

Working for you

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Our Ref: DCREPPER
6.500.281.EIAMAJ
16/05647/EIAMAJ
Your Ref:
Date: 15 September 2017

Dear Sir/Madam

APPLICATION TYPE: Environmental Impact Assessment - Major
APPLICATION NO: 6.500.281.EIAMAJ 16/05647/EIAMAJ
PROPOSAL: Outline application for development of business park with access considered.
LOCATION: Land At Flaxby South West Of The Junction Of The A59 And A1M

I refer to your representations relating to the above application which were taken into account in reaching a decision on the proposal.

I write to advise you that it was decided to approve the application subject to the following condition(s):

- 1 No development shall take place in any Phase without the prior written approval of the Local Planning Authority of all details of the following reserved matters for that Phase:-
 - (a) appearance;
 - (b) landscaping;
 - (c) layout; and
 - (d) scale.Thereafter the development of that Phase shall not be carried out otherwise than in strict accordance with the approved details.
- 2 Application for the approval of the reserved matters for the first Phase of the development shall be made to the Local Planning Authority not later than three years from the date of this permission. Application for approval of the reserved matters for all other Phases shall be made not later than six years from the date of this permission. The development hereby permitted shall begin either before the expiration of two years from the date of approval of the last of the reserved matters for the first phase, or before the expiration of six years from the date of this permission, whichever is the later.

- 3 Prior to the commencement of development, a phasing plan setting out the proposed phasing of the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter each reserved matters application for a phase submitted pursuant to Condition 1 above shall be accompanied by an updated phasing plan for the approval of the Local Planning Authority. The updated phasing plan shall set out any proposed changes from the phasing plan previously approved pursuant to this Condition. The development shall be carried out in accordance with the phasing plan as approved and updated unless otherwise agreed in writing with the Local Planning Authority or required by other conditions of this permission. For the purposes of this permission all references to a "phase" shall be interpreted as being a reference to a phase as defined on the phasing plan approved pursuant to this condition.
- 4 No development shall take place until a revision to Parameter Plan 4 - Building Zones and Heights Plan Dwg 7040 SMR P003-A has been submitted to and agreed in writing by the LPA. The revised Parameter Plan should address the southern boundary with regards to the visibility and height of plots 14, 11, 10 and 9. The development shall be carried out broadly in accordance with the following Parameter Plans as approved and amended by the requirements of this Condition, and the Design Code principles identified within the Design and Access Statement 7040/DAS December 2016:-
 - PP1 - Site Location Plan as Existing Dwg 7040 SMR P001-C
 - PP2 - Proposed Access Details Dwg 13067-GA-01
 - PP3 - Green Infrastructure Plan Dwg 7040 SMR P002-C
 - PP4 - Building Zones and Heights Plan Dwg 7040 SMR P003-A
- 5 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other ground works within any phase, except for investigative works, or the depositing of material on the site in connection with construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority for that phase :
 - a. The estate roads
 - b. Vehicular, cycle and pedestrian accesses to individual plots
 - c. Vehicular and cycle parking
 - d. Vehicular turning arrangements
 - e. Manoeuvring arrangements for individual plots
 - f. Loading and unloading arrangements for individual plots
- 6 No part of the development to which this permission relates shall be brought into use until the roads and any footway/footpath from which it gains access has been constructed to basecourse macadam level and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority before any part of the development is brought into use.
- 7 No individual plot shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 5 above have been constructed in accordance with the drawing approved in writing by the Local Planning

Authority. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

- 8 Unless otherwise approved in writing by the Local Planning Authority no part of the development shall be brought into use until the highway works shown on drawing reference 60483848_AEC_00_LO_DR_CH_00010_A_C04 (the LEP scheme) have been constructed in accordance with the approved specification and opened to all traffic.
- 9 Prior to the occupation of 10,000sqm floor space the approved highway works shown on drawing 13067/GA/02 revision C (the Flaxby Green Park scheme) shall have been constructed in accordance with the approved specification and opened to all traffic.
- 10 No development shall take place in any phase until a Construction Method Statement 'CMS' for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved CMS shall be adhered to throughout the construction period for the Phase. The CMS shall provide for the following in respect of the phase:
 - a. The parking of vehicles of site operatives and visitors
 - b. Delivery of materials and plant to the site
 - c. Loading and unloading of plant and materials
 - d. Removal of materials from site
 - e. Storage of plant and materials used in constructing the development
 - f. Wheel washing facilities
 - g. Measures to control the emission of dust and dirt during construction
 - h. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - i. HGV routing to the site
 - j. Protection of carriageway and footway users at all times during construction
 - k. Erection of hoardings, security fencing
 - l. Protection of contractors working adjacent to the highway
 - m. A programme for each phase of the works
 - n. Hours of work restricted to:
08:00 to 18:00 hours Monday to Friday
08:00 to 13:00 hours on Saturdays
With no working on Sundays and Bank/National Holidays, unless otherwise agreed in writing with the Local Planning Authority.
- 11 No development shall take place within any phase until a Design Stage Certificate for that Phase issued by BRE has been submitted to and approved in writing by the Local Planning Authority. The development shall meet BREEAM "very good" or higher. Thereafter the development shall be carried out in accordance with the approved details.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 and the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order revoking and re-enacting those Orders with or without modification), the light industrial and office buildings hereby

approved under the Use Class B1 definition shall not be used for any other purpose without the formal consent of the Local Planning.

- 13 No development shall take place within any phase until a detailed design and associated management and maintenance plan of surface water drainage for that Phase based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system for that Phase shall be implemented in accordance with the approved detailed design prior to completion of the development within that Phase.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

- 14 Prior to the submission of any reserved matters application, Chapter F of the Environmental Statement (Ecology) shall be updated with the results of further surveys which are to be undertaken in relation to great crested newts, bats and breeding birds to a standard agreed with the Local Planning Authority. The results of these surveys will inform detailed mitigation which will be incorporated into the Mitigation (section 6) and Enhancement (section 7) Sections of the Ecology Chapter of the Environmental Statement and within the Woodland Management Plan and Landscaping Scheme, which must be agreed in writing with the Local Planning Authority. Works shall subsequently be implemented strictly in accordance with these plans.

- 15 Unless otherwise agreed by the Local Planning Authority, development within any Phase other than that required to be carried out as part of an approved scheme of remediation must not commence until sections A to D have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until section D has been complied with in relation to that contamination.

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;
- (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 Part2A 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 approved 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 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.

D. REPORTING OF UNEXPECTED CONTAMINATION

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 requirement of section A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of section B, 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 section C.

- 16 The details and recommendations contained within the revised noise report prepared by Hydrock (Reference C16 1369-ACO-EJ-20160721.PO3 dated July 2016) shall be implemented within the final design stage of the proposed units and a further noise report shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of any unit to verify that that unit has been designed so as to take into account the noise map contained within the Hydrock report and design levels in BS8233:2014.
- 17 Details of the proposed lighting scheme within any Phase shall be submitted for the written approval of the Local Planning Authority before the development hereby

permitted commences. Development shall be carried out in accordance with the approved details.

- 18 The site shall be developed with separate systems of drainage for foul and surface water.
- 19 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- 20 No development shall take place within any Phase until details of the proposed means of disposal of foul water drainage and treatment for that Phase, including details of any balancing works, off-site works and phasing of the necessary infrastructure, have been submitted to and approved by the local planning authority. Furthermore, unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.
- 21 (a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 (2010) (Tree Work).
- (b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
- (c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) above shall have effect until the expiration of two years from the completion of the development.

- 22 No works or development shall take place to facilitate the installation of the highway and cycle path (as set out on approved Access details Dwg 13067-GA-01) until full details of all proposed replacement tree planting, and the proposed times of planting, have been approved in writing by the local planning authority, and all tree planting shall be carried out in accordance with those details and at those times. The number of trees lost shall be subject to survey and replaced at a minimum rate of 2:1 the type and species to have been first agreed in writing by the Local Planning Authority and forming part of a wider woodland management plan for the site. Any replacement trees

that fail within 5 years of planting shall be replaced by a tree of a similar type and species.

- 23 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas within any Phase shall be submitted to and approved in writing by the Local Planning Authority, prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.
- 24 A comprehensive long-term woodland and ecological management plan for the woodlands across the red edge site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the site. The management plan shall include proposals for the management of pre-existing long-standing woodland and new planting associated with the current development. It shall include proposals to reconcile the requirement to maintain features of interest to wildlife with public access (including a risk assessment based management of the requirement for felling/surgery).
- 25 The area of land identified as a 'park and rail' site, as indicated within the submitted Design and Access Statement PP4 - Building Zones and Heights Plan Dwg 7040 SMR P003-A, shall be retained for that purpose and shall not be used for any use (including any use within the same use class as defined by the Town and Country Planning (Use Classes) Order 1987 as amended).
- 26 No development shall take place until a risk assessment in respect of potential increase of footfall over the two level crossings in vicinity of the site, namely Hunting Crossing and Flaxby Wood (Flaxby Grange) has been submitted and approved in writing by the LPA. The assessment shall identify any increased risk and any recommended safety measures to be put in place. If required a scheme of safety measures shall be agreed in writing with the LPA, implemented and retained as such unless otherwise agreed in writing by the Local Planning Authority.

INFORMATIVES:

- 1 The construction of the site shall follow the Guidance in Defra Construction Code of Practice for the Sustainable Use of Soils on Construction sites.
- 2 Technical advice regarding the proposed specification for the road crossing for the Public Bridleway can be obtained from North Yorkshire County Council Public Rights of Way maintenance team.

Public Rights of Way technical team
North Yorkshire County Council
Transport, Waste and Countryside Services
County Hall
Northallerton
DL7 8 AH

- 3 Trees on the site to which this permission relates are subject to a Tree Preservation Order and may not be lopped, topped or felled without the prior written consent of the Borough Council, unless the tree work has already been approved under cover of a planning permission which is being implemented. Any person undertaking work to

- protected trees without written consent is liable to prosecution. Application forms are available from the Councils Department of Development Services.
- 4 A public right of way crosses the site to which this permission relates. The grant of planning permission does not entitle developers to obstruct a public right of way. Development, in so far as it affects a public right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under section 247 or 257 of the Town and Country Planning Act 1990, for the diversion or extinguishment of the right of way, has come into effect. Nor should it be assumed that because planning permission has been granted an order will invariably be made or confirmed. Forms to apply to stop up/divert footpaths/bridleways in order to enable a development granted planning permission to be carried out may be obtained from the Councils' Department of Development Services.

Applicants are advised to contact North Yorkshire County Councils Access and Public Rights of Way team at County Hall, Northallerton via paths@northyorks.gov.uk to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposal for altering the route.

Yours faithfully

Andy Hough
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