

COMMITTEE REPORT

Date: 16 February 2012 **Ward:** Osbaldwick
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 11/03259/FULM
Application at: The Abattoir Murton Lane Murton York YO19 5UF
For: Development of new abattoir and food production facility with associated landscaping and access following demolition of existing abattoir
By: Mr Tom Kirwan
Application Type: Major Full Application (13 weeks)
Target Date: 9 March 2012
Recommendation: Approve after referral to Secretary of State

1.0 PROPOSAL

1.1 The proposal involves demolition of an existing abattoir building and ancillary storage buildings (approximate total floor area 3,100sqm) and redevelopment with a new food production building including a new abattoir and lairage (approximate total floor area 12,100sqm). The food production element of the building would be part single-storey and part 2-storey with a stepped flat roof ranging from 9m high to 10.8m high. The building would have an industrial-type character, albeit with a glazed reception, and be clad in polished techcrete panels. Attached to the rear of this element of the building would be the lairage. This part of the building would range in height from 6.6m to 8.8m and be entirely Cedar-clad to give it a more agricultural appearance. 125 car parking spaces and five loading bays would be provided in front of the building and storage would be provided for 25 bicycles. A new access would be provided from Murton Lane and the perimeter of the site would be landscaped. A small security hut would be built next to the vehicular access into the site.

1.2 As the south west end of the building extends beyond the settlement limit, the application technically constitutes inappropriate development in the green belt where the floor space to be created by the development is 1,000 square metres or more. Therefore, if the committee were to resolve to approve the application it would have to be referred to the Secretary of State prior to determination.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Contaminated Land GMS Constraints:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYE4

Employment devt on unallocated land

CYGP1

Design

CYGP4A

Sustainability

CYGP6

Contaminated land

CYGP9

Landscaping

CGP15A

Development and Flood Risk

CYGB1

Development within the Green Belt

CYGB11

Employment devt outside settlement limits

CYT4

Cycle parking standards

CYNE1

Trees, woodlands, hedgerows

CYNE2

Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6

Species protected by law

CYNE7

Habitat protection and creation

3.0 CONSULTATIONS

INTERNAL

3.1 Design, Conservation & Sustainable Development (Landscape) - Tree cover is generally limited to the perimeter of the existing site therefore those trees that are established are of considerable value. Due to the increased footprint of the building and operational area the development would result in the loss of virtually all of the mature trees on site. It would also entail removal of the rear hedge, and much of the ditch-side vegetation. The landscape proposals include replacement tree and hedge planting along all the boundaries but they will not attain the same volume. In the short to medium term there will be a significant detrimental loss to the amenity of the immediate area due to the loss of mature trees. If planning permission is to be granted greater habitat mitigation should be sought.

3.2 Design, Conservation & Sustainable Development (Countryside) -The trees and hedges to be lost provide good habitats and commuting corridors for birds and bats. Mitigation for the loss of habitat is difficult because the new building would occupy such a large proportion of the site. The proposed replacement hedgerows would ensure that the local hedgerow network is enhanced and strengthened and the replacement mature trees to the south east would retain a commuting and foraging corridor for bats. In the short term foraging and commuting would be affected while the new planting matures.

3.3 Design, Conservation & Sustainable Development (Sustainability) - No evidence has been submitted to explain why BREEAM cannot be achieved nor why 10% renewable cannot be provided on site. These matters should be made conditions of approval.

3.4 Environmental Protection Unit - No objections subject to conditions being attached to protect nearby occupiers and the environment.

3.5 Economic Development Unit - Welcomes this reinvestment in the city and supports the application, subject to satisfying planning controls.

3.6 Highway Network Management - Comments awaited.

EXTERNAL

3.7 Murton Parish Council - supports the application subject to the following comments/provisos. The design appears to have taken into account points raised by the parish council. Screening along all boundaries should be effective once established. Construction traffic should not approach the site via Murton village. Construction operations/deliveries should be confined to normal working hours. The height of lighting columns should be reduced to minimise light spillage. Will truck-wash water discharge into the foul drain?

3.8 Environment Agency - Add conditions requiring drainage details and attenuation.

3.9 YNEP – States the removal of the beck by culverting is unacceptable. Culverting is an engineering solution with little regard for the natural environment. Open water habitat is part of the natural environment and should be retained and enhanced with suitable landscaping. If relocating the buildings is unfeasible the preference would be to re-align the beck in order to keep it open. The depth of the proposed boundary planting should be increased and more consideration given to on-site landscaping that will enhance the function of the adjacent agricultural museum.

3.10 Yorkshire Water - No objections to the principle of the application. Suggests conditions requiring compliance with the submitted drainage details or as agreed with the Local Planning Authority.

3.11 Foss IDB – Suggests conditions requiring drainage details to be agreed.

3.12 Police Liaison - The surrounding area has suffered from crime, particularly vehicle crime and thefts. The existing abattoir has not generated any problems. This indicates that existing security measures are fit for purpose. No objection to the proposal. Confirmation should be obtained from the applicant that the new development will have the same level of security or better [Officers' response - Confirmation from the applicant has since been received].

3.13 Public consultation - The consultation period expired on 18 January 2012. One representation has been received stating that there was no access to the application online [Officers' response: Applications could not be viewed online from 9 December to 21 December 2011 due to a computer fault. On 21 December access was resumed].

4.0 APPRAISAL

4.1 KEY ISSUES

Economic Impact

Impact on the Green Belt

Design and Appearance

Neighbour Amenity

Landscape

Bio-Diversity

Drainage

Environmental Protection

Highway Matters

Sustainability

THE APPLICATION SITE

4.2 Most of the site comprises the applicant's operational abattoir and beef deboning plant occupying 1.7ha within an industrial enclave to the south of Murton village. The buildings on the site are mainly utilitarian and single-storey with car parking to the front and access from Murton Lane. This part of the site has mature trees and hedges along all boundaries, at least in part. Immediately to the rear of the plant (the south-west) is open land in the green belt. The application site includes 0.4ha of this land, which is undeveloped but is used from time to time for the parking of vehicles and equipment in connection with Murton Livestock Centre. Alongside the application site, and partly across it, is an open drainage ditch (Murton Station Dyke). To the south-east of the site is Murton Livestock Centre and to the north-west is the Yorkshire Museum of Farming.

POLICY CONTEXT

4.3 The most recent and over-arching national planning policy on economic development is set out in a ministerial statement dated 23 March 2011. It states that [in the current economic climate] there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. Further, that the government's clear expectation is that the answer to development and growth should be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy. When deciding whether to grant planning permission local planning authorities should support enterprise and facilitate housing, economic and other forms of development.

4.4 PPG2: "Green Belts" identifies the purposes and uses of land within the Green Belt, and states that their most important attribute is their openness. The construction of new industrial buildings in the green belt is inappropriate and, by definition, harmful to the green belt. Such development should not be approved unless very special circumstances exist to outweigh the harm caused by inappropriateness or any other harm caused by the development.

4.5 Local plan policy E4 - Within defined settlement limits, planning permission will only be granted for employment use of a scale and design appropriate to the locality where: (a) the site is vacant, derelict or underused or (b) it involves infilling, extension, redevelopment or conversion of existing buildings.

4.6 GP1 - Development proposals should be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and local character; respect or enhance the local environment; provide/protect amenity space; protect residential amenity; accord with sustainable design principles; include refuse facilities; and include, where appropriate, landscaping.

4.7 GP4a - All proposals should have regard to the principles of sustainable development.

4.8 GP6 - Planning applications for development on sites that may have been contaminated should, as a minimum, include a desk study on the potential for contamination. Should the study indicate the potential for contamination a more detailed site investigation should be submitted, it should assess risks to the environment and establish remediation objectives for the site.

4.9 GP9 - Where appropriate, development proposals will be required to incorporate a suitable landscaping scheme that: is an integral part of the proposals; includes an appropriate range of species, reflects the character of the area; enhances the attractiveness of key transport corridors; and includes a planting specification where appropriate.

4.10 GP15a - Discharges from new development should not exceed the capacity of existing and proposed receiving sewers and watercourses and long-term run-off from development sites should always be less than the level of pre-development rainfall run-off.

4.11 GB1 'Development in the Green Belt' of the City of York draft local plan follows the advice in PPG2. The policy states that permission for development will only be granted where: the scale, location and design would not detract from the open character of the green belt; it would not conflict with the purposes of including land within the green belt; and it would not prejudice the setting and special character of the city, and is for a type of development listed as appropriate development. All other forms of development are considered to be inappropriate and very special circumstances would be required to justify where the presumption against development should not apply.

4.12 GB11 - Planning permission will only be granted for new industrial and business development outside defined settlement limits in the green belt where (a) it involves the re-use or adaptation of an existing building or is for a small-scale extension to an existing building; and (b) it provides a direct benefit to the rural economy and the local residential workforce.

4.13 T4 - Seeks to promote cycling and states that all new development should provide storage for cycles in accordance with the standards in the local plan.

4.14 NE1 - Trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation, or historic value will be protected by: refusing proposals which will result in their loss or damage. When trees are to be removed, appropriate replacement planting should be proposed to mitigate any loss.

4.15 NE2 - Development which is likely to have a detrimental impact on the natural features of river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced.

4.16 NE6 - Where a proposal may have a significant effect on protected species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted that would not cause demonstrable harm to protected species.

4.17 NE7 - Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement them. New developments should include measures to encourage new habitats.

ECONOMIC IMPACT

4.18 The plant is occupied by one of the largest beef processing companies in Britain (ABP), processing more than 300,000 cattle per year. It operates as an abattoir and de-boning facility. In addition to the direct employment of approximately 120 people the plant makes an important contribution towards sustaining the rural economy around York, with over 60% of the cattle processed at the plant being sourced from within a 50-mile radius of the site.

4.19 Produce from the plant is currently sent to another ABP facility in Doncaster for further processing for, among other retailers, ASDA. The new plant would enable much of this further processing to be carried out at Murton. The enlarged premises would also enable the operator to provide modern standards of animal welfare. Employment at the site would increase from 120 jobs to almost 200. This increase in the level of activity at the site would have further knock-on benefits, due to the multiplier effect, for the local economy. The applicant states that redevelopment is critical to ensuring the continued and sustained operation of the plant. Overall the proposal would have significant benefits for the local economy in terms of providing and sustaining local jobs. The application therefore accords with latest government policy, which is to support economic development.

IMPACT ON THE GREEN BELT

4.20 81% of the new plant would be contained within the boundaries of the existing plant, which is entirely within the settlement boundary. However, the redeveloped plant would require an additional area of land (0.68ha). This additional land, which is at the south-western end of the application site, is in the green belt. Of this additional land, 0.28ha would be used solely for the diversion and culverting of a drainage ditch that currently runs through the existing plant. Once the ditch has been laid the ground would be reinstated. These works would have no material impact on the openness of the green belt. However, the remaining part of the green belt land would be occupied by the new lairage. National guidance in PPG2 and policy GB1 of the local plan state that such development in the green belt should not be approved unless very special circumstances exist to outweigh the harm caused by inappropriateness or any other harm caused by the development. These policies are qualified by policy GB11 of the local plan, which states, inter alia, that small-

scale extensions to an existing building could be acceptable in the green belt where they provide a direct benefit to the rural economy and the local residential workforce.

4.21 The application is accompanied by a supporting statement, which sets out very special circumstances to justify the extension into the green belt. It includes:

- * The plant cannot readily relocate because it serves the surrounding farming community and is dependant on its present location to source its beef and for its sales;
- * The plant's network of suppliers and customers has taken 30 years to build and could not easily be replicated elsewhere;
- * A location further from meat producers/farms would have welfare implications for the cattle, which would have to travel longer distances;
- * 80% of staff live in a York postcode area. If the plant had to relocate these workers would have to either travel further to work or be replaced.
- * The existing plant is cramped, dated and the welfare standards for the animals need to be improved;
- * The plant needs to be replaced if it is to survive and prosper;
- * The plant, with its abattoir, is not suited to a traditional industrial estate environment;
- * The existing site is in a good location being on the urban/rural fringe with good road access;
- * The site has good connections to local infrastructure, especially a local sewer;
- * To find and get approval for an alternative site would be very difficult;
- * The plant's activities will be improved, especially by enabling more operations to be carried out outdoors;
- * The linear nature of the production process at the plant requires a long building which, with its vehicular areas, cannot be contained within the existing site;
- * In order for the existing plant to remain in operation during redevelopment the first phase of the redevelopment has to be largely outside the footprint of the existing building. The only suitable open area of land on which to build this first phase is to the south-west of the existing building, i.e. in the green belt.
- * The only part of the building to be located in the green belt is the lairage. It would be lower than the main part of the building to minimise its visual impact and be timber-clad to give it, as far as possible, an agricultural appearance.

4.22 Officers consider that, to varying degrees, all of these arguments have merit and that, together, they constitute very special circumstances that outweigh the harm to the green belt.

DESIGN AND APPEARANCE

4.23 The existing plant appears to have been enlarged many times and has a utilitarian, rather unattractive appearance. Nevertheless, it is fairly discreet in that it is low in height, is partially screened by trees along the boundaries and is set back from the public highway. Whilst the floor area of the new plant would be approximately four times the size of the existing plant it would have a more modern,

purpose-built appearance, whilst having a moderate height. In particular the front elevation would include a large area of glazing, in addition to the polished techcrete panels, to give the building a less industrial appearance. Notwithstanding that this would be a large industrial building its length and mass would not be easily noticeable from any public viewpoint and it would not look out of place in its surroundings.

4.24 The lairage would be entirely within the green belt. Its barn-like appearance together with its timber cladding would weather to give it a fairly unobtrusive appearance behind the new hedge, in keeping with the rural, agricultural character of the adjacent green belt land.

NEIGHBOUR AMENITY

4.25 The nearest residential dwelling is approximately 100m to the north of the site. Two other dwellings are 120m and 230m respectively to the south. The redevelopment of the site would have no material impact on the occupiers of these dwellings. The new plant would be significantly larger and more visible than the existing plant when viewed from the livestock centre and the farming museum. Nevertheless, this would be mitigated by the improved appearance and the enclosure of many of the operations that are currently carried out in the open air. No other premises would be affected.

LANDSCAPE

4.26 Tree cover is generally limited to the perimeter of the existing site. Whilst the tree cover provides a degree of screening it mostly serves to distract the eye and add to the amenity of views from Murton Lane and neighbouring uses. Despite the rural situation, the margins for planting around the various businesses on both sides of Murton Lane are extremely limited, resulting in an ill-defined landscape structure. Therefore those trees that are established are of considerable value.

4.27 The line of willows and two poplars along the south-east boundary with the auction centre are a strong mature feature. From Murton Lane they are partially screened from the existing buildings and other vegetation. It is only the front few that have a high public amenity value. Nevertheless the full row can be fully appreciated from the auction centre. The development would result in the removal of this feature. Whilst the proposal includes a replacement line of trees, they would be set within a narrower margin closer to the new building and would not provide the same degree of canopy cover. The applicant intends to restore the character of the site as far as possible by planting three trees for every tree that would be removed. All would be advanced nursery stock, and approximately 35 per cent would be native tree species.

4.28 The trees along the north-east boundary with Murton Lane would be removed to accommodate the revised layout and new entrance. The proposals include new tree planting along this boundary. In the short term the removal of these trees will

cause loss to the amenity of Murton Lane but will probably provide adequate visual mitigation in the longer term.

4.29 The application includes the culverting of the ditch along the north-west boundary with the farming museum and across the auction centre land to the south-west. The aim should be wherever possible to leave water courses open and improve their environs, and even reverse existing culverts back to open water if environmental factors allow. In this case the applicant does not control sufficient land to provide a new abattoir whilst still being able to retain the open ditch. Furthermore, whilst the applicant has been able to negotiate a new route across adjacent land the landowners have required the land to be reinstated afterwards. Hence the need for the new route to be culverted.

4.30 There are three birches and some sycamores within the site that are visible from Murton Way, especially as viewed across the museum grounds. There is also a group of Ash in the northwest corner. Nearly all of these trees would be removed. The replacement planting would mitigate for these losses in the longer term but the intermediate loss would be detrimental to views from Murton Lane and the setting of the museum.

4.31 The rear of the current site is bound to the south-west with a native hedge and a fine mature Turkey Oak. Both would be removed but the quantity of hedge to be lost would be replaced within a significantly increased length of boundary hedging. The replacement planting would increase the extent of hedgerows on the site from 180 linear metres to 430 linear metres. 65% would comprise native shrub species.

4.32 The development's most exposed edge is to the south-west of the site, as enlarged. A public right of way runs along the bottom of the A64 embankment, from where there are views of the rear of the site. These views are restricted by young, established tree planting. Similarly views from the A64 and A166 are restricted due to vegetation on the verges/bank of the road and other intermediate trees. In the winter months the development would be discernible from the raised section of the A64 through the winter tracery of the branches. But given the high traffic speeds the impact on a 'fleeting view' would not be severe.

4.33 On balance, the economical/employment benefits of the application, along with the improved welfare standards for animals, and the 'tidying up' of the site, outweigh the extensive tree removal and consequent short term impacts on the character and appearance of the site and surroundings. Negotiations are continuing with the developer to identify other potential mitigation measures, either within the site or on adjacent land.

BIO-DIVERSITY

4.34 Whilst the site has a fairly low ecological value, the boundaries and surrounding area are of interest. The hedgerows provide important habitat for a

range of wildlife species, in particular nesting habitat for a range of bird species and commuting for bats. The new hedgerow planting would help to compensate for the loss of these habitats in the long term and strengthen existing local hedgerow networks.

4.35 The trees that would be lost provide good foraging habitat and are an important commuting corridor for bats. The trees also provide good bird nesting habitat. Whilst large stock replacement trees would be provided as part of the proposed landscaping scheme for the site, they would not immediately provide habitat of the same quality or value and so would not in the short term fully mitigate for this loss of habitat. The loss of the ditch would result in loss of associated ditch-side habitat. Whilst the ditch has not been managed in recent years and is in fairly poor condition the adjacent hedge is species rich and the bank-side habitat has good floristic interest.

4.36 The site has little value to great crested newts and the field to the south west is unlikely to be used by newts for foraging or for dispersal. Nevertheless, a survey carried out in September 2011 suggests that there may be a good population of great crested newts in ponds within 250m of the site. Bat surveys and inspections have been carried out, which found that buildings on the site have a low or negligible potential for supporting roosts. However, the surveys found foraging and commuting activity within and over the site. There was also foraging and commuting behaviour along the line of weeping willows and along the western boundary hedgerow. The times of activity would suggest that there is a roost close by, possibly to the south of the site.

4.37 Mitigation for the loss of habitat is difficult because the new building would occupy such a large proportion of the site. The proposed replacement hedgerows would ensure that the local hedgerow network is enhanced and strengthened and the replacement mature trees to the south-east would retain a commuting and foraging corridor for bats. But in the short term foraging and commuting would be affected while the new planting matures. Officers will discuss with the applicant opportunities for further mitigation, including for loss of wetland habitat, on or near the site. Such mitigation strategies, wildlife protection plans and landscaping details should be made conditions of approval.

DRAINAGE

4.38 The site lies in flood zone 1 and is unlikely to suffer from river flooding. Surface water currently discharges to the drainage ditch, alongside the site. The ditch, which is managed by Foss IDB, will be diverted around the new development and culverted for a distance of 110m. The method for constructing the culvert has been agreed with the IDB. At present 47% of the site is Impermeable. This will rise to 94% post-construction. Part of the impermeable area drains into the foul drainage system. In total, surface water run-off from 80% of the site area will drain into the adjacent ditch/culvert. The proposals include an attenuation tank and

discharge controls. In accordance with council policy discharge from the attenuation tank will be restricted to 70% of pre-development run-off rates. In addition rainwater harvesting measures will be incorporated into the development. The Environment Agency, Foss IDB and the council's drainage officers are all content with the proposals, subject to the details being submitted for approval.

4.39 The plant generates waste water from production processes, washing (including the truck wash) and cleaning operations. At present minimal treatment of waste water is undertaken on site, as agreed with Yorkshire Water. The redevelopment proposals include a new effluent treatment plant and drainage network. Process water will be directed to an interceptor where fats, oils and greases will be collected prior to discharge to the foul sewer. Sanitary waste water will discharge directly into the foul sewer, with the agreement of Yorkshire Water.

ENVIRONMENTAL PROTECTION

4.40 Whilst there is the potential for odour associated with the development, the site will be operated under an environmental permit issued by the Environment Agency. The permit will require the operator to employ best available techniques for the control of operational noise, vibration, odour, dust and smoke emissions, as well as controlling energy use and waste production from site. As a result the site will be highly regulated and controlled so the Environmental Protection Unit require no further conditions.

4.41 Due to the potential for noise, vibration and dust during construction a planning condition should require an Environmental Management Scheme for minimising the creation of noise, vibration and dust during construction and a condition limiting hours of construction.

4.42 The redevelopment will involved the internalisation of a number of existing duties and items of plant such that it is anticipated that noise levels will be lower than existing. The submitted noise assessment considered the impact of the proposed building plant on three locations, i.e. two residential and the farming museum. The nearest residential occupiers are 120m, 150m and 230m respectively from the site. Murton village lies approximately 300m from the site. Environmental protection officers are content that the proposed plant and equipment will not result in loss of amenity. The assessment shows that the predicted noise levels for the farming museum would be well below existing noise levels. Whilst the operation of the redeveloped plant is not expected to cause a significant noise nuisance to neighbours the submitted noise assessment does not appear to accurately reflect the hours of operation. Officers are seeking clarification from the applicant.

4.43 Details of the proposed lighting have been submitted to show that it would comply with various guidelines about lighting levels in rural areas. EPU are content that the proposed development can be carried out in such a way as not to cause

loss of amenity but a condition should be attached requiring an independent lighting impact assessment.

4.44 The planning statement submitted with the planning application identifies a number of potential sources of land contamination at this site. These sources include fuel tanks, the use of detergents and refrigerants, waste products, made ground and asbestos in buildings. Soil sampling is required in order to determine whether land contamination is present. If significant contamination is detected cleanup work (remediation) will be required. The council's standard contamination conditions should be attached. Emissions from boiler plant will be controlled by the Environment Agency.

HIGHWAY MATTERS

4.45 The site currently has parking for approximately 60 cars plus use of parking at the adjacent auction centre. Whilst approximately 30% of staff cycle to work no formal cycle storage is provided. The redeveloped site will provide a total of 125 car parking spaces and, initially, secure cycle storage for 25 bicycles. If demand for the cycle stands is high the developer will increase the number of cycle stands. The level of parking and cycle storage is adequate; Provision should be made a condition of approval. The location and design of the relocated access are acceptable and the traffic movements associated with the redeveloped plant would not have a detrimental impact on the capacity of the highway network. The applicant has submitted a travel plan, which is being considered by the council's highways officers. Members will be updated at the meeting.

SUSTAINABILITY

4.46 The applicant has stated that they will use best endeavours to provide at least 10% of energy from on-site renewable sources. Also that they will use reasonable endeavours to achieve a sustainability standard appropriate to the type of development proposed. Officers have accepted that a standard or bespoke BREAAAM assessment would not be appropriate for development of an abattoir. Nevertheless, the applicant has not provided any explanation as to why 10% of energy from renewable sources cannot be a commitment. Unless such information is provided provision of 10% renewable energy should be made a condition of approval. Negotiations are continuing; Members will be updated at the meeting.

5.0 CONCLUSION

5.1 On balance, the economical/employment benefits, along with the improved welfare standards for animals and the improved appearance of the site, outweigh the tree removal and the impact on the openness of the greenbelt. Negotiations are continuing to try to provide further mitigation for the loss of trees and habitats. The proposal otherwise accords with national planning policy on economic development and relevant policies of the City of York Local Plan Deposit Draft.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Secretary of State

- 1 TIME2 Development start within three years -
- 2 PLANS2 Apprvd plans and other submitted details -
- 3 VISQ8 Samples of exterior materials to be app -

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, stock size, planting details and position of trees, shrubs and other plants as compensatory planting for the loss of trees. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species as compensation for loss of trees.

5 Prior to the commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with the details for the proper drainage of the site.

INFORMATIVE:

To satisfy this condition details of the surface water drainage works should include:

- (i) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.
- (ii) Calculations and invert levels of the existing surface water system together with calculations and invert levels of the proposed new development.
- (iii) An appropriate assessment under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge from the proposed permeable paving, and to prevent flooding of the surrounding land and the paving itself. City of York Council's Drainage Section

should witness the BRE Digest 365 test.

(iv) Existing and proposed surfacing.

In accordance with PPS25 and in agreement with the Environment Agency / IDB / City of York Council, peak run-off from developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. If existing connected impermeable areas are not proven a greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

6 Prior to the development commencing full details of car parking, delivery/service vehicle parking, cycle storage (including means of enclosure), vehicle turning areas and the means of access into the site shall be submitted to and approved in writing by the local planning authority and thereafter such areas shall be retained solely for their intended purpose.

Reason: In the interests of highway safety and to promote the use of cycles

7 The site shall not be occupied until a full travel plan, in line with local and national guidelines, has been submitted to and approved in writing by the local planning authority and implemented. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the travel plan.

Reason: To promote sustainable travel and minimise the number of car-borne trips by staff and visitors.

8 In accordance with the Council's Interim Planning Statement on Sustainable Design and Construction, the applicant will incorporate on-site renewable energy/low carbon energy generation equipment to provide at least 10 per cent of the developments regulated energy demand. In addition, the applicant will achieve a sustainability measurement standard appropriate to the type of development proposed. Details will be agreed with the Planning Authority prior to the commencement of development.

Reason: To ensure that the proposal complies with the principles of sustainable development and the Council's adopted Interim Planning Statement on Sustainable Design and Construction.

9 No development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of the development has been submitted to and approved in writing by the local planning authority. The plan shall include the following:

- i. A Wildlife Protection Plan of how development work to be carried out will take account of the presence of Great Crested Newts;
- ii. Details of the mitigation/compensation provision to be made to replace the habitat lost through development to ensure that there is no significant impact on the population overall;
- iii. The measures to ensure that no Great Crested Newt would be harmed by the development work;
- iv. The timing of all operations.

The mitigation plan shall thereafter be implemented on site in accordance with a timetable previously agreed in writing with the local planning authority.

Reason: In the interest of protecting a protected species and its habitat.

10 No demolition shall take place until full details of bat mitigation and conservation measures have been submitted to and approved in writing by the local planning Authority. The measures shall include:

- i. A plan of how demolition work is to be carried out to accommodate the possibility of bats being present.
- ii. The timing of all operations.

The works shall be carried out in accordance with the approved details and timing unless otherwise approved in writing by the local planning authority. If bats are discovered during the course of the work, it shall cease and Natural England consulted before continuing.

Reason: To take account of and to enhance the habitat for a protected species.

11 Prior to commencement of the development, an Environmental Management Scheme for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be

submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the amenity of local residents and businesses

12 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours: Monday to Friday 08.00 to 18.00; Saturday 09.00 to 13.00; Not at all on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents and businesses

13 The roller shutter door located to the loading bay shall be kept closed at all times except for ingress and egress.

Reason: To protect the amenity of local residents and businesses

14 The building shall be constructed so as to provide sound insulation against internally generated noise of not less than 23 dB (Rw), with windows shut and other means of ventilation provided.

Reason: To protect the amenity of local residents and businesses

15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible at any business, residential or hotel accommodation, shall be submitted to the local planning authority for written 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 protect the amenity of local residents and businesses.

16 Prior to commencement of development an independent Lighting Impact Assessment for any proposals involving floodlighting, shall be submitted and approved in writing and implemented prior to occupation of the development. The assessment shall include:

- Description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.
- Drawings showing the illuminance levels (separate drawings for each item

listed)

- Plan showing horizontal illuminance levels (E_h), showing all buildings within 100 metres of the edge of the site boundary.
- Plan showing vertical illuminance levels (E_v), showing all buildings within 100 metres of the edge of the site boundary
- Specification of the Environmental Zone of the application site, as defined in The Institution of Lighting Engineers' Guidance Notes for the reduction of Light Pollution.
- A statement of the need for floodlighting.

REASON: to safeguard the amenity of local residents

INFORMATIVE:

E_v is the average vertical illuminance, which is a measurement of the quantity of light at height of 1.5 metres above the ground.

E_h is the average horizontal illuminance, which is a measurement of the quantity of light falling on a horizontal plane.

17 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts a to c of this condition have been complied with:

a. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:

- human health,

- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

b. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

c. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the previous condition, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the previous condition.

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

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 Economic Impact

Impact on the Green Belt

Design and Appearance

Neighbour Amenity

Landscape

Bio-Diversity

Drainage

Environmental Protection

Highway Matters

Sustainability

As such the proposal complies with policies E4, GP1, GP4a, GP6, GP9, GP15a, GB1, GB11, T4, NE1, NE2, NE6 and NE7 of the City of York Local Plan Deposit Draft.

2. LOW EMISSION STRATEGY

In line with the Council's emerging Low Emission Strategy, the Environmental Protection Unit would welcome the applicant's thoughts on the feasibility of bio-methane refuelling infrastructure to service heavy duty vehicles using the site

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