



CITY OF  
**YORK**  
COUNCIL

## Approve Reserved Matters

TOWN AND COUNTRY PLANNING ACT 1990

To:

FILE COPY

O'Neill Associates  
Lancaster House  
James Nicholson Link  
Clifton Moor  
York  
YO30 4GR

**Application at:** Proposed University Campus Lying Between Field Lane And Low Lane A64 Trunk Road And Hull Road York  
**For:** Erection of a biomass boiler, 2no. gas oil boilers and associated fuel tanks, fence enclosure, access and landscaping  
**By:** University Of York  
**Application Ref No.:** 09/00165/REM  
**Application Received on:** 28 January 2009

### CONDITIONS OF APPROVAL:

1 The building shall be removed by 25th March 2019 unless prior to that date a renewal of the permission shall have been granted in writing by the Local Planning Authority.

Reason: The temporary nature of the building is such that it is considered inappropriate on a permanent basis.

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

U-969-EX03 Dated Jan2007, DD110317.L.3021 Dated Jan 2009 , U-969-DO1 Dated Dec 2008, UE-SK-001(RevB) Dated Mar 2009, UE-SK002 Dated Nov 2008, UE-SK-003 Dated Nov 2008, UE-SK-004 Dated Nov 2008, UE-SK-005 Dated Nov 2008 , UE-SK-006 Dated Nov 2009 , 30080-P-316 Dated Dec 2008 , 30080-P-315 Dated Dec 2008 and DD110317.P.302B Dated Jan 2009.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area.

4. Full details of the biomass boiler to be installed in the proposed premises including maximum power output, details of delivery and sourcing of biomass fuel shall be submitted to and approved in writing by the Local Planning Authority before the authorised development is commenced. The biomass boiler shall not thenceforth be used other than in accordance with the written approval of the Local Planning Authority.

Reason:-

To protect the amenity of occupiers of nearby buildings.

5. Prior to the development hereby approved being first brought into use, details of the method of ash disposal, to incorporate fully enclosed receptacles, shall be submitted to and approved in writing by the Local Planning Authority, and the development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To prevent loss of amenity due to dust emissions.

6. Prior to the development hereby approved being first brought into use, the method of fuel/chip delivery, to incorporate sheeting and fully enclosed receptacles to minimise spillages and fugitive emissions in all weather conditions shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall thereafter be carried out in accordance with the agreed details, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To prevent loss of amenity due to dust emissions.

7. There shall be no visible smoke emissions from the boiler flue during normal operation of the plant except during the start up procedures, unless otherwise agreed in writing with the Local Planning Authority.

Reason:-

To prevent the loss of amenity from smoke.

8. The Back-Up boilers hereby authorised shall be used solely for the burning of gas/oil and shall not be used for the burning of waste vegetable oil or any other waste product.

Reason:-

To safeguard the amenity of occupiers of neighbouring buildings.

9. Development shall not begin until details of all surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10. 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 largest 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 the interconnected 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 shall 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.

11. 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 designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment.



M.Slater  
Assistant Director (Planning & Sustainable Development)

**FOR RIGHTS OF APPEAL, SEE OVERLEAF**  
**Notes to Applicant**

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact of the proposal on residential amenity,securing sustainable sourcing of the biomass fuel,suitability of the plant to secure the requirement for 10% of the energy needs of the site to come from renewable sources,ensuring the safe and efficient drainage of the site and the general requirement for the proposal. As such the proposal complies with Policies ED9,ED10,GP4a),GP4b) and GP5 of the City of York Local Plan Deposit Draft.

2. i) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00  
Saturday 09.00 to 13.00  
Not at all on Sundays and Bank Holidays.

ii) All reasonable measures shall be employed in order to control and minimise dust emissions including sheeting of vehicles and use of water for dust suppression .

iii) There shall be no bonfires on site.

## 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 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (tel: 0117 372 8000) or apply online via their web site ([www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

- 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.