

Item Number: 7
Application No: 18/00286/MFUL
Parish: Norton Town Council
Appn. Type: Full Application Major
Applicant: Crown Properties (Scarborough) Ltd (Mr Gary Ledden)
Proposal: Erection of 27no. light industrial units for B1/B8 use to include a new vehicular access off Westfield Way
Location: Land In OS Field 4480 Westfield Way Norton Malton North Yorkshire

Registration Date: 18 May 2018
8/13 Wk Expiry Date: 17 August 2018
Overall Expiry Date: 18 September 2018
Case Officer: Alan Hunter **Ext:** Ext 276

CONSULTATIONS:

Parish Council	Recommend approval with comments
Sustainable Places Team (Environment-Agency Yorkshire Area)	Comments
Vale Of Pickering Internal Drainage Boards	No comments
NY Highways & Transportation	Recommend conditions
Natural England	No news received to date
Vale Of Pickering Internal Drainage Boards	Recommend a condition
Designing Out Crime Officer (DOCO)	Recommend conditions
Yorkshire Water Land Use Planning	Recommend conditions
Archaeology Section	Recommend condition
Environmental Health Officer	Recommend condition – (contamination)
Public Rights Of Way	Recommend informative
Countryside Officer	Object
Flood Risk	Recommend conditions
Environmental Health Officer	Recommend conditions – (Noise)

Neighbour responses: Miss Emily Taylor, Mr A Sims, Valerie Norton, Mrs Carol Brook, Ellie Potter, Mr John Hastie, Mrs Donna Mcburnie, Miss Sophie Jarvia, Mrs Rachael Shepherdson, Mr Liam Sanderson, Mr Iain Barr, Mr Keith Harmer, Mrs Sarah Thompson, Craig Steeley, Jennifer Foster, A And S Haworth, Mr Aron Bowes, Alison Cowton, Daryl Byrne, Gareth Gowdy, Mr & Mrs Meegan-Vickers, Kayla Stone, Freda Piercy, Dr Fox-Haw & Mr Haw, Mrs Anne Allen, Becky Grant, Thomas Grant,

SITE:

The application site is located on the eastern side of Westfield Way, Norton. The site covers an area of approximately 1.3 hectares, with a maximum depth of 71m and a maximum width of 235m. The site is an allocated industrial/business site within the Ryedale Local Plan and proposed to continue with this commitment in the Sties Document due to be examined later this month. To the south of the site are existing business units on the Norton Grove Industrial Estate. To the east of the site is an established woodland containing a pond. Residential development is located on the opposite side of Westfield Way, accessed directly from Scarborough Road. Established field hedges comprises the western and southern boundaries, with extensive landscaping in on the eastern boundary and along the northern corner of the site.

Priorpot Beck is located on the northern side of the application site, with field drainage ditches on the southern and eastern boundaries. The land was previously used for arable use. Priorpot Beck discharges directly into the River Derwent.

PROPOSAL:

Planning permission is sought to erect 27no. industrial units (Use Class B1 & B8) together with a new access onto Westfield Way.

The proposed new access will be approximately 100m from the southern boundary. The access will then lead into the proposed development with the 11no. office units to the northern side and 16no. industrial units to the southern side. The industrial units to the south will be in three blocks of buildings, with two internal roads between. The units will each measure approximately 12m by 13m and be 7m to the highest part of the asymmetrical roof.

The proposed industrial units to the north will be located along the western and eastern boundaries with a central access road. The majority of the units will comprise 153m² in area, with 4 larger units (2 units measuring 211m²; 1 measuring 280m²; and one being 289m² in area). The units will measure 7m at the highest parts of their roofs.

It is proposed to construct the units from brickwork, cladding panels and terracotta rain-screen, under a sheeted roof with polycarbonate rooflights, along with polyester powder coated windows and doors.

It is proposed that on site surface water drainage will be attenuated on site using underground storage and discharged at a controlled rate of 3 litres per second into Priorpot Beck.

Extensive survey work has been undertaken for this application. These surveys include:-

- A contaminated land survey;
- A Transport Statement;
- Ecological surveys;
- Arboricultural Surveys;
- Noise Assessment;
- Flood Risk Assessment; and
- A Design & Access Statement.

Copies of these documents are available online.

HISTORY:

Relevant planning history includes:-

2014: Extension of time for 2009 application for the erection of 16 industrial units (Use Class B1 & B2) and 21 office units together with associated parking and formation of vehicular access together with controlled surface water drainage system water

2009: Planning permission granted for the erection of 16 industrial units (Use Class B1 & B2) and 21 office units together with associated parking and formation of vehicular access together with controlled surface water drainage system water drainage

1987: Outline planning application refused for the erection of a garage for the use of a transport depot - dismissed on appeal

1994: Planning permission granted for the erection of a new road to Norton Grove Industrial Estate

POLICY:

National Policy

NPPF 2018

NPPG 2014

Local Plan Strategy

SP1 General Location of Development and Settlement Hierarchy

SP6 - Delivery and Distribution of Employment Land and Premises

SP10 - Physical Infrastructure

SP12 - Heritage

SP13 - Landscapes

SP14 - Biodiversity

SP15 - Green Infrastructure Networks

SP16 - Design

SP17 - Managing Air Quality, Land and Water Resources

SP19 - Presumption in favour of Sustainable Development

SP20 - Generic Development Management Issues

SP22 - Planning Obligations, Developer Contributions and the Community Infrastructure Levy

Ryedale Local Plan 2002

Policy EMP2 - Industrial/Business Development Allocation, Norton Grove Industrial Estate

APPRAISAL:

The main considerations in relation to this application are:-

- The principle of the proposed development;
- Potential flood risk;
- The layout, density, scale and design of the proposed development;
- The impact upon the character and appearance of the wider area;
- Impact upon the amenity of the adjoining neighbours;
- Impact upon local archaeology;
- Impact upon wildlife and ecology;
- Impact upon trees on and adjoining the site, together with landscaping details;
- drainage;
- Highway safety;
- Designing out crime;
- contaminated land; and,
- Developer Contributions.

This application is a 'Major' application that has to be determined by the Planning Committee. The site has previously been granted planning permission in 2009 and 2014 for industrial development. The proposal now includes 10 less units than previously approved. The applicant has also reduced this scheme by 1 unit, to 27 units, in order to retain a greater amount of the woodland to the northern side, following concerns by the Countryside Specialist.

The principle of the proposed development

The application site is an allocated industrial/business site in accordance with Policy EMP2 of the Ryedale Local Plan which forms part of the Development Plan. This policy is to be read alongside Policy SP6 of the Local Plan Strategy which is broadly supportive of the proposed development. It is therefore considered that the principle of developing the site is acceptable in principle.

Potential flood risk

The site includes land within Flood Zones 1, and 2, and 3. Approximately just under half of the application site is located within Flood Zone 2 with a small section, mainly along Priorpot Beck being located within Flood Zone 3. The remainder of the site to the southern side is within Flood Zone 1, which represents the lowest area of risk of flooding from rivers and watercourses. In accordance, NPPF and Policy SP17 of the Local Plan Strategy require the proposed development to be sequentially tested to establish if the proposal could be located on sites at a lower risk of flooding. The Local Planning Authority allocated the application site for industrial/business development because of its close relationship to the existing industrial estate, and because of its access and transport links in what is the largest settlement in the District. The LPA has proposed to continue with this site as a commitment in the Sites Document, due to be examined later this month. There are sites currently being developed for industrial/business purposes in Malton/Norton on York Road and at the Eden Camp site. The types of units coming forward on these sites tend to be for larger industrial/business units. This scheme seeks smaller starter units restricted to Use Classes B1 and B8, to which there is considered to be a shortage within the District. There are considered to be no other suitable locations within the Malton/Norton area to accommodate the proposed development at present. Consistent with the allocation of this site for this use, and the decisions in 2009 and 2014 to approve business/industrial uses on this site, it is considered that the Sequential Test is met. It is not necessary to consider the Exception Test given the Less Vulnerable uses proposed.

A detailed Flood Risk Assessment (FRA) has been prepared that has assessed in detail the flood risk implications of the proposed development. The FRA has required finished floor levels to be raised, as a result, there is now only one unit that is at a risk of flooding in a 1 in 1000yr event, being unit 23 to a depth of 23mm. It is recommended that flood resilient construction techniques are used to minimise the flood risk to all units including unit 23. An informative is recommended along with a condition requiring the development to be undertaken in accordance with the submitted FRA. The LLFA, Yorkshire Water and the Environment Agency have been consulted and they do not raise objections to the proposed development. A condition is recommended by Yorkshire to ensure compliance with the FRA, and the LLFA recommends a series of conditions relating to surface water drainage and flood risk. In view of this there are considered to be no objections to the proposed development, and the risks of flooding can be satisfactorily mitigated.

The layout, density, scale and design of the proposed development

The proposed site is to be developed with the industrial units to the south and north of the access onto Westfield Way. The layout of the site is considered to be acceptable and to make an efficient use of the site.

The units have been designed with asymmetrical roofs, which is considered to portray an interesting design on this employment site. The materials in principle are considered to be acceptable, subject to exact samples being provided. The same design approach, albeit in a much denser form, has previously been considered acceptable on this site. The key issue in terms of how the scheme will appear in the locality will depend upon the exact materials that are used and how effective the landscaping is, if the application is considered favourably.

Proposed finished floor levels of the proposed buildings have been submitted. These show that the industrial units to the southern side are proposed to have their finished floor levels no higher than 500mm above the existing ground levels. The units to the northern side of the proposed access have their levels higher, with some of the units in the north and north east corners being the highest. Although, these finished floor levels are not higher than 1m above the existing levels. The units with the

highest raised finished floor levels will be set against the wooded area to the northern and eastern sides. The proposed levels will raise the impact of the proposed units, however, these levels changes are not considered to have a detrimental impact on the visual amenity of the area, when viewing the proposal from outside the site.

In view of the above, the proposed layout, design and appearance of the scheme, is considered to be acceptable on this site and consistent with the requirements of Policy SP16 of the Local Plan Strategy.

The impact upon the character and appearance of the wider area;

The site is located within the open countryside, however it is well screened by the existing woodland to the east, and by the existing industrial/business estate to the south. Opposite the site is wooded agricultural land, with agricultural grazing land to the north. The application proposes to retain the existing field hedge on the western boundary with additional planting proposed within the estate and on the northern side. It is considered that the site will not adversely affect the character of the surrounding landscaping. However, given the surrounding rural area, a condition is recommended regarding details of external lighting, and additional planting.

Impact upon the amenity of the adjoining neighbours

Policy SP20 of the Local Plan Strategy states:

'New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence

Developers will be expected to apply the highest standards outlined in the World Health Organisation, British Standards and wider international and national standards relating to noise

New development proposals which will result in an unacceptable risk to human life, health and safety or unacceptable risk to property will be resisted. Developers will be expected to address the risks/potential risks posed by contamination and/or unstable land in accordance with recognised national and international standards and guidance'

The proposed development will create some noise and disturbance given its intended use, however, this is an allocated employment site, which is located directly adjacent to other industrial/business development.

Since the earlier approval, there has been residential development to the west, Westfield Nurseries Site, built by Persimmon. Those properties are considered to be the most sensitive receptors to potential noise and disturbance from this proposal. It is important to indicate that the scheme seeks to use the proposed units for Use Class B1 (Business) and Use Class B8 (Storage & Distribution), and not Use Class B2 (General Industry) as previously approved. Use Class B1 comprises office use and business use, which are referred to in the amended Use Classes Order 1987 as compatible with residential areas. Storage and distribution uses typically do not have processes within the units. As such these uses are usually expected to co-exist alongside residential development. There have however, been several letters of objection to the proposed development from surrounding residents about the impact of the proposals upon their residential amenities. The Environmental Specialists have been consulted. The Council's Environmental Specialists have been consulted and requested a Noise Assessment.

After considering the Noise Assessment, the Environmental Specialist has stated:

'The Assessment is based on modelling and worse case scenarios as it is not known what businesses will occupy the industrial units. The assessment also assumes that the units will be constructed using materials that will afford a 42dB Rw and use roller shutter doors that will offer 25dB Rw attenuation with the doors closed, this is assuming industry standard construction. The noise readings have been

modelled assuming 3 vehicle loading and unloading at each unit per day. The assessment does not consider vehicle movement to and from the estate.

The assessment notes that the existing housing development benefits from a 2m high acoustic fence along its eastern boundary. However whilst a fence this high may afford some attenuation to the garden amenity and ground floor areas it will offer less protection to first floor bedroom areas.

Whilst the current B1 and B8 class in force will condition the use of the units to operations that may be carried out in residential areas without detriment to amenity, the background levels recorded during the assessment are typical of a rural area, particularly during the evening. With this in mind I would recommend that the following conditions be attached to the planning permission.

1; Construction Phase:- Prior to any development on site including engineering works, a construction management plan must be submitted to the local planning authority for approval. This should specify the measures to deal with impacts from noise, vibration, dust and vehicle movements and should indicate clearly operating and delivery hours onsite. It must be followed until development works have been completed.

2; The units should be constructed from materials that will both satisfy the Local Planning authority and offer the noise attenuation as stated within the submitted Noise Impact Assessment.

3; The operating hours of all the businesses working from the units should be conditioned to 8am until 6pm Monday to Friday and 8.30am until 12.30pm Saturday, with no working on Sundays or Bank Holidays.

4; There shall be no storage of any plant, goods or equipment outside the units.

5; Deliveries to the site shall be so planned to avoid the necessity for any delivery vehicle to be parked on the surrounding highway in close proximity to residential dwellings.

I can see no reason why the industrial estate cannot operate successfully alongside the existing housing development if the above conditions are applied.'

In view of this response and the submitted Noise Assessment, it is considered subject to the stated conditions above, there are considered to be no sustainable grounds to refuse this application in terms of residential amenity impacts. It is also considered that the proposal will not have a material adverse effect upon the amenities of the surrounding occupiers or be contrary to the requirements of Policy SP20 of the Local Plan Strategy.

Impact upon wildlife and ecology:

Ecological surveys have been undertaken of the site. The Council Countryside Specialist has considered these in detail and stated:

The recently submitted documents:-

*Water Vole interim report
Bat Interim report*

These do go some way to counter my objections to this application. There is a lack of evidence within the adjacent watercourse for Water vole and it was found that the habitat is only suboptimal for Voles. Bat activity has been recorded in the site but much of this was at a low level and associated with the edge habitats which are to be mainly retained.

Similarly the revised layout plan has allowed the retention of much of the existing woodland in the north of the site. The ecological report does make mention of the requirement to ensure that there are no impacts from the development onto the nearby River Derwent SAC and suggest the use of a Construction Environment Management Plan (CEMP) to protect the water courses.'

The Countryside Specialist goes on to recommend a condition relating to construction to include elements relating to biodiversity. In view of this response it is considered that there are no reasonable objections to the proposed development in terms of the impacts of the proposed development upon ecology or biodiversity.

Impact upon trees on and adjoining the site, together with landscaping details:

The proposal involves the retention of the existing field hedges along the western and southern boundaries. There are existing mature trees along the eastern and northern boundaries. The site includes woodland to the northern part, some of which will be lost due to the proposal. The Countryside Specialist initially raised concerns at the loss of trees in the wooded area to the north of the application site. The agent has responded by removing a unit to the north to allow greater retention of trees. In view of the change, the Countryside Specialist has no objection to the proposal subject to an arboricultural condition to protect the trees to be retained.

In addition, the hedge to the western side is to be retained and the units to the north west of the site have been re-sited further to the east to ensure the hedge can be retained.

A condition is also recommended regarding the proposed planting on the inner areas of the site.

Drainage

The proposal is to drain foul water into the mains and Yorkshire Water has no objection to this method of drainage.

Surface water is proposed to drain into Priorpot Beck at a restricted rate, 3 l/s. This will be undertaken by a series of underground pipes and storage areas and with hydra brakes. The outfall into Priorpot Beck will be no greater than the existing agricultural run-off rate. The LLFA has recommended detailed conditions to control the discharge of surface water.

Highway safety

The local Highway Authority has considered the submitted Transport Statement and assessed the impact of the proposals upon the local highway network. It is noted that the access is to serve 10 less units than previously approved on this site. The Local Highway Authority has no objection to the proposals subject to the imposition of detailed planning conditions, one of which relates to the submission of a Travel Plan. In making their judgement the local Highway Authority are satisfied at the level of on-site parking and turning provision available. There are considered to be no sustainable objections in terms of highway safety to the proposal.

Archaeology

An archaeological evaluation on the site has previously revealed no significant factors on site, and the County Council now recommend a condition known as a watching brief.

Designing-out crime

The Police Designing-Out Crime Officer has responded to the application and made suggestions to improve safety at the site, particularly in relation to CCTV use, alarms, road surface changes, landscaping, windows and doors, and lighting. It is considered that these issues can be satisfactorily addressed by planning condition.

Contaminated Land

The Council's Environmental Specialists have been consulted regarding the potential contamination at the site. The land contamination condition as previously imposed is recommended by the Council's Environment Specialists regarding further details of precautionary gas protection measures, details of a

below ground level membrane, and details of any imported fill material.

Developer Contributions

The strategic highway contribution previously agreed by S106 Agreement can no longer be required as the Council is charging CIL to new development, which replaces such S106 contributions as previously agreed. The CIL charge for the proposed units in question would be zero.

Other issues

The Town Council have stated that they recommend approval of the application subject to a parking ban on Westfield Way and consideration of increasing and turning space within the application site. The Local Planning Authority cannot impose a parking restrictions, the other highway related comments have been considered by the Local Highway Authority.

There has been 27 letters of objection received to the application, which have raised the following issues:

- Parking provision
- Highway safety and traffic movements
- Noise, disturbance and vibration
- Wildlife and biodiversity
- Impact of the proposals upon family life and human rights
- Views of the site
- That residents were informed by Persimmon that there would no development behind their properties
- Residents argue that they would not of bought their house if they had known of the proposal;
- That there are unoccupied units on the industrial estate;
- Impact of the proposal upon the character and appearance of the area;
- The site is a community amenity area;
- Devaluation of properties;
- Air Quality;
- Proximity to residential properties;
- Contrary to PPS1;
- Lack of publicity and notification of the application;
- Hours of operation;
- Flooding;
- HGV's parked on Westfield Way.

The majority of the issues raised above have been assessed in the appraisal above. Property devaluation, and loss of a view are not material planning considerations. The site was granted planning permission in 2009 for business/industrial development, which was renewed in 2014 (lapsed in 2017). Residents purchasing the properties on the Westfield Nurseries site were able to see the planning history of this site. The views of the residents are noted, however, Persimmon cannot control the use of land beyond their site. It is acknowledged that residents bought their houses after planning permission was first granted for industrial development on this site. However, the site remains an allocated site for employment purposes. The uses proposed on the site does not include Use Class B2 (General Industry), it includes Use Classes B1 and B8 which will have less impact upon surrounding occupiers than previously approved on this site. A Noise Assessment has been undertaken to assess the impact of the proposals upon the amenities of the surrounding occupiers, this has been considered by Environmental Health Officers and conditions are recommended to ensure the proposed development is compatible with the surrounding residential development. The conditions include hours of use restrictions, and measures to prevent vehicles waiting in Westfield Way.

The Council has posted a Site Notice at the site and notified all properties that adjoin the site or have their rear gardens opposite the site. The Council cannot inform all residents on the Westfield Nurseries

site, its policy is to inform adjoining properties only. It should be noted that the method of publicity goes beyond the legislative requirement of either posting a Site Notice or notifying adjoining occupiers by letter.

PPS1 is no longer a material consideration. It was superseded by the introduction of the National Planning Policy Framework in 2012.

Summary

In view of the above the recommendation is one of approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 Before the development hereby permitted is commenced, or such longer period as may be agreed in writing with the Local Planning Authority, details and samples of all external materials, including all external finishes to the buildings and ground surfacing materials, the subject of this permission, shall be submitted to and approved in writing by the Local Planning Authority.

(NB Pursuant to this condition the applicant is asked to complete and return the attached proforma before the development commences so that materials can be agreed and the requirements of the condition discharged)

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

3 A) No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. Community involvement and/or outreach proposals
3. The programme for post investigation assessment
4. Provision to be made for analysis of the site investigation and recording
5. Provision to be made for publication and dissemination of the analysis and records of the site investigation
6. Provision to be made for archive deposition of the analysis and records of the site investigation
7. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: In order to take full account of heritage assets at the site and satisfy Policy SP12 of the Local Plan Strategy and NPPF.

- 4 Prior to the commencement of the development hereby approved, precise details of the bin storage areas including screening methods shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure a satisfactory external appearance and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 5 Prior to the commencement of the development hereby approved, precise details of all external lighting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be undertaken in accordance with the details thereby agreed.

Reason: In order to protect the character and appearance of the area and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 No development shall take place (including ground works, vegetation clearance) until a Construction Environment Management Plan (CEMP) (Biodiversity and Arboriculture) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following.

- a) Risk assessment of potentially damaging construction activities
- b) Identification of Biodiversity/Arboricultural protection zones
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity or arboricultural features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works or similar.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In order to fully take account of protected species, existing landscaping and trees to be retained and new planting. This condition is required to satisfy Policy SP14 and Policy SP20 of the Local Plan Strategy.

- 7 Unless otherwise agreed in writing with the Local Planning Authority, there shall be no amalgamation of the 27 industrial units hereby approved.

Reason: To ensure the units hereby approved can be adequately served by vehicles that can safely access, turn and park within the site. This condition is also applied pursuant to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 8 The industrial units hereby approved shall only be used for Use Class B1 or B8 of the schedule to the Town & Country Planning (Use Class) order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument re-enacting that order.

Reason: In order to protect the amenity of the neighbouring stud farm and in the interest of highway safety pursuant to Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 9 Prior to the commencement of the development, the two lengths of existing hawthorn hedges along Westfield Way to be retained following the formation of the new access to the development, shall be protected a minimum 1.4 metre high fencing aligned 1 metre off the inside face of the hedge. The Local Planning Authority shall first agree the design of this fence in writing prior to the commencement of the development.

Reason:- To ensure that the hedgerow along the western boundary of the site, which is regarded as an important natural screen along the western side of the development is retained and not damaged as a consequence of development, and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 10 The formation of the access through the existing boundary hedge along the western side of the development shall be carried out in a manner sympathetic to good horticultural practices, ensuring that hedge plants that form the new ends of the hedge on either side of the new access are retained undamaged, and in a condition that ensures their healthy retention.

Reason: To ensure that the formation of the new access to the development is not detrimental to the two sections of the western boundary hedge which are to be retained, and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 11 Before any part of the development hereby approved commences, plans showing details of landscaping and planting schemes shall be submitted to and approved in writing by the Local Planning Authority. The schemes shall provide for the planting of trees and shrubs and show areas to be grass seeded or turfed where appropriate to the development. The submitted plans and/or accompanying schedules shall indicate numbers, species, heights on planting, and positions of all trees and shrubs including existing items to be retained.. All planting, seeding and/or turfing comprised in the above scheme shall be carried out in the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to comply with the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy

- 12 Prior to the commencement of the development, the applicant shall submit proposals to be approved in writing by the Local Planning Authority detailing the arrangements for the future maintenance of the internal roads and footways and proposals to ensure that the turning areas and parking provided, shall be maintained clear of any obstruction and retained for their intended purpose. Thereafter, the development shall be maintained strictly in accordance with the details thereby agreed.

Reason: In order to ensure that the internal roadways allow vehicles to access, turn and park within the site safely, and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 13 Prior to the commencement of the development the applicant shall submit proposals to be approved in writing by the Local Planning Authority detailing the arrangements for the future maintenance of the internal roads and footways and proposals to ensure that the turning areas and parking provided shall be maintained clear of any obstruction and retained for their intended purpose.

Reason: In the interests of highway safety and the general amenity of the development and to satisfy Policy SP20 of the Local Plan Strategy.

- 14 No part of the development to which this permission relates shall be brought into use until the carriageway and any footway/footpath from which it gains access shall be constructed to basecourse macadam level and/or block paved 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 in consultation with the Highway Authority before any part of the development is brought into use.

Reason: To ensure safe and appropriate access and egress to the premises, in the interests of highway safety and the convenience of prospective users of the highway and to satisfy Policy SP20 of the Local Plan Strategy.

- 15 There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority
 - b. The access shall be formed with 15 metre radius kerbs, to give a minimum carriageway width of 6 metres, and that part of the access road extending 15 metres into the site shall be constructed in accordance with Standard Detail number E7
 - e. Any gates or barriers shall be erected a minimum distance of distance» metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - g. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway shall be constructed in accordance with the approved details shown on drawing «drawing number» and maintained thereafter to prevent such discharges
 - i. Provision of tactile paving in accordance with the current Government guidance.
- All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

HI-07 INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience and to satisfy Policy SP20 of the Local Plan Strategy.

- 17 No part of the development shall be brought into use until the existing access on to Westfield Way has been permanently closed off and the highway restored. These works shall be in accordance with details which have been approved in writing by the Local Planning Authority in consultation with the Highway Authority. No new access shall be created without the written approval of the Local Planning Authority in consultation with the Highway Authority.

INFORMATIVE

These works shall include, where appropriate, replacing kerbs, footways, cycleways and verges to the proper line and level.

Reason: In the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 18 There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 120m measured along both channel lines of the major road Westfield Way from a point measured 4.5 down the centre line of the access road. The eye height will be 1.05 and the object height shall be 0.6m. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In accordance with policy number and in the interests of road safety and to satisfy Policy SP20 of the Local Plan Strategy.

- 19 Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:

(i) The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:

a. Provision of footway along the site frontage, south of the proposed access.

b. Provision of a pedestrian crossing point on Westfield Way, to include a pedestrian island with a minimum width of 1.5m and running lanes either side of the island to be a minimum of 3.5m.

(ii) An independent Stage 2 Road Safety Audit for the agreed off site highway works has been carried out in accordance with HD19/15 - Road Safety Audit or any superseding regulations and the recommendations of the Audit have been addressed in the proposed works.

(iii) A programme for the completion of the proposed works has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: To ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

- 20 Unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority, the development shall not be brought into use until the following highway works have been constructed in accordance with the details approved in writing by the Local Planning Authority under condition number:

a. Provision of footway along the site frontage, south of the proposed access.

b. Provision of a pedestrian crossing point on Westfield Way, to include a pedestrian island with a minimum width of 1.5m and running lanes either side of the island to be a minimum of 3.5m.

Reason: In the interests of the safety and convenience of highway users and to satisfy Policy SP20 of the Local Plan Strategy.

21 No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 22:

a. have been constructed in accordance with the submitted drawing 18006/P/01

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

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to satisfy Policy SP20 of the Local Plan Strategy.

22 Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force, the areas shown on the approved drawing for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: To ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development and to satisfy Policy SP20 of the Local Plan Strategy.

23 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal

Reason: To ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety and to satisfy Policy SP20 of the Local Plan Strategy.

24 Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

a. on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

b. on-site materials storage area capable of accommodating all materials required for the operation of the site.

c. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area and to satisfy Policy SP20 of the Local Plan Strategy.

- 25 Prior to the development being brought into use, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. This shall include:
- a. the appointment of a travel co-ordinator
 - b. a partnership approach to influence travel behaviour
 - c. measures to encourage the use of alternative modes of transport other than the private car by persons associated with the site
 - d. provision of up-to-date details of public transport services
 - e. continual appraisal of travel patterns and measures provided through the travel plan
 - f. improved safety for vulnerable road users
 - g. a reduction in all vehicle trips and mileage
 - h. a programme for the implementation of such measures and any proposed physical works
 - i. procedures for monitoring the uptake of such modes of transport and for providing evidence of compliance.
- The Travel Plan shall be implemented and the development shall thereafter be carried out and operated in accordance with the Travel Plan.

Reason: To establish measures to encourage more sustainable non-car modes of transport and to satisfy Policy SP20 of the Local Plan Strategy.

- 26 A 5m strip to the side of the ditch along the southern side of the site shall be retained for maintenance of the ditch.

Reason: In order to ensure the proper maintenance of the local ditch network by the Internal Drainage Board and to satisfy Policy SP17 of the Local Plan Strategy.

- 27 Development shall not commence until details of precautionary gas protection measures, including the membrane to be installed and the appropriately qualified person responsible for installing the gas protection measures, have been submitted in writing and agreed with the Local Planning Authority. Submission of a verification report to be approved in writing by the Local Planning Authority will be required on the completion of the instalment of the gas protection measures.

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 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.

Details of any imported fill material, including the source, amount brought onto site and the test results to ensure that no contamination is present within the fill shall be submitted and approved in writing with the Local Planning Authority.

Reason: To ensure that the site is safe for development, and to satisfy NPPF.

- 28 Vehicles fitted with refrigeration units shall not be parked on the site, with the refrigerated units operating on Sundays and Bank Holidays, nor at all other times between the hours of 2000hrs and 0700hrs (inclusive) the following day.

Reason:- In the interests of amenity, and to comply with Policy SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

29 Prior to the commencement of the development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. This will specify measures to deal with impacts from noise, vibration, dust and vehicle movements and should indicate operating and delivery hours. Thereafter the Plan shall be fully adhered to.

Reason: In order to protect the amenities of surrounding occupiers and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

30 The units hereby approved shall be constructed from materials consistent with the noise attenuation levels stated in the Noise Impact Assessment.

Reason: In order to protect the amenities of surrounding occupiers and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

31 The units hereby approved shall only be used between the hours of 08:00 hours - 18:00hours Monday - Friday and 08:30 hours to 12:30pm hours on a Saturday with no working or operations on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding occupiers and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

32 There shall be no outside storage of any plant, goods or equipment.

Reason: In order to protect the amenities of surrounding occupiers and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

33 A Management Plan for all deliveries to each unit shall be prepared and made available to the Local Planning Authority upon reasonable request to prevent vehicles waiting or being parked on the surrounding highway network.

Reason: In order to protect the amenities of surrounding occupiers and to satisfy the requirements of Policy SP20 of the Local Plan Strategy.

34 The development shall be carried out in accordance with the details shown on the submitted Flood Risk Assessment 18/019.01 dated 18 May 2018), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage and to satisfy Policy SP17 and NPPF.

35 Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail phasing of the development and phasing of drainage provision, where appropriate. Principles of sustainable urban drainage shall be employed wherever possible. The works shall be implemented in accordance with the approved phasing. No part or phase of the development shall be brought into use until the drainage works approved for that part or phase has been completed.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

36 Development shall not commence until a scheme restricting the rate of development flow runoff from the site has been submitted to and approved in writing by the Local Planning Authority. The flowrate from the site shall be restricted to a maximum flowrate of 3 litres per second for up to the 1 in 100 year event. A 30% allowance shall be included for climate change effects for the lifetime of the development. Storage shall be provided to accommodate the minimum 1 in 100 year plus climate change critical storm event. The scheme shall include a detailed maintenance and management regime for the storage facility. No part of the development shall be brought into use until the development flow restriction works comprising the approved scheme has been completed. The approved maintenance and management scheme shall be implemented throughout the lifetime of the development.

Reason: To mitigate additional flood impact from the development proposals and ensure that flood risk is not increased elsewhere and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

37 No development shall take place until a suitable maintenance of the proposed SuDS drainage scheme arrangement has been demonstrated to the local planning authority. Details with regard to the maintenance and management of the approved scheme to include; drawings showing any surface water assets to be vested with the statutory undertaker/highway authority and subsequently maintained at their expense, and/or any other arrangements to secure the operation of the approved drainage scheme/sustainable urban drainage systems throughout the lifetime of the development.

Reason: To prevent the increased risk of flooding and to ensure the future maintenance of the sustainable drainage system and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

38 The development shall not commence until a scheme, detailing the treatment of all surface water flows from parking areas and hardstanding through the use of road side gullies, oil interceptors, reedbeds or alternative treatment systems, has been submitted to and approved in writing by the Local Planning Authority. Use of the parking areas/hardstanding shall not commence until the works comprising the approved treatment scheme have been completed. Roof water shall not pass through the treatment scheme. Treatment shall take place prior to discharge from the treatment scheme. The treatment scheme shall be retained, maintained to ensure efficient working and used throughout the lifetime of the development.

Reason: To prevent pollution of the water environment from the development site and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

39 No development shall take place until an appropriate Exceedance Flow Plan for the site has been submitted to and approved in writing by the Local Planning Authority. Site design must be such that when SuDS features fail or are exceeded, exceedance flows do not cause flooding of properties on or off site. This is achieved by designing suitable ground exceedance or flood pathways. Runoff must be completely contained within the drainage system (including areas designed to hold or convey water) for all events up to a 1 in 30 year event. The design of the site must ensure that flows resulting from rainfall in excess of a 1 in 100 year rainfall event are managed in exceedance routes that avoid risk to people and property both on and off site.

Reason: to prevent flooding to properties during extreme flood events and to mitigate against the risk of flooding on and off the site and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 40 The development shall not commence until details of finished floor levels of the development hereby approved have been submitted and approved in writing by the Local Planning Authority. The details should include levels of all properties adjoining the application site. Finished Floor Levels should be set above the 1 in 100 year plus climate change flood level with an additional 300mm freeboard above the flood level. The development shall be carried out in accordance with the approved scheme satisfying this condition.

Reason: In the interest of amenity of the occupiers of the adjoining properties and flood risk mitigation and to satisfy Policy SP17 of the Local Plan Strategy and NPPF.

- 41 The development shall be undertaken in accordance with the Designing-Out Crime Officers Report dated 8 June 2018 with details to be submitted to and agreed in writing with the Local Planning Authority.

Reason: To satisfy Paragraph 58 and 69 of the National Planning Policy Framework and Policy SP16 of the Authority's Local Plan.

- 42 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

18006/P01 Rev A
18006/P/02 REV. B
18006/P/14/ REV A
18006/P/15 REV A
18006/P/12
18006/P/10
18006/P/11
18006/P/12
18006/P/13

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVE(S)

- 1 No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development. Applicants are advised to contact the County Council's Access and Public Rights of 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 proposals for altering the route.
- 2 The applicant/developer is advised to used flood resilient construction techniques, especially in relation to unit 23 along with a flood evacuation plan and registering for early warning alerts from the Environment Agency and the NYCC Emergency Planning.