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## 10.0 Appendix 2 ~ Copies of Decision Notices, (Previous Incidences).

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## Appeal Decision

Inquiry held on 13 November 2007  
Site visit made on 14 November 2007

by **Elizabeth Hill** BSc(Hons), BPhil, MRTPI

an Inspector appointed by the Secretary of State  
for Communities and Local Government

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Decision date:  
20 December 2007

### Appeal Ref: APP/H2733/A/07/2050795

#### Land east of Muston Road, Filey, North Yorks.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by NJW Developments Ltd against the decision of Scarborough Borough Council.
- The application Ref 07/00547/OL, dated 7 March 2007, was refused by notice dated 10 July 2007.
- The development proposed is residential development, open space and means of access.

#### Preliminary matters

1. The application is in outline form with only the means of access to be determined at this stage.
2. A Statement of Common Ground was submitted by the main parties at the Inquiry. This covers a description of the site, a description of the proposal, the planning history of the site, the relevant development plan policies and clarification of the matters not in dispute and the main issue.
3. A signed and dated S106 agreement was submitted at the Inquiry. This covers such matters as affordable housing and contributions to education, a multi-use games area and health.
4. A written request was made to me at the Inquiry by a member of the public that I should view the planning files at the Council offices in Scarborough on the Persimmon development, which is adjacent to Seadale Terrace, and suffered from flooding during the flood event of July 2007. However, it is not open to me to undertake such investigations. I can only take into account the written material submitted before the inquiry and the evidence submitted at the Inquiry in coming to my decision.

#### Decision

5. I allow the appeal, and grant planning permission for residential development open space and means of access on land east of Muston Road, Filey, North Yorks in accordance with the terms of the application, Ref 07/00547/OL, dated 7 March 2007, and the plans listed at the back of this decision, subject to the conditions in the attached schedule.

### **Schedule of conditions**

- 1) Details of the following matters (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved:
  - a) detailed drawings of the estate layout to a scale of not less than 1:500 and including road and plot layouts;
  - b) detailed drawings to a scale of not less than 1:100 showing the layout, scale and appearance of each building, including a schedule of materials to be used for the external walls and roofs;
  - c) the siting and design of any vehicular access or estate road;
  - d) the means of foul and surface water disposal; and
  - e) details of landscaping and tree planting.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The details submitted in pursuance of Condition 1 shall be in accordance with the illustrative drawing Ref J.0112\_03 Rev G, unless otherwise agreed in writing by the local planning authority.
- 5) The details submitted in pursuance of Condition 1 of this permission shall be preceded by the submission to the local planning authority for approval in writing, and subsequent implementation and completion in accordance with the approved scheme, of a written scheme of archaeological investigation to provide for:
  - a) the proper identification and evaluation of the extent, character and significance of archaeological remains within the application area by means of geophysical survey, followed as appropriate by trial trenching and/or any other field evaluation technique; and,
  - b) an assessment of the impact of the proposed development on the archaeological remains.This shall be followed by:-
  - c) the submission of proposals for the preservation in situ, or for the investigation, recording and recovery of archaeological remains and the analysis and publishing of the finds, it being understood that there shall be a presumption in favour of their preservation in situ wherever feasible.These proposals shall be approved by the local planning authority in writing and implemented and completed before any development authorised by this permission shall commence.
- 6) No development shall commence until a detailed programme for the phasing of the development has been submitted to and approved in writing



by the local planning authority. Thereafter, the development shall be carried out in accordance with the approved programme unless the local planning authority gives its prior consent to any variation.

- 7) Notwithstanding the submitted illustrative layout, no development shall commence until details of the treatment of the 6.98 ha of public open space and arrangements for its future management and maintenance has been submitted to and approved in writing by the local planning authority. The areas of public open space shall be laid out, managed and maintained in accordance with a timetable and details to be submitted to and approved in writing by the local planning authority before the development commences.
- 8) The details submitted in pursuance of Conditions 1 and 7 of this permission shall include provision for the following:
  - a) A Local Area for Play (LAP);
  - b) A Local Equipped Area for Play (LEAP);
  - c) A kickabout area.

The details to be submitted shall include the precise specification and siting of facilities within the development. Thereafter, the facilities so approved shall be provided on site in accordance with a programme of works to be submitted to and approved in writing by the local planning authority prior to the commencement of development and thereafter maintained.

- 9) The details submitted in pursuance of Condition 1 of this permission shall include the provision of a small corner shop facility within the development.
- 10) No development shall commence until full details of the existing and proposed site levels and proposed floor levels of the buildings and hard-surfaced areas have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.
- 11) No development shall commence until a schedule of external materials of construction of buildings and hard-surfaced areas has been submitted to and approved in writing by the local planning authority. Samples of the materials in the schedule shall be provided as may be required by the local planning authority and the use of the sampled materials shall be approved in writing by the local planning authority. Development shall be in accordance with the approved schedule and sample materials.
- 12) No development shall commence until samples of the window framing to be used in the development hereby permitted have been submitted to and approved in writing by the local planning authority. All of the window framing in the development shall conform to the approved samples.
- 13) The details submitted in pursuance of Condition 1 of this permission shall include a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees in respect of the land to which the application relates, together with details of post-planting maintenance and such a scheme shall require the written approval of the local planning authority before any development is commenced. Such a scheme as is approved shall be carried out in its entirety within a timetable to be submitted to and approved in writing by the local planning



- authority prior to the commencement of works. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of the completion of the scheme and during that period any tree or plant lost shall be replaced in the next planting season with a plant of similar size and species unless otherwise agreed in writing with the local planning authority.
- 13) The existing hedge along the western boundary of the site shall not be removed other than to facilitate the means of access to the site and details of the section(s) to be removed, together with details of any proposed maintenance measures for the remaining sections, shall be agreed in writing with the local planning authority before development commences.
  - 14) The details submitted in pursuance of Condition 1 of this permission shall include details of the proposed boundary treatment for the site as a whole and for individual plots within the site, including a schedule of materials, and details of the size and species of any hedging, shall be submitted to and approved in writing by the local planning authority. The details so approved shall be implemented in full before the development hereby permitted is first brought into use unless otherwise agreed in writing with the local planning authority.
  - 15) Unless otherwise agreed in writing with the local planning authority, no building or other obstruction shall be located over or within 3.0m either side of the centre line of the sewer which crosses the site.
  - 16) The site shall be developed with separate systems of foul and surface water drainage on and off the site.
  - 17) No development shall commence until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. Such a scheme shall include a design to a 1 in 100 year standard for hard-paved and roof areas of the site and sustainable urban drainage methods for other areas, including the catchment to the south of the site. The works shall be completed in accordance with the approved details and a timetable to be agreed in writing with the local planning authority.
  - 18) No piped discharge of the surface water from the application site shall take place until details of the works to provide an outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the local planning authority before development commences.
  - 19) No development shall commence until details of the proposed means of disposal of foul drainage, including the details of any balancing works or off-site works have been submitted to and approved in writing by the local planning authority.
  - 20) Unless otherwise approved in writing by the local planning authority, no buildings shall be occupied or brought into use prior to the completion of the approved foul drainage works.
  - 21) Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage shall not be passed through any interceptor.



- 22) No development shall commence until details of the specification and position of a recycling facility, large enough to accommodate 6 no. 1200mm x 900mm recycling bins on a hard surface with level access to the nearest road and a perimeter fence with a 1.5m wide access, have been submitted to and approved in writing by the local planning authority. The approved facility shall be provided before the first dwelling is occupied and shall thereafter be so maintained.
- 23) No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the local planning authority. The plan shall include:
- a) An appropriate scaled plan showing Wildlife Protection Zones where construction activities are restricted and where protected measures will be installed or implemented;
  - b) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) A timetable to show the phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed;
  - d) Persons responsible for:-
    - i) compliance with legal consents relating to nature conservation;
    - ii) compliance with planning conditions relating to nature conservation;
    - iii) installation of physical protection measures during construction;
    - iv) implementation of sensitive working practices;
  - v) regular inspection and maintenance of physical protection measures and monitoring of working practices during construction; and,
  - vi) provision of training and information about the importance of "Wildlife Protection Zones" to all construction personnel on site.
- All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the local planning authority.
- 24) A Habitat Management Plan for the areas of proposed public open space shall be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling on the site. The plan shall include:
- a) a description and evaluation of the features to be managed;
  - b) ecological trends and constraints on site that may influence management;
  - c) the aims and objectives of management;
  - d) appropriate management options for achieving aims and objectives;
  - e) prescriptions for management actions;
  - f) preparation of a work schedule (including a 5-year project register, an annual work plan and means by which the plan will be rolled forward annually);



- g) personnel responsible for implementation of the plan; and,
- h) monitoring and remedial/contingency measures triggered by monitoring.

The Habitat Management Plan shall be carried out as approved unless otherwise agreed in writing with the local planning authority.

- 25) No development shall commence until the following drawings have been submitted to and approved in writing by the local planning authority:
- i) detailed plans to a scale of not less than 1:500 showing the proposed highway layout, including the dimensions of the carriageway, footway, verge widths and visibility splays, the proposed buildings and site layout, the proposed floor levels, driveways and the drainage and sewerage systems;
  - ii) longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line and channel lines of each proposed road showing the existing ground level and proposed road level, and full details of surface water drainage proposals;
  - iii) a typical highway cross-section to a scale of not less than 1:50 showing a specification for the types of construction proposed for carriageways and footways/footpaths and, when requested, cross-sections along the proposed roads showing existing and proposed ground levels;
  - iv) details of the method and means of surface water disposal;
  - v) details of all proposed street lighting; and,
  - vi) drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out, including reference dimensions to existing features.

Development shall be in accordance with the approved plans and details.

- 26) No dwelling to which this permission relates shall be occupied until the carriageway and footway/footpath from which it gains access is 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 carriageway and footway/footpath wearing courses and street lighting shall be completed within three months of the date of the commencement of construction of the penultimate dwelling of the development or within two years of laying the basecourse whichever is the sooner, unless otherwise agreed in writing with the local planning authority.

- 27) Before there is any access or egress by construction vehicles between the highway and the application site, the approved access with the public highway shall be constructed to base macadam course level for a distance of 20m into the site.
- 28) No development shall commence until details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the local planning authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the local planning authority. These precautions shall be made available before the

development commences on site and be kept available and in full working order until such time as the development is complete or the local planning authority agrees in writing to their withdrawal.

- 29) No development shall commence until details of the following off-site works have been submitted to and approved in writing by the local planning authority:
  - a) provision of a right-turn lane on Muston Road;
  - b) provision of a puffin crossing on Muston Road; and,
  - c) pedestrian and cycle facilities.
- 30) No loose surface material shall be used in the construction of any private access, or thereafter placed upon it, that is capable of being drawn on to the existing or proposed public highway.
- 31) No development shall commence until proposals for the provision of an on-site turning/parking area and an on-site materials storage area capable of accommodating all staff and sub-contractors' vehicles clear of the public highway and materials required for the operation of the site have been submitted to and approved in writing by the local planning authority. The approved compounds shall be available for use at all times when building works are in operation.
- 32) Surface water from private areas shall not discharge on to the public highway. Full details of measures to prevent such discharges shall be submitted to and approved in writing by the local planning authority and development shall be in accordance with the approved details.



Decision No 05/01991/OL



TOWN & COUNTRY PLANNING ACT 1990  
**SCARBOROUGH BOROUGH COUNCIL**  
OUTLINE PLANNING PERMISSION

To White Young Green Planning  
Arndale Court  
Headingley  
Leeds  
LS6 2UU

**Date of Application** 28 September 2005  
**Proposal** Outline planning application for a Business Park (B1, B2 and B8 uses) and car showrooms, hotel, ancillary retail, associated highway works, car parking and landscaping  
**Site Address** Scarborough Business Park, Dunslow Road, Eastfield, Scarborough, North Yorkshire  
**Applicant** Caddick Developments Ltd

The Scarborough Borough Council hereby give notice in pursuance of the Town & Country Planning Act 1990, that **outline planning permission has been granted** for the carrying out of the development described above in accordance with the application and plans submitted, subject to the general condition (to ensure compliance with Section 92 of the said Act) that:

- i Application for the approval of reserved matters shall be made to the Local Planning Authority not later than ten years from the date of this decision.
- ii The development hereby permitted shall be begun on or before whichever is the later of the following dates :-

the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved;

and to the further condition(s)

.....  
Head of Planning Services

DATE 20 March 2006

**NOTES**

In respect of conditions requiring samples you are encouraged to deliver samples to the site and advise the case officer that they are available for inspection.

In respect of conditions requiring window samples it is suggested that you telephone the case officer to arrange for an appointment to view the window so that an immediate response may be given and the window taken away.

This is an approval under the Town and Country Planning Act only. It does not absolve the applicant from the necessity of obtaining Listed Building consent if necessary or approval under the Building Regulations, 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.

**YOUR RIGHTS OF APPEAL ARE ENCLOSED**

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- 1 No development shall take place without the prior written approval of the Local Planning Authority of all the details of the following matters :-
- (i) the siting, design and external appearance of each building, including a schedule of external materials to be used;
  - (ii) the means of access to the site;
  - (iii) the landscaping of the site;
  - (iv) the means of sewage and surface water disposal.

**NOTE:**

Notwithstanding the terms of the outline application, details of the actual access to the site and internal roads have not been submitted.

**Reason :** To safeguard the rights of control of the Local Planning Authority in respect of the reserved matters.

- 2 Planning permission is hereby granted only for the following uses as specified in the Planning Statement which formed part of the application and defined in the Town and Country Planning (Use Classes) Order 1987, as amended by the 2005 Amendment Order, Business (B1), General Industry (B2), Storage and Distribution (B8), Restaurant (A3), Hotel (C1), Retail (A1), Car Showrooms (sui generis).

**Reason :** To avoid doubt and ensure that the development accords with Policy I2 of the Scarborough Borough Local Plan or is otherwise complementary or ancillary to the uses specified in that policy.

- 3 The total floor space of the development hereby approved shall not exceed the maximum floor space specified in the Planning Statement which formed part of this planning application and the floor space of each use shall not exceed the maximum specified for the use in that Statement. The total floor space permitted shall be reduced from the maximum specified if necessary to accommodate the preservation of archaeological deposits and remains and soft landscaping.

**NOTE:**

The total maximum floor space specified is 105,650 sq. metres and the maximum floor space for each use is :-

Industry (B2, B8) (including ancillary office accommodation)	76,867 sq. metres
Offices (B1)	21,367 sq. metres
Car Showrooms (sui generis)	3,670 sq. metres
Restaurant (A3)	866 sq. metres
Hotel (C1)	1,858 sq. metres
Retail (A1)	1,022 sq. metres



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**Reason :** To avoid doubt and ensure that the development accords with Policy I2 of the Scarborough Borough Local Plan or is otherwise complementary or ancillary to the uses specified in that policy.

- 4 The total floor area of any individual retail unit shall not exceed more than half of the approved maximum retail floor space, unless otherwise approved in writing by the Local Planning Authority.

**Reason :** To ensure that the scale of individual retailers is commensurate with being ancillary to the Business Park development and not of a scale where it becomes a destination in its own right.

- 5 The heights of buildings within the site, based on existing ground levels, shall not exceed the following heights as specified in the Environmental Statement which formed part of the planning application : Industrial (16 metres); Offices (14 metres); Car Showrooms (10 metres); Restaurant (9 metres); Hotel (23 metres); Retail (7.5 metres) unless otherwise agreed in writing by the Local Planning Authority.

**Reason :** To ensure the development is undertaken in accordance with the accompanying Environmental Impact Assessment and to protect the character and visual amenity of the area in accordance with Policy E12 (Design of New Development) of the Scarborough Borough Local Plan.

- 6 The applications made under reserved matters shall when required include details, including cross-sectional drawings, showing existing and proposed ground levels and finished floor levels.

**Reason :** To minimise the visual impact of this development on the wider landscape in accordance with Policy E12 of the Scarborough Borough Local Plan.

- 7 Subject to the requirements of other conditions set out herein, all of the proposals and recommendations set out in the Environmental Statement, Transport Assessment and Travel Plan Framework (as amended) which accompanied and formed part of this outline planning application, shall be implemented in full as part of this development.

**Reason :** To avoid doubt and ensure the development is carried out in accordance with the details set out in the supporting documentation accompanying the planning application.

- 8 The phasing of the development shall accord with the details provided in the letter from White Young Green dated 6 February 2006.

**Reason :** To ensure that the development that is implemented represents a comprehensive, sustainable Business Park with appropriate provision of infrastructure in accordance with the accompanying Environmental Impact Assessment and Policy I2 of the Scarborough Borough Local Plan.

- 9 Notwithstanding the extent of the application site, no buildings, curtilages of buildings, or hard surfaces shall be constructed outside the area defined by Policy I2 (IN2 and IN3) of the Scarborough Borough Local Plan, as adopted on 3 April 1999, and identified by the hatching on the plan attached to this Notice.



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**Reason :** To accord with Policies I2 and E1 of the Scarborough Borough Local Plan and minimise the impact of the area of defined open countryside which lies within this application site.

- 10 Before the construction of each building is commenced, samples of all external materials of construction for that building shall be submitted to and approved in writing by the Local Planning Authority.

**Reason :** To protect the visual amenities of the area in accordance with Policy E12 of the Scarborough Borough Local Plan.

- 11 When applications are made to the Local Planning Authority for approval of reserved matters, those applications shall be accompanied by a scheme of landscaping and tree planting indicating, inter alia, the number, species, heights on planting and positions of all trees and details of hard surfacing in respect of the land to which that application relates, together with details of post-planting maintenance, and such a scheme shall require the written approval of the Local Planning Authority before any development is commenced. Such scheme as is approved by the Local Planning Authority shall be carried out in its entirety in accordance with a timetable to be submitted to and approved in writing by the Local Planning Authority before that part of the development commences. Provision shall be made for a belt of landscaping a minimum of 5 metres wide on either side of the main spine road exclusive of any grass verge and 5 metres on either side of the roads radiating out from the two roundabouts alongside Dunslow Road and an average of 10 metres adjacent to the two roundabouts shown on the master plan, (these distances shall be from the kerb or footway to the plot boundary or the edge of the development) and for a new landscaping scheme in front of the Scarborough Building Society Headquarters alongside the A.64 and Dunslow Road. All trees, shrubs and bushes shall be maintained by the owner or owners of the land on which they are situated or by other approved parties for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary, unless the Local Planning Authority gives written consent to any variation. Any scheme of tree planting shall include for a number of heavy standard trees.

**Reason :** In the interests of the appearance of this development and to minimise its impact of the appearance of the surrounding landscape in accordance with Policy E13 of the Scarborough Borough Local Plan.

- 12 When applications are made to the Local Planning Authority for approval of reserved matters, those applications which are adjacent to the southern site boundary shall include a scheme of tall planting of a minimum of 4 metres deep along the outer site boundary.

**Reason :** In the interests of the appearance of this development and to minimise its impact of the appearance of the surrounding landscape in accordance with Policy E13 of the Scarborough Borough Local Plan.

- 13 Before the development of each building or plot is commenced, details of the treatment of the boundary of each building plot shall be submitted to and approved in writing by the Local Planning Authority. A schedule of boundary materials, and details of the size and species of the hedging shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment as approved shall be implemented for each plot before it is first occupied.



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**Reason :** In the interests of the visual amenity of the development, crime prevention and public safety.

- 14 No sections of hedgerow or trees within the site shall be removed without the specific prior written consent of the Local Planning Authority.

**Reason :** To maintain ecological habitat within the site in accordance with Policy E39 of the Scarborough Borough Local Plan.

- 15 Notwithstanding the details submitted in the Environmental Statement accompanying this application, prior to the commencement of the development, a detailed plan setting out proposals for the management of the ecology and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include proposals for the protection of wildlife and its habitat within the site, appropriate mitigation measures, a programme for implementation, proposals for longer term management and supervision by a qualified Ecologist. Thereafter, the scheme shall be completed in accordance with the approved plan.

**Reason :** This site is of significant importance for Great Crested Newts which are a legally protected species and other species and habitat of Nature Conservation Interest and to accord with Policy E10 of the Scarborough Borough Local Plan.

- 16 Before the development commences, full details of the design of the surface water attenuation lagoons shall be submitted to and approved in writing by the Local Planning Authority. The details shall include measures to enhance biodiversity, proposed planting, and proposals for public access, and the designs shall accord with the specification set out in the letter from White Young Green dated 6 December 2005, received by the Local Planning Authority on 9 December 2005.

**Reason :** In order to make provision for legally protected species in accordance with Policy E10 of the Scarborough Borough Local Plan.

- 17 Before the development commences, details of measures to manage dust created during the construction process shall be submitted to and approved in writing before the development commences. The approved measures shall be implemented in full throughout the course of construction.

**Reason :** To protect ecological habitat in accordance with Policy E39 of the Scarborough Borough Local Plan:

- 18 Before the commencement of development, details of measures to protect the Cayton Meadows site of Importance for Nature Conservation from the effects of construction shall be submitted to and approved in writing by the Local Planning Authority.

**Reason :** To protect ecological habitat adjacent to the site from the effects of construction, in accordance with Policy E39 of the Scarborough Borough Local Plan.

- 19 Before the commencement of development in accordance with each reserved matters approval, details of measures to protect trees and hedgerows during construction shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented for the period of construction.



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**Reason :** To maintain ecological habitat within the site in accordance with Policy E39 of the Scarborough Borough Local Plan.

- 20 Before the development of each plot within the site is commenced, details of any external illumination for that plot, including any lighting columns, shall be submitted to and approved in writing by the Local Planning Authority.

**Reason :** In the interests of the visual amenities of the area, the surrounding landscape, and nature conservation, in accordance with Policies E1, E10 and E12 of the Scarborough Borough Local Plan.

- 21 No development shall take place until a Quantitative Risk Assessment with regard to protection of groundwater has been submitted to and approved by the Local Planning Authority. The Assessment shall include a detailed conceptual model of the groundwater regime, including conceptual cross-sections across the area and taking into account seasonal variations. Consideration of existing, construction and post-construction risks and mitigation (to include a monitoring regime) must also form part of the Assessment.

**Reason :** In order to prevent contamination of groundwater and to protect the public water supply, in accordance with Policy E11 of the Scarborough Borough Local Plan.

- 22 Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.

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

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

**Reason :** In the interest of satisfactory and sustainable drainage, in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 24 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved in writing by the Local Planning Authority. The details shall include details of the drainage calculations.

**Reason :** To ensure that the development can be properly drained in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 25 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the development commences.

**Reason :** To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with Policy C7 of the Scarborough Borough Local Plan.



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- 26 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.

**Reason :** To ensure that no foul water discharges take place until proper provision has been made for its disposal, in accordance with Policy C7 of the Scarborough Borough Local Plan.

- 27 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

**Reason :** To prevent pollution of the water environment.

- 28 Prior to the commencement of any works on site, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The scheme shall be retained throughout the construction period.

**Reason :** To prevent pollution of the water environment.

- 29 Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank, plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of inter-connected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

**Reason :** To prevent pollution of the water environment.

- 30 The development hereby approved shall accord with the application plans as amended by the amended drawing reference 3621/1 received by the Local Planning Authority on 23 December 2005 showing the proposed improved roundabout A.64/Dunslow Road junction.

**Reason :** To avoid doubt.

- 31 Notwithstanding any previously submitted details, prior to the commencement of the development hereby permitted the following drawings and details shall be submitted to, and shall have been approved in writing by the Local Planning Authority :-

In relation to the proposed road network within the development site, together with the highway improvements at Dunslow Road/Cayton Low Road and A64/Dunslow Road :

(i) Detailed plans to a scale of not less than 1:500 showing the proposed highway or site layout, including dimensions of carriageway, footway verge widths and visibility splays drainage and sewerage system.

(ii) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line and channel lines of each proposed road showing the



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existing ground level and proposed road level, and full details of surface water drainage proposals.

(iii) A typical highway cross-section to scale of not less than 1:50 showing a specification for the types of construction proposed for carriageways and footways/footpaths and when requested cross-sections along the proposed roads showing the existing and proposed ground levels.

(iv) Details of the method and means of surface water disposal.

(v) Details of all proposed street lighting.

(vi) Drawings for the proposed new road and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

The development shall thereafter not be carried out otherwise than in accordance with a programme to be submitted to, and approved by, the local planning authority. That programme shall relate the implementation of the above works to the commencement of development of the site.

**Reason :** To secure an appropriate highway construction to an adoptable standard, in the interest of highway safety and the amenity and convenience of highway users.

- 32 No plot to which this permission relates shall be occupied unless or until the carriageway and any footway/footpath from which it gains access is constructed to base course macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation.

The carriageway and footway/footpath wearing courses and street lighting shall be completed within two years of the laying of the base course unless otherwise agreed in writing with the Local Planning Authority.

**Reason :** To ensure safe and appropriate access and egress to the properties, in the interest of highway safety and the convenience of prospective residents.

- 33 The reserved matters application for the access to the site shall include an analysis of predicted traffic movements and measures to accommodate them at the Dunslow Road/Tip Road junction. The following drawings and details for that road junction shall be submitted :-

(i) Detailed plans to a scale of not less than 1:500 showing the proposed highway layout, including dimensions of carriageway, footway verge widths and visibility splays, drainage and sewerage system.

(ii) Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line and channel lines of each proposed road showing the existing ground level and proposed road level, and full details of surface water drainage proposals.

(iii) A typical highway cross-section to scale of not less than 1:50 showing a specification for the types of construction proposed for carriageways and footways/footpaths and when



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requested cross-sections along the proposed roads showing the existing and proposed ground levels.

- (iv) Details of the method and means of surface water disposal.
- (v) Details of all proposed street lighting.
- (vi) Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.

No road works shall commence on site prior to the written approval of these details by the Local Planning Authority. The development shall thereafter not be carried out otherwise than in full compliance with the approved drawings and details.

**Reason :** To secure an appropriate highway construction to an adoptable standard, in the interest of highway safety and the amenity and convenience of highway users.

- 34 Within three months of an alternative access to Seamer Carr Landfill site being provided, the existing carriageway shall be removed and the land reinstated in accordance with details to be submitted to and approved by the Local Planning Authority before the development commences.

**Reason :** In the interests of the visual amenities of the area by avoiding the retention of an unused stretch of roadway.

- 35 Details of the precautions to be taken to prevent the deposit of mud on public highways by vehicles travelling from the site during construction of the development shall be submitted to and approved in writing by the Local Planning Authority before the development commences. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before the development commences on the site and be kept available and in full working order until such time as the Local Planning Authority agrees in writing to their withdrawal or the completion of the development.

**Reason :** In the interests of the safety and convenience of users of the highway and the protection of the amenities of the area.

- 36 Where there is a known occupier the reserved matters application for each plot within the site shall be accompanied by a 'Green Travel Plan' prepared by an appropriately qualified and experienced person. In other instances the 'Green Travel Plan' shall be submitted prior to first occupation of the site in question. The Plan shall set out proposals to positively encourage visitors and staff to travel to and from the site by alternative modes of transport to the private car, set out a timetable for its implementation and a programme and methodology for monitoring and review. The Plan that is approved in writing by the Local Planning Authority shall be implemented in accordance with a timetable set out therein, unless the Local Planning Authority gives its prior written consent to any variation. The Green Travel Plan will consider practical measures to provide employees with positive incentives to travel by bus or cycle.



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**Reason :** To encourage or require travel to and from the site by means other than the private car, in accordance with Government Policy and in the interests of sustainable development and environmental protection.

- 37 Before the submission of the first reserved matters application, details of arrangements for the provision of public bus services to and into the site, including a programme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The level of provision shall be such to enable a substantial number of employees to travel by bus in accordance with the Green Travel Plan.

**Reason :** To encourage travel to and from the site by means other than the private car, in accordance with Government Policy and in the interests of sustainable development and environmental protection.

- 38 The detailed highway layout shall make provision for bus-laybys within 4 minutes walking time of any premises.

**Reason :** To encourage or require travel to and from the site by means other than the private car, in accordance with Government Policy and in the interests of sustainable development and environmental protection.

- 39 Applications for reserved matters shall include provision for a scheme for cycle routes. The cycle routes as may be approved shall be provided in accordance with a timetable to be submitted to and approved in writing before that phase of the development commences.

**Reason :** To encourage or require travel to and from the site by means other than the private car, in accordance with Government Policy and in the interests of sustainable development and environmental protection.

- 40 Any reserved matters application for the roads and surface water drainage attenuation works shall be accompanied by the results of the soil survey, gradiometry, trial trenching, test or trial pit investigative work relating to the area covered by that particular application and as specified in the Written Scheme of Investigation for Archaeological Evaluation submitted to the Local Planning Authority on 3 February 2006.

**Reason :** Sites of archaeological importance may be present within the application area and to accord with Policy E28 of the Scarborough Borough Local Plan.

- 41 Before the submission of any reserved matters application, other than those specified in Condition 40 above, the applicant shall have implemented in full a programme of archaeological evaluation for the site as a whole in accordance with the written scheme of investigation that was received by the Local Planning Authority on 6 February 2006. The results of the evaluation and a scheme of mitigation works shall be submitted to and approved in writing by the Local Planning Authority prior to the submission of the first reserved matters application.

**Reason :** Sites of archaeological importance may be present within the application area and to accord with Policy E28 of the Scarborough Borough Local Plan.

- 42 The applications for reserved matters shall be accompanied by details of on-site security measures, including those incorporated into the design of buildings.



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**Reason :** In the interests of crime prevention and community safety.

**Informative(s)**

The reason(s) for the grant of this planning permission are as follows:-

In general this development accords with Policy I2 of the Scarborough Borough Local Plan which allocates most of this site for B1, B2 and B8 employment uses. The other uses proposed are considered to be acceptable as ancillary uses to the Business Park or uses for where there are no more suitable available sites. The extension of the site beyond the allocated site is considered necessary to meet the infrastructure requirements. Therefore, the deviations from the Development Plan are considered to be justified in view of the benefits to the economy of the area. In other respects it is considered that this proposal complies with the relevant policies of the Development Plan.

The following policies in the Scarborough Borough Local Plan are relevant to this decision

Policy I2  
Allocated Employment Sites

Policy E12  
Design of New Development

Policy E1  
Protection of Open Countryside

Policy E13  
Landscaping of New Development

Policy E10  
Species Protection

Policy C7  
Foul and Surface Water Disposal

Policy E39  
Development Affecting Hedgerows and Trees



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