

	<b>REPORT TO PLANNING &amp; DEVELOPMENT COMMITTEE</b>  <b>TO BE HELD ON THURSDAY, 11 March 2021</b>	
<b>APPLICATION REFERENCE NO:</b>  <b>20/01829/RM</b>	<b>TARGET DATE:</b>  <b>14 December 2020</b>  <b>Extended date:</b> <b>4 February 2021</b>	<b>GRID REF:</b>  <b>503812-483091</b>

## REPORT OF THE PLANNING SERVICES MANAGER – PSM/20/190

**SUBJECT: Reserved matters for B1, B2 and B8 employment units, landscaping works, car parking and vehicular, pedestrian circulation and other associated works, relating to decision 16/00933/OLA at Land At Great Hill Scarborough Business Park Hopper Hill Road Scarborough for Mr Richardson**

### 1.0 THE PROPOSAL

1.1 Outline consent 16/00933/OLA granted permission for the development of 33.59 hectares of land to the south of the area known as 'Scarborough Business Park' and east of Dunslow Road towards the Scarborough to Hull railway line. This was for general and light industrial purposes (B2 and B1 Use Classes respectively), storage and distribution purposes (B8 Use Class), together with limited car showrooms (sui generis), a sixty-bedroom hotel (C1 Use Class), retailing (A1 Use Class) and a restaurant (A3 Use Class).

1.2 The application site is situated to the South of the older part of the Business Park. It is a plot between Great Hill and Cayton Approach, accessed via Great Hill off Thornburgh Road. The main site access off Great Hill (for use by HGVs) is already in place, which is located to the north of the development.

1.3 This application seeks reserved matters consent for the use of a 1.35 hectare portion of the site to the south of Great Hill. Specifically, the site will be used for three buildings (accommodating 20 individual employment units) to provide B1, B2 and B8 industrial space of approximately 5,000 square metres in area, with associated hardstanding, car parking spaces, service yard, bin store areas and landscaping belt (as specified by the outline consent) on the eastern and southern edges.

1.4 In terms of appearance and scale of the buildings, the walling materials are proposed to be 'Metallic Silver' profile sheet, and the roof is proposed to be 'Anthracite Grey' profile sheet. Maximum dimensions (height x width x length) of the buildings would be as follows:

Building A: 6.4m x 14.5m x 85m  
 Building B: 7.6m x 28m x 66.5m  
 Building C: 7.6m x 28m x 83m.

1.5 A total of 60 car parking spaces would be provided, including 6 disabled spaces, together with motorcycle spaces and 38 cycle parking spaces.

1.6 This application has been submitted and requests all Matters (Layout, Scale, Appearance, Landscaping and Access) be considered.

1.7 In terms of planning designations and constraints, the whole of the site is within Groundwater Source Protection Zone 1 (SPZ1). In brief terms, within SPZ1 there is a requirement to ensure development does not harm groundwater, which may be at risk.

## 2.0 SCREENING OPINION REQUIRED?

2.1 No.

## 3.0 PRE-APPLICATION COMMUNITY ENGAGEMENT

3.1 None undertaken.

## 4.0 CONSULTATIONS AND COMMENTS

The following is a summary of the key and relevant comments received from consultees and interested parties. Their full comments and any accompanying documentation are available to view on the Council's website.

4.1 Seamer Parish Council: No objections.

4.2 Highway Authority (NYCC): No objections.

4.3 SBC Environmental Health (housing): No comments received.

4.4 SBC Environmental Health (commercial): No comments received.

4.5 Parks and Countryside Services - Ecology (SBC): No objections but recommend that bird and bat boxes are installed as recommended in the Preliminary Ecological Appraisal.

4.6 The Environment Agency: No comments received.

4.7 Lead Local Flood Authority: No comments received.

4.8 Yorkshire Water: No objections.

4.9 Vale of Pickering Internal Drainage Board: The Board has no comment on the above application; its position is neutral.

Publicity - Consultation period expired on 6 January 2021. No responses received.

## 5.0 RELEVANT SITE HISTORY

5.1 2006 - Outline Planning permission granted for a Business Park (B1, B2 and B8 uses) and car showrooms, hotel, ancillary retail, associated highway works, car parking and landscaping, subject to a 10 year implementation period.

5.2 2006 - Reserved Matters approval for Phase 1 of development, comprising development of highways and drainage infrastructure.

5.3 2016 - Replacement Outline Planning Permission for Business Park granted. Subject to a 10 year period of validity.

5.4 2019 - Condition 26 discharged on decision 16/00933/OLA for variation of archaeological investigation condition no 26 of Planning Permission reference 15/01948/OL.

## 6.0 PLANNING POLICY

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of The Town and Country Planning Act 1990 require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise (in the case of advertisement applications the Advertisement Regulations 2007 are applicable). Attention is drawn to the following Development Plan and other planning policies and guidance which are considered to be particularly relevant to the consideration of this application:-

### **Scarborough Borough Local Plan 2017**

**SD 1** - Presumption in Favour of Sustainable Development

**DEC 1** - Principles of Good Design

**DEC 4** - Protection of Amenity

**DEC 6** - Archaeology

**EG 1** - Supporting Industry and Business

**EG 3** - Employment Land Delivery

**EG 4** - Protecting Land for the Expansion of Scarborough Business Park

**ENV 3** - Environmental Risk

**ENV 4** - Groundwater Protection

**ENV 5** - The Natural Environment

### **National Planning Policy Framework**

**NPPF2** - Achieving Sustainable Development

**NPPF4** - Decision-making

**NPPF6** - Building a strong, competitive economy

**NPPF12** - Achieving well-designed places

**NPPF14** - Meeting the challenge of climate change, flooding and coastal change

**NPPF16** - Conserving and enhancing the historic environment

### **Scarborough Borough Supplementary Planning Documents**

None relevant

## Local Planning Policy and Guidance

None relevant

### 7.0 ASSESSMENT

7.1 In principle, this development has already been accepted by the allocation of this land for development in the Scarborough Borough Local Plan and the granting of outline planning permission for a Business Park.

7.2 Furthermore, Local Plan Policy EG4 (Protecting Land for the Expansion of Scarborough Business Park) allows for development of B1, B2 and B8 uses on land within the Scarborough Business Park. Local Plan Policy EG4 supports the B8 use in principle, subject to satisfying other material planning considerations that will now be discussed.

7.3 Taking into account the relevant planning policy, consultation responses and all other material planning considerations, insofar as they are relevant to the remaining reserved matters (appearance, landscaping, layout, scale and access) Officers consider the key matters for consideration in this case to be:

- A) Compliance with the parent outline consent
- B) Impact on the character of the area - design and amenity
- C) Groundwater and environmental risk
- D) Drainage
- E) Highway safety
- F) Ecology/Biodiversity
- G) Archaeology

A) Compliance with parent outline consent

7.4 The comprehensive conditions attached to 16/00933/OLA set the parameters for development on this site. Development of the character and nature proposed here is afforded permission by the outline consent, and the specific development proposed meets the terms for reserved matters proposals. With this in mind, the proposal is compatible with the outline consent and is acceptable in principle.

B) Impact on the character of the area - design and amenity

7.5 In general terms, policy DEC1 of the Local Plan requires that new development preserves the character of the area and policy DEC4 stipulates that new development should not unduly harm the amenity of neighbouring uses.

7.6 By virtue of their form, scale, massing and materials, the proposed buildings will have an industrial appearance commensurate with the character of the area. Set near to existing industrial and commercial uses, Officers consider that the development will assimilate successfully into its context in a visual sense. The choice of materials deliver a high quality finish, providing modern and attractive industrial units, which will sit well within the site and the wider landscape.

7.7 Further, as the neighbouring uses fall within the B uses of the Use Class Order in line with the outline consent, Officers consider that the development will be compatible with these uses. It is very unlikely that the utility of existing neighbouring sites will be unduly harmed by the development. There is no residential development within the immediate vicinity of the site.

7.8 Conditions on the outline consent require a minimum of 5 metres depth of landscaping along the road on the southern boundary of this site. Following amendments to the proposal these requirements have been met, with extensive landscaping and tree planting along the main spine road to the south of the site, and also a landscape belt to the east boundary of the site.

#### C) Groundwater and environmental risk

7.9 The whole of the site is located within Groundwater Source Protection Zone 1 (SPZ1). In brief terms, within SPZ1 there is a requirement to ensure development does not harm groundwater which may be at risk. Local Plan Policy ENV4 (Groundwater Protection) states that proposals will have to demonstrate that they do not compromise groundwater and its abstraction.

7.10 A Construction Environmental Management Plan (CEMP) to ensure the protection of groundwater during construction has been submitted and its implementation in full should be secured by way of a condition to be attached to any granting of planning permission. However, as this document was submitted late in the process, consultee comments (Yorkshire Water) are still awaited.

7.11 Two pre-commencement conditions are attached to the outline approval. One relates to a Quantitative Risk Assessment with regard to protection of groundwater being submitted to and approved in writing by the Local Planning Authority. The other one relates to a settlement facility for the removal of suspended solids from surface water run-off during construction works being provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. Therefore, conditions regarding groundwater protection are still required.

#### D) Drainage

7.12 The picture with respect to the drainage of this site is complicated; the LLFA has its role as statutory consultee in the planning process for surface water issues, Yorkshire Water is the statutory undertaker responsible for the existing drainage network and the Internal Drainage Board deals with the outfall from the site.

7.13 Yorkshire Water has not objected, and neither has the Internal Drainage Board. The LLFA has not provided any comments.

7.14 It is important to note that a surface water drainage system for this site is already in place; the surface water drains were installed following the 2006 consent, and the proposal is to simply 'plug into' the infrastructure already installed. Owing to the level of hardstanding proposed, there is an amount of attenuation required in order to meet an acceptable discharge rate into the Yorkshire Water infrastructure. Yorkshire Water has not objected to the proposals put forward.

#### E) Highway safety

7.15 Local Plan Policy DEC1 (Principles of Good Design) states that proposals should provide suitable and safe vehicular access and suitable servicing and parking arrangements.

7.16 The County Council as Highway Authority is the statutory consultee on highways and parking related matters in the planning process and the Local Planning Authority (LPA) is reliant on its expert advice on these matters. In this case, the Highway Authority has not objected to the proposal subject to the imposition of conditions regarding details of access, parking, manoeuvring and turning areas and construction phase management plan. Sufficient vehicle parking is provided and designated cycle parking spaces, to promote Green Travel, are shown too.

7.17 The access to this site has already been approved and constructed as part of the development of the business park. The supporting documents - 'Transport Note' and drawing SYL-PRIORITY S-SCARB-SSU100 - which accompanied and formed part of this planning application address the other aforementioned issues. As such, Officers do not think it is justified to impose the above conditions, and consider that the development will not harm the safety and convenience of users of the public highway.

#### F) Ecology/Biodiversity

7.18 Local Plan policy ENV5 requires that proposals should respond positively and seek opportunities for the enhancement of species and habitats. The NPPF states that if significant harm to biodiversity cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused.

7.19 The council's Ecologist did not raise objections to the proposal. Recommendations made within the submitted Ecology and Landscape Management Plan (ELMP) should be adopted to ensure potential adverse impacts to wildlife are avoided. This can be assured by condition. Subject to these measures, it is not considered that the development will have an adverse impact on nature conservation and presents opportunities for enhancement in accordance with Policy ENV5 of the Scarborough Borough Local Plan 2017. Therefore, the Local Planning Authority has no reason to consider that the scheme is unacceptable in relation to this technical consideration.

#### G) Archaeology

7.20 This site is of significant archaeological potential. Local Plan Policy DEC6 (Archaeology) states the Local Planning Authority will seek to protect, enhance and promote archaeological heritage.

7.21 Condition 26 of the outline consent (16/00933/OLA) states:

Prior to the commencement of development of any further Reserved Matters approval on this site the post investigation archaeological assessment shall be commissioned in accordance with the programme of works set out in the Post Excavation Research Design, previously submitted and approved in respect of this site, and the date of the commission and details of those commissioned to undertake the work shall be submitted in writing to the Local Planning Authority. Publication and dissemination of the

results of the analysis and archive deposition in accordance with the Post Excavation Research Design shall take place within 12 months of the date of commissioning or 2 years from the date of this planning permission, whichever is the sooner.

7.22 This condition has been discharged on the basis that "The Archaeological Report - Excavation of a Late Iron Age Enclosed Settlement at Scarborough Business Park" satisfied the condition in line with the relevant legislative and policy requirements. Therefore, in this case a condition regarding archaeology is not required.

## 8.0 PRE-COMMENCEMENT CONDITIONS

8.1 The pre-commencement condition in terms of a settlement facility for the removal of suspended solids from surface water run-off during construction works is already attached to the outline consent. It was therefore not required to seek agreement from the agent.

## POSITIVE AND PROACTIVE STATEMENT

The proposals were subject of pre-application discussions between the applicant and the Local Planning Authority. Still, the proposed development as submitted was not entirely acceptable, so the Local Planning Authority acted positively and proactively by agreeing an extension of time to accommodate amendments to the proposal to make it compatible with the outline consent. However, there are certain aspects where additional details need to be agreed and implemented and specific safeguards need to be put into place. The Local Planning Authority acted proactively by attaching planning conditions which can adequately address such matters.

## RECOMMENDATION

That subject to satisfactory comments from Yorkshire Water PERMISSION BE GRANTED, subject to the following condition(s):

- 1 The development hereby approved shall be carried out in strict accordance with the following:

Site Location Plan (drawing no. 11342-CDL-XX-00-DR-A-(00)001 P1) received by the Local Planning Authority on 1 September 2020;

Proposed Site Plan (drawing no. 11148-CDL-XX-00-DR-A-(09)001 T4) received by the Local Planning Authority on 30 November 2020;

Site Plan - External Finishes (drawing no. 11342-CDL-XX-XX-DR-A-(90)008 T2) received by the Local Planning Authority on 30 November 2020;

Proposed Site Set Up and Environmental Plan (drawing no. SYL-PRIORITY S-SCARB-SSU100) received by the Local Planning Authority on 19 January 2021;

GA Elevations - Block A (drawing no. 11148-CDL-XX-XX-DR-A-(05)001 T3) received by the Local Planning Authority on 19 January 2021;

GA Elevations - Block B (drawing no. 11148-CDL-XX-00-DR-A-(05)002 T3) received by the Local Planning Authority on 19 January 2021;

GA Elevations - Block C (drawing no. 11148-CDL-XX-XX-DR-A-(05)003 T3) received by the Local Planning Authority on 19 January 2021;

GA Plans - Blocks A and B (drawing no. 11148-CDL-XX-00-DR-A-(04)001 P3) received by the Local Planning Authority on 1 September 2020;

GA Plans - Block C (drawing no. 11148-CDL-XX-00-DR-A-(04)002 P3) received by the Local Planning Authority on 1 September 2020;

GA Sections (drawing no. 11148-CDL-XX-00-DR-A-(06)001 T2) received by the Local Planning Authority on 19 January 2021;

GA Sections (drawing no. 11148-CDL-XX-00-DR-A-(06)002 T2) received by the Local Planning Authority on 19 January 2021;

GA Sections (drawing no. 11148-CDL-XX-00-DR-A-(06)003 T2) received by the Local Planning Authority on 19 January 2021;

Detailed Landscape Proposal (drawing no. c-1897-01 A) received by the Local Planning Authority on 19 January 2021;

External Bin Store Details (drawing no. 11342-CDL-XX-XX-DR-A-(90)012 T2) received by the Local Planning Authority on 30 November 2020;

Preliminary Ecological Appraisal received by the Local Planning Authority on 1 September 2020;

Ecology and Landscape Management Plan (ELMP) received by the Local Planning Authority on 30 November 2020;

Construction Environmental Management Plan (CEMP) received by the Local Planning Authority on 6 December 2020;

Great Crested Newt Habitat Management Plan received by the Local Planning Authority on 6 December 2020;

Landscape Management and Maintenance Plan received by the Local Planning Authority on 19 January 2021;

Design and Access Statement received by the Local Planning Authority on 19 January 2021.

Reason: For the avoidance of doubt.

- 2 All of the proposals and recommendations set out in the documents listed below, which accompanied and formed part of this planning application, shall be implemented in full as part of this development.



- Preliminary Ecological Appraisal,
- Ecology and Landscape Management Plan,
- Great Crested Newt Habitat Management Plan,
- Landscape Management and Maintenance Plan.

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 in order to provide adequate and necessary mitigation for the adverse environmental impacts that have been identified.

- 3 The external materials of construction of the buildings shall be as specified in section 7 (appearance) of the submitted Design and Access Statement (19 January 2021).

Reason: To ensure a reasonable level of visual amenity is provided and in accordance with both policy DEC1 of the Scarborough Borough Local Plan 2017 and Section 12 of the National Planning Policy Framework.

- 4 The approved planting scheme specified by approved drawing c-1897-01 A (Detailed Landscape Proposal, received by the Local Planning Authority on 19 January 2021) shall be implemented in full in the first planting season following the first use of the development. Any tree or shrub which dies or is seriously damaged within five years of planting shall be replaced with a similar tree or shrub in the next planting season.

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 DEC1 of the Scarborough Borough Local Plan 2017.

- 5 Notwithstanding the submitted details, no above ground works shall commence until exact details of the boundary treatments and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments as approved shall be implemented before the plot is first occupied.

Reason: In the interests of the visual amenity of the development, crime prevention and public safety and in accordance with policy DEC1 of the Scarborough Borough Local Plan 2017.

- 6 The approved trees and hedgerows protection scheme specified by approved drawing 11148-CDL-XX-00-DR-A-(90)007 P2 (Site Plan - Fence & Protection to Hedgerows, received by the Local Planning Authority on 1 September 2020 ref. 20/01830/COND) shall be implemented for the period of construction.

Reason: To maintain ecological habitat within the site and in the interest of visual amenity in accordance with the requirements of policies DEC1 and ENV5 of the Scarborough Borough Local Plan 2017.

- 7 External illumination of the site shall be as specified in the approved floodlighting scheme detailed by approved drawing 11414-FHP-SK-0001 D01 (External Lighting, received by the Local Planning Authority on 1 September 2020 ref.

20/01830/COND). Except where necessary for security purposes, the approved external lights shall be switched off when the facility is closed for business.

Reason: In the interests of the visual amenities of the area, the surrounding landscape, and nature conservation, in accordance with policies DEC1 and ENV5 of the Scarborough Borough Local Plan 2017.

- 8 All of the proposals and recommendations set out in the approved Quantitative Risk Assessment (Groundwater Quantitative Risk Assessment, received by the Local Planning Authority on 8 December 2020 ref. 20/02726/COND) shall be implemented in full as part of this development.

Reason: In order to prevent contamination of groundwater and to protect the public water supply, in accordance with policy ENV4 of the Scarborough Borough Local Plan 2017 and in recognition that this site lies within a Groundwater Source Protection Zone 1.

- 9 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.

- 10 The systems of drainage for foul and surface water, with surface water being restricted to a maximum rate of 140 (one hundred and forty) litres per second, and the use of an oil interceptor, shall be as specified in the approved drawing SSS P1 (Drainage Plan, received by the Local Planning Authority on 1 September 2020 ref. 20/01830/COND).

Reason: To prevent pollution of the water environment and in the interest of satisfactory and sustainable drainage in accordance with policies ENV3 and ENV4 of the Scarborough Borough Local Plan 2017.

- 11 Notwithstanding condition 10, 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 ENV3 of the Scarborough Borough Local Plan 2017.

- 12 Notwithstanding condition 10, no piped discharge of surface water from the site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the approved details.

Reason: To ensure that the site is properly and sustainably drained and surface water is not discharged to the foul sewerage system which will prevent overloading, in accordance with policy ENV3 of the Scarborough Borough Local Plan 2017.

- 13 Prior to the commencement of any works on a plot or of a building, a settlement facility for the removal of suspended solids from surface water run-off during construction works shall be provided in accordance with details that have been

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 in accordance with policies ENV3 and ENV4 of the Scarborough Borough Local Plan 2017 and in the interests of sustainable drainage.

- 14 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 in accordance with policies ENV3 and ENV4 of the Scarborough Borough Local Plan 2017 and in the interests of sustainable drainage.

- 15 The development hereby approved shall not be brought into use until the related parking facilities, manoeuvring, turning areas and tactile paving as shown in supporting documents 'Transport Note' (1 September 2020) and drawing 11148-CDL-XX-00-DR-A-(09)001 T4 (Proposed Site Plan, 30 November 2020) have been constructed. Once created, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: To provide for adequate provision of off-street accommodation for vehicles in the interest of safety, and the convenience of all highway users in accordance with policy DEC1 of the Scarborough Borough Local Plan 2017.

- 16 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. 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.

- 17 All of the proposals and recommendations set out in the Construction Environmental Management Plan (CEMP), which accompanied and formed part of this planning application, shall be implemented in full as part of this development. Construction shall not commence until the approved measures have been implemented and shall proceed strictly in accordance with the approved CEMP.

Reason: As the site is located in the Groundwater Source Protection Zone 1 and on the advice of the statutory undertaker who advises that groundwater may be at risk during the construction phase.

*David Walker*

**Background Papers:**

Those documents referred to in this report.

IF YOU HAVE ANY QUERIES ABOUT THIS REPORT OR WISH TO INSPECT ANY OF THE BACKGROUND PAPERS, PLEASE CONTACT MRS KATJA HARPER ON 01723 383532 email [katja.harper@scarborough.gov.uk](mailto:katja.harper@scarborough.gov.uk)



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