



Approve Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

To:

Mr Alistair Kelly
DPP UK LTD
DPP Planning
Third Floor
One Park Row
Leeds
LS1 5HN

Application at:

Grimme (Uk) Ltd Kilnfield House 45 Common
Road Dunnington York

For:

Change of use to business, general industry and
storage or distribution (Use Classes B1, B2 and
B8)

By:

Mr Alistair Kelly,

Application Ref No:

20/00525/FULM

Application Received on:

16 March 2020

CONDITIONS OF APPROVAL:

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the un-numbered site plan and the survey plan numbered HU-RJH-BSP-870-18-D03, both received 13 March 2020.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

3 The use hereby permitted in relation to use classes B8 and B2 shall be confined to the following hours: 07.00-19.00 Mondays-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

4 The use hereby permitted in relation to use class B1 shall be restricted to 05:30 - 22.30 Monday-Sundays.

Reason: To safeguard the amenity of local residents and the surrounding environment.

5 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The approved machinery, plant or equipment and any noise mitigation measures shall be fully installed and operational before the uses hereby permitted commence and shall thereafter be permanently retained.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

6 Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval in writing before such equipment is installed. This shall also include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To Protect the amenity of nearby residents and the environmental qualities of the area.

7 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes F

(Extensions etc of office buildings), H (Extensions etc of industrial and warehouse) and I (Developments relating to an industrial process) of Schedule 2 Part 7 of that Order shall not be erected or constructed.

Reason: In the interests of the openness of the Green Belt and the amenities of adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015.

8 Prior to first use of the development details of cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The use shall not commence until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

Date: 7 August 2020



M. Slater
Assistant Director for Planning and Public
Protection

FOR RIGHTS OF APPEAL, SEE OVERLEAF

Notes to Applicant

1. VERGE PARKING

The applicant is reminded of the highway authority's enforcement powers regarding the parking of vehicles and the storage/display of plant and equipment on the grass verge of the public highway in front of the application site.

2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the

processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Imposed necessary planning conditions.

Appeals to the Secretary of State

- . If you are aggrieved by the decision of the City Council to attach conditions to the grant of planning permission, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- . If you want to appeal, then you must do so within SIX months of the date of this. You must use a form which you can get from The Planning Inspectorate, at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0303 444 5433) or which can be downloaded from their web site (<https://www.gov.uk/appeal-planning-inspectorate>).
- . The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the City Council could not have granted planning permission for the proposed development, or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- . In practice, the Secretary of State does not refuse to consider appeals solely because the City Council based its decision on a direction given by him.

Purchase Notices

- . If either the City Council 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 the carrying out of any development which has been or would be permitted.
- . In these circumstances, the owner may serve a purchase notice on the City Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

Compensation

- . In certain circumstances, compensation may be claimed from the City Council if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- . These circumstances are set out in Section 120 and related provisions of the Town and Country Planning Act 1990.

Note

This permission does not absolve you from the need to obtain approval under the Building Regulations, or to obtain approval under any other Bye-Laws, Local Acts, Orders, Regulations and statutory provision in force, and no part of the proposed development should be commenced until such further approval has been obtained.