



NOTICE OF DECISION TOWN AND COUNTRY PLANNING ACT 1990

Esterform Packaging
c/o Mr Ben Clarke
SMR Architects
Floor 2
The Exchange
Station Parade
Harrogate
HG1 1TS

NOTICE OF DECISION OF PLANNING AUTHORITY ON APPLICATION FOR PERMISSION TO CARRY OUT DEVELOPMENT

This decision does **not** constitute approval under the Building Regulations

Please read notes at the end of this notice

The above named council being the Local Planning Authority for the purposes of your application dated 15 October 2019 in respect of the following:

Proposal: Proposed demolition of existing warehouse bay and erection of new warehouse for recycling equipment

Location: Esterform Packaging, Moor Lane Trading Estate, Sherburn In Elmet

have considered your application and have determined to GRANT permission in accordance with the application drawings and particulars subject to the following conditions and reasons

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- o Location Plan (Ref 7284-SMR-00-ZZ-DR-A-2002-S2-P1) received 2nd September 2019
- o Site as Existing (Ref 7284-SMR-00-ZZ-DR-A-2001-S3-P3) received 14th November 2019
- o Existing Elevations (Ref 7284-SMR-00-ZZ-DR-A-2005-S2-P1) received 2nd September 2019
- o Existing Ground Floor and Roof Plan (Ref 7284-SMR-00-ZZ-DR-A-2004-S2-P1) received 2nd September 2019

- o Site Plan as Proposed (Ref 7284-SMR-00-ZZ-DR-A-2003-S2-P2) received 14th November 2019
- o Proposed Elevations (Ref 7284-SMR-00-ZZ-DR-A-2007-S2-P3) received 11th December 2019
- o Proposed Ground Floor and Roof Plan (Ref 7284-SMR-00-ZZ-DR-A-2006-S2-P2) received 11th December 2019
- o Existing and Proposed Sections (Ref 7284-SMR-00-ZZ-DR-A-2008-S2-P1) received 2nd September 2019
- o Proposed Silo Details (Ref 7284-SMR-00-ZZ-DR-A-2009-S3-P1) received 8th January 2020)

Reason: For the avoidance of doubt.

03. Notwithstanding the information shown on the approved drawings no development shall commence above slab level until details of all proposed materials to be used in the construction of all of the external surfaces of the buildings have been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved sample.

Reason: In the interest of design quality

04. The areas shown on the submitted Site Layout Plan (Site Plan as Proposed (Ref 7284-SMR-00-ZZ-DR-A-2003-S2-P2) received 14th November 2019) as being for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.

Reason: In accordance with Policy ENV1 and EMP6 of the Selby District Local Plan to ensure these areas are kept available for their intended use in the interests of highway safety and the general amenity of the development.

05. In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

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 in accordance with Policy ENV2 of the Selby District Council Local Plan.

06. 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 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). 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. Note that further restrictions on surface water management may be imposed by Yorkshire Water and the Local Planning Authority.

Reason: To ensure the provision of adequate and sustainable means of drainage in the interests of amenity and flood risk and to ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy.

07. 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 greenfield runoff rate and/or a minimum 30% reduction of the existing positively drained runoff rate for the 1 in 1, 1 in 30 and 1 in 100 year rainfall events which has been calculated as 116 l/s. A 30% allowance shall be included for climate change effects and a further 10% for urban creep 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 have 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 in accordance with Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy.

08. 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 in accordance with Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy.

09. 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 in accordance with Policy ENV1(3) of the Local Plan and Policies SP15 and SP16 of the Core Strategy

10. The cumulative level of sound from all plant and equipment associated with the proposed development, when determined externally under free-field conditions, shall not exceed the representative background sound level at nearby sensitive receptors. All noise measurement/predictions and assessments made to determine compliance shall be made in accordance with British Standard 4142: 2014: Methods for rating and assessing industrial and commercial sound, and/or its subsequent amendments.

Reason: In accordance with Policy ENV1 and EMP6 of the Selby District Local Plan in the interests of amenity.

11. The development hereby permitted shall be carried out in accordance with the mitigation measures set out in Chapter 7 of the submitted Preliminary Ecological Survey dated October 2019 prepared by SMA Architects and Middlemarch Environmental.

Reason - In the interest of ecological protection and for the avoidance of doubt

12. No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree / root protection plan) and the appropriate working methods (the Arboricultural Method Statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: 2012 Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the protection of the retained trees shall be carried out as approved and maintained until the scheme is completed.

Reason: To protect existing trees on the site during construction

13. No development shall commence above slab level until a full detailed landscaping scheme has been submitted and agreed with the Local Planning Authority.

The scheme shall include:-

- o details of all existing trees and hedgerows on the site
- o Details of the species, location, planting density and stock size in respect of all tree and shrub planting
- o Details of the measures for the management and maintenance of the approved landscaping

All planting, seeding or turfing comprised in the landscaping, tree planting scheme shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason - in order to ensure for the preservation and planting of landscaping in accordance with s.197 of the Act and in order to comply with saved Policy ENV1 of the Selby District Local Plan and in accordance with the submitted Preliminary Ecological Survey (October 2019).

14. Details of any lighting shall be submitted to and approved in writing by the local planning authority before it is installed. Development shall be carried out in accordance with the approved details.

Reason - In the interest of ecological protection and for the avoidance of doubt

INFORMATIVES:

01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
02. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
03. Knottingley Pipe Project - The site lies within the outer, inner and middle consultation zones set by the Health and Safety Executive as a result of the Knottingley Pipe Project. Although the HSE raised no objections to the planning application, this should be considered by the developer in implementing the development.
04. Environmental Permit - This development may require an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016, Regulation 12. In circumstances where an activity/operation meets certain criteria, an exemption from permitting may apply, more information on exempt activities can be found here: <https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>. The applicant is advised to contact yorkshirewaste@environment-agency.gov.uk to discuss the issues arising from the permit application process.

Environmental Protection (Duty of Care) Regulations - Following any demolition, the Environmental Protection (Duty of Care) Regulations 1991 for dealing with waste materials are applicable to any off-site movements of wastes. The code of practice applies to you if you produce, carry, keep, dispose of, treat, import or have control of waste in England or Wales. The law requires anyone dealing with waste to keep it safe and make sure it's dealt with responsibly and only given to businesses authorised to take it. The code of practice can be found here: <https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice/waste-duty-of-care-code-of-practice> If you need to register as a carrier of waste, please follow the instructions here: <https://www.gov.uk/register-as-a-waste-carrier-broker-or-dealer-wales> If you require any local advice or guidance please contact your local Environment Agency office: yorkshirewaste@environment-agency.gov.uk

05. Yorkshire Water - the developer is required to consult with Yorkshire Water's Trade Effluent team (telephone 03451 242424) on any proposal to discharge a trade effluent to the public sewer network;

of foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewernetwork; and
under the provisions of section 111 of the Water Industry Act 1991 it is unlawful to pass into any public sewer (or into any drain or private sewer communicating with the public sewer network) any items likely to cause damage to the public sewer network interfere with the free flow of its contents or affect the treatment and disposal of its contents. Amongst other things this includes fat, oil, nappies, bandages, syringes, medicines, sanitary towels and incontinence pants. Contravention of the provisions of section 111 is a criminal offence.

A handwritten signature in blue ink that reads "M. P. Grainger". The signature is written in a cursive style and is positioned above a horizontal line that serves as a separator.

Mr M Grainger
Head Of Planning

Date: 13 January 2020

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, then if you want to appeal against your local planning authority's decision on your application you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice
- If this is a decision to refuse planning permission for a minor commercial application, if you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice
- If this is a decision to refuse express consent for the display of an advertisement, if you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If you want to appeal against any other local planning authority's decision then you must do so within 6 months of the date of this notice
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by **Inquiry** then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

Purchase Notice

If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on referral of the application to him.

These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Circular 10/82 - Access for the disabled

Section 76 of the Town and Country Planning Act 1990 places a duty on local planning authorities to draw the attention of developers to the relevant provisions of The Chronically Sick and Disabled Persons Act 1970. These sections cover buildings or premises to which the public are to be admitted and to offices, shops, railway premises and factories. These sections require any person providing such premises to make provision, where reasonable and practicable, for the means of access, parking and sanitary conveniences to meet the needs of disabled people.

NOTE

No consent, permission or approval hereby given absolves the applicant from the necessity of obtaining the approval, under Building Regulations, of the District Council in whose area where the site of the proposed development is situated; or of obtaining approval under any other Bye-Laws, local Acts, orders, regulations and statutory provisions in force; and no part of the proposed development should be commenced until such further approval has been obtained.