout of the area around the petrol filling station; and

iv minor alterations to the car park layout.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

Conservation Area Central Historic Core 0038

Contaminated Land

City Boundary York City Boundary 0001

DC Area Teams Multiple (Spatial)

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

Listed Buildings Grade 2; Chimney At Works Depot Foss Islands Road 0024

2.2 Policies:

CYS2

Out of centre retail warehouse criteria

3.0 CONSULTATIONS

INTERNAL.

3.1 CITY DEVELOPMENT

The applicant has indicated that the floorspace of individual units may vary from those approved, but within the overall limits of the planning consent (10,220sq.m gross). The development is still subject to strict control afforded by the remaining planning conditions over the main range of goods, and the scale of the ancillary goods, to be sold on site. In this context it is considered that the removal of condition 11 would not result in the Foss Islands Road scheme undermining the vitality and viability of the City Centre. Hence no objections were raised.

3.2 It is essential that no relaxation over the range of goods/ancillary goods condition is allowed, to ensure that the scheme does not become a separate high street destination in direction competition with the city centre.

3.3 HIGHWAY NETWORK MANAGEMENT

No objections.

EXTERNAL.

3.4 HEWORTH PLANNING PANEL

No response received to date.

3.5 SITE NOTICE PUBLICITY

No response received.

4.0 APPRAISAL

4.1 Section 73 of the 1990 Town and Country Planning Act provides for applications for planning permission without complying with conditions previously imposed on a planning permission. The Local Planning Authority can grant such permissions unconditionally or subject to different conditions, or they can refuse the application if they decide the original conditions should continue in the same form or that any changes will be materially harmful or have policy connotations. The proposal here is to remove condition 11 of the original approval, and if approved, a completely new decision notice would be issued.

4.2 The key issue is whether the proposed removal of condition 11 would undermine the vitality and viability of the existing centres in York.

4.3 Planning Policy Statement no.6 (PPS 6) "Planning for Town Centres" (2005) sets out the Central Government's key objective for town centres, which is to promote their vitality and viability. Chapter 3 of PPS6 sets out the considerations which should be taken into account by local planning authorities in determining planning applications for all proposals relating to main town centre uses for:

- i. new development;
- ii. redevelopment of existing facilities;
- iii. extensions to existing facilities;
- iv. change of use involving development;
- v. renewal of extant planning permission; and
- vi. application to vary or remove existing planning conditions, which would have the effect of creating additional floorspace or changing the range of goods sold, thereby changing the scale and/or character of the development.

4.4 This application relates to criterion vi above. Nevertheless, the proposed removal of condition 11 would not result in the creation of additional floorspace and would not change the range of goods being sold on site. As such, it is satisfied that the 5 tests set out in chapter 3 of PPS6 are not required to be demonstrated by the applicant. The 5 tests are: a) assessing the need for development, b) securing the appropriate scale of development, c) applying the sequential approach to site selection, d) assessing impact on existing centres, and e) ensuring locations are accessible.

4.5 PPS6 also advocates the use of planning conditions to ensure that the character of a development cannot subsequently be changed to create a form of development that the local planning authority would originally have refused.

4.6 The conditions attached to the original application (03/00737/GRG4) and the subsequent variation of condition application (06/00338/GRG3) reflect the policy position taken by the City of York Local Plan. The strategic purpose of the Local Plan, in retail terms, is to maintain and enhance the vitality and viability of, and the range of shopping provision in, York's City Centre, District Centres and neighbourhood shopping parades. To ensure that retail development outside the city centre does not develop into a competing major comparison goods centre, draft policy S2 seeks to control both the scale (in terms of minimum sales floorspace) and range of goods sold from out-of-centre sites, where appropriate.

4.7 It is noted that in determining the current outline consent (03/00737/GRG4), an agreement was reached over the range of goods to be sold, in line with the approach advocated by Policy S2 of the draft Local Plan. Conditions were subsequently imposed on the 06/00338/GRG3 variation of condition application in order to minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods, and to make certain that the development would not subsequently change its character.

4.8 Given the strict control over the main range of goods, and scale of ancillary goods, to be sold from the site, it is considered that the vitality and viability of the city centre would not be detrimentally harmed by virtue of the proposed removal of planning condition no.11.

4.9 As mentioned in paragraph 4.1 above, the aim of this application is to remove condition 11 of the original approval only. Therefore, if approved, a completely new decision notice would be issued with all conditions included (except condition 11 and all other conditions which have been discharged). Thus the proposed removal of condition 11 would not result in a relaxation of the range of goods sold. In addition it would not create a situation where the Foss Islands site would be in direct competition with the City Centre by becoming a major comparison goods centre or a separate 'high street' destination.

5.0 CONCLUSION

By virtue of the strict control afforded by the remaining conditions over the main range of goods, and the scale of ancillary goods, to be sold from the site, it is considered that the removal of condition 11 of 06/00228/GRG3 would not result in the Foss Islands scheme undermining the vitality and viability of the City Centre. Hence, subject to:

- a) Amendment of the S. 106 Agreement to refer to this variation application; and
- b) Imposition of the conditions as listed below,

this application is recommended for approval.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 The development shall not be carried out otherwise than in complete accordance with the plans as originally submitted with planning application reference no.: 06/00338/GRG3 and later amended by the revised drawings listed below and

received on the date indicated, or as may otherwise be agreed in writing with the local planning authority.

Flood risk assessment received 9th February 2006

Dwg No. 221 B (Harris) Simplified site layout received 9th February 2006

Dwg No. H/06 P1 (White Young Green) Foss Islands Road junction details received 9th February 2006.

Reason: To achieve an acceptable form of development.

2 Note: Conditions 2 to 4 relate to the food retail element of the scheme;

The amount of comparison goods sales floorspace should be limited to no more than 15% of the net floorspace granted permission for construction of the agreed foodstore.

N.B: The current scheme proposes 3,721 sqm (net) with 558 sqm of comparison goods. This equates to 15%, the remainder being for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

3 The installation of a mezzanine floor other than for ancillary offices, staff facilities and storage, shall not be permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid the proposed development having an adverse impact on York City Centre.

4 The net retail floorspace shall not exceed 3,721 square metres without prior written approval from the Local Planning Authority.

Reason: To avoid the proposed development having an adverse impact on York City Centre.

5 Note: Conditions 5 to 8 relate to the non-food retail element of the scheme:

The following range of goods shall not be sold unless ancillary to the main range of goods:

- Clothing and Footwear
- Accessories
- Watches and Jewellery
- Music and Video recordings and Video and CD Rom
- Camera and Photographic equipment
- TV/Video/DVD and Hi-Fi equipment
- Toys
- Pharmaceutical goods
- Books/Magazines

- Leisure and Luxury goods (e.g. handbags, luggage, china, glass goods and cutlery)
- Any use falling within Class A2 of the Use Classes Order

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

6 No more than 50% of the net sales area in any unit selling sports goods shall be used for the sale or display of clothing or footwear.

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

NOTE: This replaces the previous condition which said
' No more than 50% of the net sales area in units selling sports goods, shall be used for the sale or display of clothing and footwear'.

7 The amount of sales floorspace used for the sale and display of those goods restricted in condition 5 in any unit will not exceed 15% of the total net floorspace within that unit.

Reason: To minimise the impact of comparison goods sold at these stores competing with York City Centre retail outlets selling the same goods.

8 Additional mezzanine floors beyond those explicitly referred to in the original planning permission and allowing a maximum gross floorspace for the non-food units of 10220sqm excluding, for the avoidance of doubt, the foodstore, the restaurant and motorist repair centre will not be permitted unless agreed in writing with the Local Planning Authority. The garden centre shown on the southern elevation of unit 4 is considered part of the floorspace of unit 4 and shall not be occupied as a separate unit and is considered, for the purposes of this application, to be part of the 10220sqm gross non food unit floorspace.

Reason: To avoid the proposed development having an adverse impact on York City Centre.

9 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which takes account of the loss of existing habitats, which mitigates against the losses incurred and which ensures the provision of a green corridor through the site. The landscaping scheme shall illustrate the number, species, height and position of trees and shrubs to be removed and to be planted and shall include details of soil amelioration and cultivation techniques, site preparation, ground levels and timing of works. This scheme shall be implemented within a period of six months of the completion of phase 2 of the development unless otherwise agreed in writing by the local planning authority, and apart from where such implementation would prevent the reasonable access to operating businesses on any subsequent phase of the development, and for which a variation of the requirement for implementation has been agreed in writing by the Local Planning Authority. 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.

10 A landscape and ecology management plan including management responsibilities and maintenance schedules for the 'green corridor' and all other landscaped areas shall be submitted to and approved in writing by the Local Planning Authority prior to phase 2 of the development being brought into use and shall be adhered to throughout the lifetime of the development.

Reason.

To ensure the future management, health and vitality of the landscaped and ecological areas throughout the lifetime of the development.

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

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

12 The permission hereby granted for the use of the restaurant for the purpose contained within Class A3 of Part A of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005) or as in any further amended order, specifically excludes the use of the restaurant for the sale of hot food or drink for consumption off the premises.

Reason: The use of the restaurant for the sale of hot food or drink for consumption off the premises is likely to be detrimental to the amenities of nearby residents and/or detrimental to highway safety.

13 A detailed scheme for each phase of the development to control the noise of deliveries to and from the use hereby permitted within that phase shall be agreed in writing by the Local Planning Authority prior to the use of that particular phase commencing. This scheme shall include measures to control noise from reversing vehicles and noise from the unloading/loading of vehicles. The hours during which deliveries will be permitted shall also be included. The approved scheme shall thereafter be complied with at all times, unless a variation of the scheme is first agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of local residents

14 Details of the proposed hours of use for the development shall be submitted to the local planning authority for written approval prior to the first use commencing. The use hereby permitted shall be confined to the hours approved.

Reason: To safeguard the amenities of local residents.

15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax(f)}$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenities of local residents

16 In relation to any restaurant use within any building within the site and any cooking carried out within the supermarket use hereby permitted there shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To safeguard the amenities of local residents.

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

Reason: In the interests of the safe and proper development of the site.

18 A validation report for each phase shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development of that particular phase commencing on site.

Reason: In the interests of the safe and proper development of the site.

19 Any contamination detected during the site works on each phase of the development that has not been considered within the remedial strategy for each phase 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 of that particular phase.

Reason: In the interests of the safe and proper development of the site.

20 A timetable of proposed remedial works for each phase of development shall be submitted to the local planning authority prior to any works on that particular phase being undertaken on the site.

Reason: In the interests of the safe and proper development of the site.

21 Floor levels shall be set at least to the minimum agreed level of 10.30 metres above Ordnance Datum.

Reason: To protect the development from flooding.

22 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

23 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 no surface water discharges take place until proper provision has been made for their disposal.

24 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within a twelve metre easement strip centred over the line of Tang Hall Culvert which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

25 Notwithstanding the submitted plans, full details of the proposed alignment and extent of the diversion of the Tang Hall culvert shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposals take into account the works to the culvert associated with the construction of the James Street Link Road.

26 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within a thirteen metre easement strip centred over the Foss Islands High Level Culvert which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

27 Vehicular access shall be provided at all times to the existing chamber and control building compound on the Foss Islands High Level Culvert.

Reason: To enable access to this flood control installation.

28 Prior to the commencement of the development hereby approved, a CCTV survey of the Tang Hall Beck overflow culvert shall be undertaken and a remedial strategy shall be developed based upon the findings of this survey. The results of the survey and the remedial strategy shall be submitted to and approved in writing by

the Local Planning Authority prior to any development commencing on site

Reason: To ensure that the Tang Hall Beck overflow culvert continues to function satisfactorily.

29 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located within a six metre easement strip centred over the Tang Hall Beck Culvert which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

30 For all manholes on the culverts, provision shall be made for machine access and the surrounding areas shall be constructed to adequately support plant and machinery, which may be required to deal with blockages and other maintenance requirements.

Reason: To enable the culverts to be maintained to minimise the risk of blockages occurring.

31 Prior to the commencement of each phase of the development hereby approved, details shall be submitted showing the routes of all culverts affected by that phase shall be confirmed and located on the topographic survey.

Reason: To ensure that easement strips are correctly located.

32 During the construction phase of each phase of the proposed development, 24 hour access to the inlet screens on the culverts within that phase shall be maintained.

Reason: In the interests of maintenance and flood prevention.

33 Prior to commencement of the use of each phase of the development, details shall be submitted and agreed in writing by the Local Planning Authority, of the car park signing necessary as a consequence of that phase of the development. Such signing shall be provided to coincide with the opening of the car parking of each phase.

Reason: In the interests of highway safety.

34 Prior to each phase of the development coming into use, full details of the proposed CCTV facilities within that phase shall be submitted to and approved in writing by the LPA, and prior to commencement of work on any phase, details of the lighting for the car park and cycle route shall be submitted to and approved in writing by the LPA.

Reason: In the interests of safety and visual amenity.

35 Prior to commencement of each phase of the development, a dilapidation survey for that part of the site affected shall be jointly undertaken with Officers of the

Council, the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway.

36 The initial 10m of the access, measured from the nearside highway boundary, shall not exceed a gradient of 1 in 20 (5%). Elsewhere within the site the gradient of pedestrian and vehicular areas shall not exceed 1 in 12 (8.3%).

Reason: To ensure vehicles safely approach and enter the public highway and that the site is accessible to people with disabilities.

37 Each phase of the development shall not come into use until all existing vehicular crossings affected by that phase not shown as being retained on the approved plans have been removed by reinstating the kerbing, footway and verge to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

38 Prior to commencement of each phase of the development commencing details of the cycle parking areas for that phase, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building(s) within that phase shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

39 Prior to each phase of the development coming into use the sight lines shown on the approved plans shall be provided free of all obstructions which exceed the height of the adjacent carriageway by more than 1.0m and shall thereafter be so maintained.

Reason: In the interests of road safety.

40 Prior to each phase of the development coming into use, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

41 A safety audit (stages 2 and 3) carried out in accordance with the advice set out in the design manual for roads and bridges HD 19/94 and guidance issued by the Council, shall be submitted for each phase the site access(es) and all off-site works for that phase, as specified, in the transport assessment.

Reason: In the interests of safety and good highway management.

42 All lighting shall be positioned and angled to prevent glare, reflection or distraction to highway users and the illumination shall comply with the recommendations of the Institution of Lighting Engineers Technical Report No. 5.

Reason: In the interests of road safety.

43 The operation and management of all the car park on each phase of the development shall be undertaken in accordance with a car park management scheme for that phase, which shall be submitted to and approved in writing by the LPA prior to that phase of the development being brought into use. The scheme shall specify that parking is limited to a maximum of 2 hours and shall not be revised without the prior approval of the LPA.

Reason: To ensure that the car park management is in accordance with Council policy to control long stay parking.

44 Unless otherwise agreed in writing by the Local Planning Authority, the landscaping scheme for the green corridor to which condition 9 refers shall be implemented within a period of six months of the completion of phase two of the development and all cycle/pedestrian routes shall be available for use prior to the first use of phase two.

Reason. To achieve an acceptable form of development.

45 Prior to the commencement of phase two, details of any temporary arrangements which may be required for the provision of the cycle / pedestrian route across the access to the operating premises in phase three of the development, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details and shall be implemented to ensure the cycle/pedestrian route is available prior to the first use of phase two.

Reason. To achieve an acceptable form of development.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the vitality and viability of existing centres. As such the proposal complies with Policies E2 and Y1 of the Yorkshire and Humber Regional Spatial Strategy to 2026 (2008) and Policy S2 of the City of York Local Plan Deposit Draft.

2. In preparing the plans and details required in order to discharge the details required by condition 9, the developer is encouraged to liaise with YNET. The Local Planning Authority will co-ordinate these discussions and ensure YNET's involvement on this issue.

3. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed under Section 278 of the Highways Act 1980 (Highway Works).

4. 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:

A. 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".

B. 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.

C. 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.

D. 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.

E. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

F. There shall be no bonfires on the site.

5. 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).

6. Additional mezzanines floors within the non food element of the scheme will be encouraged should this result in a significant reduction in the footprint of the building.

7. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

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