



Notice of a public meeting of

Planning Committee B

- To:** Councillors Hollyer (Chair), Melly (Vice-Chair), Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell and Perrett
- Date:** Thursday, 12 January 2023
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

1. Declarations of Interest

At this point in the meeting, Members are asked to declare any disclosable pecuniary interest or other registerable interest they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests.

2. Minutes

(Pages 1 - 14)

To approve and sign the minutes of the last Planning Committee B meeting held on 8 December 2022.

3. Public Participation

At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee.

Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings. The deadline for registering at this meeting is 5:00pm on Tuesday, 10 January 2023.

To register to speak please visit www.york.gov.uk/AttendCouncilMeetings to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

Webcasting of Public Meetings

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at www.york.gov.uk/webcasts.

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates (www.york.gov.uk/COVIDDemocracy) for more information on meetings and decisions.

4. Plans List

This item invites Members to determine the following planning applications:

**a) Unit 2 Monks Cross Drive, Huntington, York (Pages 15 - 50)
[22/01135/FULM]**

Erection of food store following part demolition of existing unit together with drive-thru restaurant both with associated access, parking and landscaping. [Huntington / New Earswick Ward]

**b) Site To The West Of MX Park, Monks Cross Drive, Huntington, York (Pages 51 - 76)
[22/01161/FULM]**

Erection of two units for light industry (class E) or general industry (class B2) or storage/distribution (class B8) or storage/distribution with ancillary trade counter use; and associated car parking and landscaping. [Huntington / New Earswick Ward]

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Jane Meller

Contact details:

- Telephone: (01904) 555209
- Email: jane.meller@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports and
- For receiving reports in other formats

Contact details are set out above.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

 (01904) 551550

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City of York Council

Committee Minutes

Meeting	Planning Committee B
Date	8 December 2022
Present	Councillors Craghill, Crawshaw, Daubeney, Fisher, Galvin, Orrell, Perrett and Looker (Substitute for Cllr Melly)
Apologies	Councillors Hollyer and Melly

Apologies had been received from both the Chair and Vice-Chair, it was therefore necessary to elect a Chair for the meeting. Cllr Fisher was nominated by Cllr Daubeney and this was seconded by Cllr Orrell. A vote was taken and Cllr Fisher was unanimously appointed to Chair the meeting. A subsequent vote was taken for Vice-Chair and Cllr Crawshaw was unanimously appointed to the role.

44. Declarations of Interest (4.33 pm)

Members were asked to declare at this point in the meeting any disclosable pecuniary interests or other registrable interests that they might have in the business on the agenda, if they had not already done so in advance on the Register of Interests.

In relation to items 4a and 4b (Ascot Mews, York) Cllrs Craghill and Looker declared that, in their position as Ward Councillors, they had received correspondence from residents with respect to the applications however, they were not pre-determined to the outcome.

Also in relation to items 4a and 4b, Cllr Fisher declared that he had received correspondence from residents but was not pre-determined. In relation to item 4f (Toft Green), he declared, for transparency reasons, that his son played in a band.

Cllr Crawshaw highlighted that he would make a statement in relation to item 4f (Toft Green), at the start of that item.

45. Minutes (4.36 pm)

Resolved: That the minutes of the last meetings, held on 19 October 2022 and 10 November 2022, were approved as a correct record.

46. Public Participation (4.37 pm)

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

47. Plans List (4.37 pm)

Members considered a schedule of reports of the Development Manager, relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views of consultees and officers.

48. 1 Ascot Mews, Emerald Street, York, YO31 8LT [22/01235/FUL] (4.37 pm)

Members considered a change of use application at 1 Ascot Mews, Emerald Street, York from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis). The Principal Development Management Officer gave a presentation on the application.

Public Speakers

Cllr Melly, spoke in objection to the application. She highlighted the negative impact the existing short-term let had on the local residents, noting increased noise and vehicle movements. She noted the requirements of the NPPF and explained that the objectives had been undermined with no economic benefit to the area.

Cllr Fitzpatrick, the Ward Member for Guildhall, spoke in objection to the application. She stated that she had called in the application having heard concerns regarding the nature of the short-term holiday let for some while. The business had damaged community cohesion, the target market was unsuitable given the location close to a primary school and was not in keeping with the residential street.

In response to Member questions she confirmed that there was a third unrelated property on the Mews which was also a short term holiday let.

Following debate, Cllr Crawshaw proposed the officer recommendation to refuse the application. This was seconded by Cllr Looker. A vote was taken with a unanimous vote in favour it was;

Resolved: that the application be refused.

Reason:

The application relates to the retrospective change of use of Ascot Mews to holiday accommodation. Although the property has been used previously as accommodation for stag and hen parties the applicant has stated that he is now restricting occupancy to 6 people. He has also stated that the property is no longer let with the adjacent house (number 2).

It is considered that the site specific circumstances are such that additional noise and activity that can often be associated with holiday accommodation has the real potential to create harm. This relates principally to the property's position at the end of a quiet street, the shared use of the front courtyard and the very close proximity of the courtyard to an upstairs side facing bedroom. Furthermore, the application is submitted in association with a retrospective application for a 6 person short term let at the adjacent property (number 2) which shares the same external space. Although the applicant has stated he would seek to ensure that groups who let the two homes were not part of a single group, it is difficult to envisage how this could be controlled and monitored. It is considered the ability of large groups to rent the two properties together (or two groups to subsequently mix) creates particular concerns regarding the use of the homes for 'party' type gatherings with shared use of the communal courtyard.

Accordingly, it is considered that the proposal conflicts with national and local policy regarding the need to maintain a high standard of amenity for nearby neighbours and is therefore recommended for refusal. It is not considered that the economic benefits from the proposal outweigh the impacts of this harm.

**49. 2 Ascot Mews, Emerald Street, York, YO31 8LT
[22/01236/FUL] (4.52 pm)**

Members considered a change of use application at 2 Ascot Mews, Emerald Street, York from dwelling house (use class C3) to short-term letting holiday accommodation (sui-generis). The Principal Development Management Officer gave a presentation on the application.

Public Speakers

Both Cllr Melly and Cllr Fitzpatrick requested that their comments relating to item 4a (1 Ascot Mews) be taken into consideration for this application.

Following debate, Cllr Orrell proposed the officer recommendation to refuse the application. This was seconded by Cllr Craghill. A vote was taken with a unanimous vote in favour, it was;

Resolved: that the application be refused.

Reason:

The application relates to the retrospective change of use of Ascot Mews to holiday accommodation. Although the property has been used previously as accommodation for stag and hen parties the applicant has stated that he is now restricting occupancy to 6 people. He has also stated that the property is no longer let with the adjacent house (number 1).

It is considered that the site specific circumstances are such that additional noise and activity that can often be associated with holiday accommodation has the real potential to create harm. This relates principally to the property's position at the end of a quiet street, the shared use of the front courtyard and the very close proximity of the courtyard to an upstairs side facing bedroom. Furthermore, the application is submitted in association with a retrospective application for a 6 person short term let at the adjacent property (number 1) which shares the same external space. Although the applicant has stated he would seek to ensure that groups who let the two homes were not part of a single group, it is difficult to envisage how this could be controlled and monitored. It is considered the ability of large groups to rent the two properties together (or two groups to subsequently mix) creates particular concerns regarding the use of the homes for 'party' type gatherings with shared use of the communal courtyard.

Accordingly, it is considered that the proposal conflicts with national and local policy regarding the need to maintain a high standard of amenity for nearby neighbours and is therefore recommended for refusal. It is not considered that the economic benefits from the proposal outweigh the impacts of this harm.

**50. Fishergate CP School, Fishergate, York, YO10 4AF
[22/00787/GRG3] (6.23 pm)**

Members considered an application from Fishergate Primary School for the installation of enclosed Multi Use Games Area (MUGA) pitch to playing field at rear of school.

The Development Manager gave a presentation on the application and provided an update as follows:

Flood Risk Management Team comment

The MUGA is to be constructed in a grass field the applicant has not provided any surface water drainage or construction details. MUGAs are constructed in a semi-impermeable material therefore will increase surface water run-off (0.04 - 4.2 l/sec).

Recommend a surface water drainage condition.

Additional conditions

No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interest of satisfactory and sustainable drainage.

He also noted that Public Protection had requested a condition limiting the use of the pitch to 6pm. As floodlights are not proposed, the use was limited to daylight hours.

Public Speakers

Tina Clark, Headteacher of Fishergate Primary School, spoke in favour of the application and explained that the MUGA would ensure that the children could access outdoor space all year round. She confirmed that it was for school use only and that a curfew would not cause a problem for them.

David Pennington, PE Co-ordinator, explained how the MUGA would enable the school to offer a wider range of sports and extracurricular clubs and also allow house competitions to be played at the same time.

In response to questions from Members he confirmed that the Sports England objection related to the size of the pitch and confirmed that tennis, netball and basketball would be provided including house competitions.

The officer responded to questions from Members and confirmed that the addition of floodlights would require a further planning application.

Following debate, Cllr Crawshaw moved the officer recommendation to approve the application. Cllr Looker seconded the proposal. The addition of a condition limiting the use of the MUGA until 18:00 only was clarified and agreed by Members. A vote was taken and Members voted unanimously in favour of the motion, it was;

Resolved: that the application be approved, subject to referral to the Secretary of State as recommended in the report.

Reason: Having carefully assessed the proposed development, all material planning considerations and all representations received, it is considered to represent an appropriate form of development in this location that will not result in harm to the amenity of residents, the setting of heritage assets or be harmful to the provision of recreation spaces in the area.

In accordance with statutory requirements, Sport England have been consulted.

The unresolved Sport England objection means that the provisions of The Town and Country Planning (Consultation) (England) Direction 2021 apply. The Direction requires local planning authorities in England to consult the Secretary of State before granting planning permission for certain types of development. Should members be minded to grant permission the application is required to be referred to the Secretary of State before a decision can be issued.

Resolved: The hereby approved Multi Use Games Area shall not be used outside of the following hours:

Monday to Friday 08:00 to 18:00
Saturdays & Sundays 09:00 to 18:00

Reason: To protect the amenity of residents living in the vicinity of the site.

51. 67 Grantham Drive, York, YO26 4UE [22/01864/FUL] (6.40 pm)

Members considered an application at 67, Grantham Drive, York, for a single storey rear and side extension, following the demolition of the existing conservatory.

The Development Manager gave a presentation on the plans following which there were no public speakers or questions for officers.

Cllr Galvin moved the officer recommendation to approve the application and this was seconded by Cllr Crawshaw. Members voted unanimously in favour and it was;

Resolved: that the application be approved.

Reason: The proposed works would respect the general character of the building and area and cause no neighbouring harm. It is considered that it complies with national planning guidance, as contained in the National Planning Policy Framework, and local policies in the Publication Draft Local Plan 2018, Development Control Local Plan 2005 and the City of York Council's Supplementary Planning Document (House Extensions and Alterations).

2a) 17 Newlands Drive, York, YO26 5PQ [22/01734/FUL] (6.44 pm)

Members considered an application from Bergamo Holdings at 17 Newlands Drive, York, for change of use from dwelling (use class C3b) to 6.no. occupant House in Multiple Occupation (use Class C4).

The Development Manager gave a presentation and responded to questions from Members as follows:

- The C3 use class had been applicable to the Wilberforce Trust as it allowed for up to 6 residents in need of care to live as a single household.
- The original Highways objection related the dropped kerb and the occupation of the HMO by 7 residents.

Public Speakers

Jane Barker, a resident, spoke in objection to the application. She explained that the previous occupants had been housebound and there

had been no parking or noise issues. her main concern was the parking, with residents having had their drives blocked and the road being too narrow to park on both sides. She requested that the item be deferred.

In response to questions Ms Barker clarified that there were no existing parking restrictions, large vans and lorries would sometimes need to straddle the pavement to pass and some car owners chose to park partially on the pavement to avoid blocking the road.

Following a Member question, the officer confirmed that the low wall at the front of the house could be removed under permitted development.

Mark Flynn, a resident, spoke in objection to the application on parking grounds. He raised concerns regarding vehicles blocking driveways and highlighted that six residents with vehicles would increase parking congestion and have a detrimental impact on neighbouring residents. He noted that the report described the road as a cul-de-sac, although it was a through road and was concerned that the Highways department did not have the correct information.

Cllr Lomas, the Ward Councillor, spoke in objection to the application on behalf of residents. She noted that the change of use from a community based care facility was a loss for Acomb Ward. She highlighted that unrelated tenants would not be able to manage the parked vehicles associated with the property and raised concerns regarding potential noise issues from separate households.

Claire Richards, the agent for the applicant, spoke in favour of the application and noted the previous occupiers would have had a number of additional vehicles associated with care workers and visiting friends and family. She highlighted the plans for the property in terms of the layout, bin storage and parking plan. She also explained the aim was to provide high quality accommodation for professionals and confirmed that it would be managed by a property manager. She also noted the access to public transport, e-scooter hire and local shops.

In response to Member questions she confirmed the plan for parking on the hard standing at the front of the property and that students were not the target market for the property.

Officers responded to Member questions and clarified the following:

- that the road could accommodate two passing vehicles.
- Highways had been clear that it was a through road when they made their recommendations.

- There was no requirement for a turning circle. An HMO (house in multiple occupation) required parking to operate independently, this could be achieved with 3 spaces for 6 bedrooms.
- The current application complied with parking guidelines, a refusal on highway grounds had to demonstrate an unacceptable impact on highway safety.

Following debate, Cllr Galvin moved the officer recommendation to approve the application, this was seconded by Cllr Orrell. On being put to the vote, with seven votes in favour and one vote against it was;

Resolved: that the application be approved.

Reason: The application property is considered to be appropriate for the needs of future occupants within a 6.no. bedroom small HMO. Adequate provision for off-road vehicle parking has been demonstrated and secure cycle storage exists. the existing density levels of current HMO's is well below the policy threshold (at both Street Level and Neighbourhood Level). The proposal is considered to comply with policy H8 of the 2018 draft Local Plan and the requirements of the Draft Supplementary Planning Document (SPD): Controlling the Concentration of Houses in Multiple Occupancy.

52. 3 Toft Green, York [20/00314/FULM] (5.00 pm)

Members heard an application for the erection of a new building comprising of ground floor music venue (sui generis) and offices (use class E) at 3 Toft Green, York.

Cllr Crawshaw noted his objection to the original application which would have resulted in the loss of the music venue. Since the plans had changed, and the music venue was to be retained, he stated that his previous objection was no longer relevant or material to the application for the revised scheme.

The Development Manager gave a presentation on the application and the Development Officer gave an update to the report as follows:

Amendment to report

Paragraph 5.33 should read "Subject to any permission being appropriately conditioned the development would not be precluded on archaeological grounds, following on from the results of the submitted evaluation".

The City Archaeologist, following on from receipt of the pre-determination evaluation, indicates that the location of piling will need prior investigation. A raft foundation would be preferred otherwise a light foundation solution with as few pile locations as possible with the thickness of slab and beams also as narrow as possible. Provision of attenuation for surface water and a lift shaft may result in some disturbance to Roman levels which would be covered in the suggested conditions.

Additional consultation response

Public Protection recommend a post completion verification report which would establish the effectiveness of the proposed noise mitigation measures and indicate any remedial works which could be secured by condition.

Additional Representation

The York Civic Society wish to withdraw their earlier objection on the basis of the reduction in scale of the scheme and the re-creation with the proposed roof garden of a setting to Micklegate House on the Micklegate street frontage. It is felt that the scheme could be improved by a hard landscaping scheme on the street frontage.

Amended Conditions:

Condition 2 should be amended to include the following plans:

17049_130_P4; 170_134_P4; and 1704_110_P4

Condition 29 to read:

The building(s) shall not be demolished other than as required to give effect to the archaeological works required in Condition 24 before a legally binding contract for the carrying out of the works of redevelopment of the site is made and evidence of the contract has been submitted to and approved in writing by the Local Planning Authority, or in the absence of such a contract an alternative confirmation of commencement of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the premature demolition of the buildings does not take place to the detriment of the character and appearance of the Conservation Area.

Condition 30 to read:

The development shall not be occupied until the waste stores have been completed in accordance with the approved drawings. The stores shall be retained only for the storage of waste and recycling and no waste shall be stored other than within the storage areas unless reasonably waiting for collection. No glass bottles shall be placed for collection between 23.00 and 07.00.

Reason: To ensure that waste materials arising from the site are properly stored and made available for collection in the interests of the amenities of the area.

Additional conditions –

Verification of noise insulation measures

Prior to first use of the music venue, the approved noise mitigation measures under condition 15 shall be undertaken in accordance with the details submitted and a verification report that demonstrates the effectiveness of the measures carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To safeguard the amenity of neighbouring properties and to secure compliance with paragraph 130f) of the NPPF and to secure compliance with.

Officers confirmed that at paragraph 5.26 the date should read 2020, not 2017 and condition 23 should read 18m.

Public Speakers

Ravi Majithia, a representative for the Hampton by Hilton hotel operator, Avantis, spoke in objection to the application. He raised concerns regarding the appropriate nature of the site for a music venue, the planned noise mitigation measures and the impact of antisocial behaviour on the venue's close neighbours.

Following questions from members he further explained his concerns relating to noise.

Juliette Spencer, a representative from Portland Fuels, 1 Toft Green, spoke in objection to the application. She requested more detailed plans and a Construction Environment Management Plan (CEMP). She also noted that there had been no communication from the applicant or agent with regard to the application.

In response to questions from Members, she emphasised her lack of confidence in the conditions due to the lack of communication from the applicant.

Cllr Peter Kilbane, Ward Councillor for Micklegate, spoke in support of the application. He highlighted the importance of live music venues as significant cultural spaces that brought creativity and energy to an area. He welcomed the application and urged approval.

Philip Holmes from O' Neill Associates, the agent for the application, spoke in support of the application. He outlined the plans and introduced representatives from the music venue operator who outlined the expected operation of the venue and the noise mitigation measures that would be in place.

In response to questions from Members, the agent and his team confirmed that noise insulation would be addressed through the design and construction of the purpose-built music venue. In the experience of the venue operators, e tickets had dispensed with the problems associated with a build-up of queues. The building was in keeping and scale with other buildings on Toft Green and within the curtilage of the Micklegate property. The agents confirmed their willingness to work with the neighbours when drawing up the CEMP.

Officers responded to further questions from Members and explained that once planning permission was granted, the Local Authority does not have the power to enforce alterations to the development in response to archaeological finds, however, the conditions that required further archaeological surveys and specified foundation design were designed to protect any archaeological findings from unavoidable harm through negotiations with the site owners. Archaeology of national significance could be subject to scheduling by the Secretary of State.

Following debate, Cllr Galvin moved the officer recommendation to approve the application. Cllr Fisher seconded the motion. Members voted unanimously in favour of the recommendation and it was;

Resolved: that the application be approved.

Reason: The site comprises a two-storey brick and timber faced structure with a substantial brick built extension to the rear largely reconstructed in the 20th Century. Planning permission is sought for its demolition and the construction of a part two storey building with further accommodation in a roof storey, as office suites and

music venue and a terrace garden to the rear creating a separation with the Grade 1 Listed Micklegate House on the Micklegate frontage behind.

It is considered that the proposals as amended would result in less than substantial harm both to the setting of Micklegate House and to the character and appearance of the Central Historic Core Conservation Area. That harm would on balance be outweighed by the public benefit of the removal of the existing building which is in a deteriorating condition and forms a detractor in the Conservation Area. The supply of Grade A serviced offices within the City Centre together with the re-provision of a purpose built music venue provides public benefits which should be afforded significant weight. On balance it is considered that the proposal would not harm neighbouring amenity and that subject to conditions covering management of the music venue would be acceptable.

[The meeting was adjourned between 6.10pm and 6.23pm]

Cllr T Fisher, Chair

[The meeting started at 4.31 pm and finished at 7.33 pm].

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COMMITTEE REPORT

Date: 12 January 2023 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish Council

Reference: 22/01135/FULM

Application at: T.K.Maxx Unit 2 Monks Cross Drive Huntington York

For: Erection of food store following part demolition of existing unit together with drive-thru restaurant both with associated access, parking and landscaping

By: Lidl Great Britain Ltd

Application Type: Major Full Application

Target Date: 15 December 2022

Recommendation: Approve

1.0 PROPOSAL

1.1 This application relates to the erection of a food store and drive thru restaurant following the part demolition of the existing TK Maxx store at Monks Cross. The site comprises the former TK Maxx with associated car parking and landscaping and measures 1.26 hectares. The store ceased trading in March 2020 and has since relocated to a new site.

1.2 The existing retail unit, sited in the south-western part of the site, would be reconfigured to create a 2169sqm (GIA) Lidl food store comprising of 1,456sqm sales area with the remaining floorspace occupied by warehouse and back of house areas. The proposed drive-thru unit would occupy the north-western corner of the site and would be surrounded by a drive-through circular vehicle loop. Vehicular access would be provided from both the existing priority-controlled T-junction with Monks Cross Drive at the north-eastern part of the site and via the Jockey Lane roundabout with the store reached through the existing Sainsbury's car park. Car parking would separate the two units and would comprise a total of 131 car spaces and 20no.cycle parking spaces.

1.3 The new store would reflect Lidl's latest design concept with grey cladding and white render to the walls and columns with glazing for the store frontage. The landscaped strip running alongside Monks Cross Drive would be retained and new trees would be planted within the car park.

1.4 The site is located with the Monks Cross retail development, approximately 3.7 km north of the city centre. The site is bounded by the Sainsbury's food store to the south, Monks Cross Drive to the east, Anytime Gym and office development to the north and the Portakabin site to the west. The site is within Flood Zone 1 and therefore is at low risk from river flooding.

RELEVANT PLANNING HISTORY

1.5 Permission was granted for the development of 3no. non-food retail stores in 1995 (3/66/650AP/OA) subject to conditions requiring that no retail unit shall be less than 10,000 sq. ft and units greater than 15,000 sq. ft net sales area shall not be used for the retailing of any of the following goods except where ancillary to the main range of goods sold;

- a) men's, women's and children's clothing and footwear
- b) fashion accessories
- c) watches and jewellery
- d) music and video recordings and video or CD-rom games
- e) cameras (including camcorders) and other photographic equipment
- f) domestic tv, video and hi-fi equipment
- g) toys

1.6 In December 2018, a Certificate of Lawfulness application was submitted by TK Maxx for that element of the building occupied by it (units 1 and 2) on the basis that it had been operating outside the restrictions imposed by condition 3 of the original planning permission (3/66/650AP/OA) for more than 10 years. The Certificate was granted thereby removing the restriction on the unit in view of its size being more than 1,393 sqm. As such, there is no restrictions on the types of goods to be sold from units 1 and 2 (18/02442/CLU).

2.0 POLICY CONTEXT

2.1 Key Sections of the NPPF

Section 2 – Achieving Sustainable Development
Section 7 – Ensuring the Vitality of Town Centres

2.2 Huntington Neighbourhood Plan 2017 - 2032/33

H10 Vangarde / Monks Cross Shopping Park
H4 Design Principles
H17 Biodiversity
H18 Flooding and Water Management
H21 Walking and Cycling

2.3 Key relevant policies of the 2018 Publication Draft Local Plan (DLP 2018)

R1 - Retail Hierarchy and Sequential Approach

R4 - Out of centre retailing

D1 – Placemaking

D2 – Landscape and Setting

GI4 – Trees and Hedgerows

ENV4 – Flood Risk

ENV5 – Sustainable Drainage

T1 – Sustainable Access

CC1 - Renewable and Low Carbon Energy Generation and Storage

CC2 - Sustainable Design and Construction of New Development

2.4 Draft Development Control Local Plan 2005

GP1 – Design

GP4a - Sustainability

GP9 – Landscaping

GP15a Development and Flood Risk

T4 Cycle parking standards

T5 Traffic and pedestrian safety

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 The proposed site has access to a third-party private car park that is outside of the developer's redline boundary. This might require monitoring in the future as the developer is and will be unable to impose any parking measures to the said car park.

3.2 Awaiting amendments in relation to improved cycle parking near the store and tactile crossing. The lateral spacing should be increased to 1000mm (min.) to enable cycles to be parked either side of the stands and the stand will have to be moved closer to the shop. The developer needs to clearly indicate that there are ten car parking bays – including two disabled, dedicated to the drive-thru. Hardstand material also needs to be conditioned.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY)

3.3 No objections, subject to conditions relating to the following matters:

- Biodiversity Net Gain (BNG) - Although it is encouraging to see that a positive net gain can be achieved post construction, the soft landscaping can be further enhanced through the addition of native planting. The applicant should also consider the addition of bat and bird boxes, and features such as hedgehog access point into the landscape design.
- Great crested newts (GCN) - With the aim of safeguarding the local population of GCN, a Reasonable Avoidance Measures method statement for GCN should be submitted via condition. Also recommended that newts and other amphibians are safeguarded post construction, through sensitive drainage design.
- Lighting Plan - With the aim of maintaining and improving foraging and commuting habitats for bats, a sensitive lighting scheme should be submitted prior to any new lighting being installed on site.
- Nesting birds – As the site provides suitable habitat for nesting birds, precautionary methods will be required during all required vegetation clearance works.
- Hedgehogs Informative - To ensure hedgehogs can make use of the soft landscaping within the development the applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period to avoid killing or injuring hedgehog.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE)

Comments to Revised Scheme

3.4 The proposed site layout and landscape proposals have been positively revised, so I am able to support the proposed development provided a few minor additions to the landscape proposals are implemented as follows (these revisions could be secured by the recommended landscaping condition).

3.5 The proposed landscape scheme is credited with the inclusion of trees within the proposed car park. The choice of species is fine, however given the space within which they stand, there is an opportunity to use broad-spreading deciduous trees to provide maximum shade and rain capture in the summer months. New trees should also be added to the frontage with Monks Cross Drive to supplement the existing trees and provide more robust tree cover in the longer term.

3.6 The applicant needs to clarify that there will be no new kerb runs any closer to trees T3 to T15 as any additional excavation closer to the trees is very likely to cause damage to roots.

3.7 An arboricultural method statement should be provided under a pre-commencement condition to secure protection of the existing boundary trees which could otherwise be at risk. Details of tree pits should also be provided as a pre-

commencement condition since it is related to excavations and hard works infrastructure across the site.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.8 I do not wish to comment or impose any archaeological conditions on this scheme.

PUBLIC PROTECTION

3.9 No objections raised but recommend conditions requiring details of (i) submission of a Construction Environmental Management Plan (CEMP), (ii) details of extraction and (iii) contaminated land details. A condition restricting the hours of demolition / construction is also recommended.

FLOOD RISK AND DRAINAGE

3.10 Subject to agreement by Yorkshire Water, we are satisfied with the revised Drainage Strategy showing foul water discharge to the public foul sewer network via the existing point of connection, and surface water connection to the public surface water sewer via existing point of connection. A 30% betterment (i.e., 28 litres per second) of the existing discharge rate is proposed, based on the capacity of the outlet pipe at full bore (which is 40 litres per second).

FORWARD PLANNING

3.11 Forward Planning recommended an appraisal of the submitted Sequential and Retail Impact Assessment (prepared by DPP Planning) by a specialist retail consultant.

3.12 This recommendation was followed. The advice provided by the retail consultant (Lambert Smith Hampton) is summarised within paragraphs 4.9 to 4.13.

EXTERNAL

YORKSHIRE WATER

3.13 If permission is granted, recommend the following conditions in order to protect the local aquatic environment and Yorkshire Water infrastructure; (i) separate systems of drainage for foul and surface water, (ii) surface water run-off to pass through oil interceptor, (iii) no construction works in the relevant area of the site to commence until measures to protect public water supply infrastructure have been agreed and, (iv) no piped discharge of surface water.

3.14 In relation to wastewater, the submitted Drainage Strategy is generally acceptable, and the matter can be dealt with via condition.

FOSS INTERNAL DRAINAGE BOARD

3.15 The surface water discharge rate of 28 litres per second is agreed. The Board notes that a Hydrobrake is proposed. Provided this flow control device restricts the discharge rate to 28 litres per second and the applicant has a maintenance schedule in place, the Board has no objections to this proposal. A Cellular Storage Tank is also proposed which appears to accommodate a 1:100 storm event (plus 30% for climate change). Provided the LLFA as the “approving authority” are satisfied with the proposal as a long-term sustainable solution, the Board has no objection.

3.16 It is proposed to connect into the existing foul system. Assuming this connects into the nearby mains foul sewer and that Yorkshire Water is satisfied that the asset has the capacity to accommodate the flow, the Board has no objections. Condition recommended that the drainage works be in accordance with the submitted documents.

HUNTINGTON PARISH COUNCIL

3.17 No objections.

4.0 REPRESENTATIONS

THIRD PARTY REPRESENTATIONS

4.1 Three no. letters received in support for the application.

4.2 A representation received from the store manager of Sainsbury’s objecting to the application for the following reasons;

- (i) The lack of a need for a further foodstore at Monks Cross given that the area is already well served by existing stores;
- (ii) Failure to satisfy the sequential and impact tests given that the applicant has not assessed all available and suitable sites for the proposed drive thru, or assessed the impact of the drive thru on nearby centres;
- (iii) Inadequacy of the sequential test undertaken for the Lidl store as they have not sufficiently demonstrated that there are no alternative sequentially preferable sites; and
- (iv) Landscape impact with the proposal involving the loss of several trees, in particular along Monks Cross Drive with a limited amount of replacement trees proposed.

4.3 A comment to the Sainsbury's objection received from a logistics company stating that they are neutral in the case of the Monks Cross location but raise caution to the suggestion that Lidl consider the vacant Coppergate premises. This would be unsuitable for a supermarket due to congestion issues.

4.4 Another representation has been received which raises the following objections;

- this application contradicts the requirements of the CYC Draft Climate Change Strategy to combat / slow down the effects of climate change particularly heat and flooding.
- dispute the comment that an additional supermarket will enhance consumer choice.
- dispute statement that proposed stores will create many jobs. Nearby store has reduced its hours as they cannot recruit colleagues.
- construction jobs will be short lived. Would like evidence that such roles are filled by local people who are given training and that it will boost the local economy. Jobs will mostly be unskilled and low paid. Site will be expensive to get to for people on low wages.
- there is no detail about the amount of cycle parking and the drive-thru.
- the existing off-road cycle network needs to be extended to the site and signage on the access points/at the cycle parking is required. Needs to include parking for all designs of cycles (those for disabled people and for families who use cargo cycles).
- the route passing the site needs to be upgraded to be a continuation of the segregated cycle-ped path that currently stops at the toucan to Monks Cross retail park; this is necessary to enable e-cargo cycles.
- It is not acceptable that cyclists are required to use the two car entry points.
- there needs to be sufficient racks for current need and spare capacity for future requirements.
- there needs to be secure, covered, lit cycle parking for staff long term provision not shared with customers. It needs to be close to the entrance to the shop/cafe and near the trolley bays and on flat ground.
- there is a problem with the proposed site layout – no route provided for people to cycle, walk between the retail outlet and the drive-thru

5.0 APPRAISAL

5.1 Key Issues

- Sequential Test and Retail impact
- Highway considerations
- Scale and Design
- Landscaping
- Biodiversity
- Amenity
- Sustainable Design and Construction
- Flood Risk and Drainage

POLICY CONTEXT

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. An adopted Neighbourhood Plan forms part of the statutory Development Plan for the City of York

Huntington Neighbourhood Plan

5.3 The Huntington Neighbourhood Plan (HNP) was adopted in 2021. Full weight can be given to the policies contained within the HNP which is the development plan for this application.

National Planning Policy Framework (2021)

5.4 Central Government guidance is contained in the National Planning Policy Framework (NPPF). It is a material consideration in the determination of this application. Paragraph 81 states that significant weight should be placed on the need to support economic growth and productivity.

Publication Draft Local Plan (DLP 2018)

5.5 The Publication Draft City of York Local Plan 2018 was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. In accordance with paragraph 48 of the NPPF its policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2005 Draft Development Control Local Plan

5.6 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies

relevant to the application are consistent with those in the NPPF albeit with very limited weight.

SEQUENTIAL TEST AND RETAIL IMPACT

5.7 The principle of maintaining retail uses at the Monk's Cross shopping park is supported by the adopted Huntington Neighbourhood Plan (HNP). Notwithstanding this, in accordance with National and draft local plan policy, the proposed development, due to its out of centre location, must demonstrate compliance with the sequential approach and show that the proposal will not have a significant adverse impact on any defined centre.

5.8 The proposed development comprises a unit with a gross floorspace of 2,169sqm and net sales area of 1,456 sqm together with a drive thru unit. A Sequential and Retail Impact Assessment has been undertaken by DPP Planning (dated May 2022) with the area of search being York City Centre and Haxby District Centre. As required by paragraph 88 of the NPPF, applicants and local planning authorities should demonstrate flexibility on issues such as format and scale when applying the sequential approach.

5.9 The identified out of centre sites are not considered to be sequentially preferable given the Neighbourhood Plan's support for retail uses at Monks Cross and the relative locations of the sites. Sites at Castle Gateway, York Central and Haxby District Centre have been considered but no sites have been identified which are suitable, viable and available. As such the sequential test has been passed and it is accepted that there are no sequentially preferable development sites within or on the edge of York City Centre at the present time.

5.10 It is noted that the retail consultant commissioned by the Council, Lambert Smith Hampton (LSH) has identified a failure of the applicant to satisfy the sequential and impact tests in relation to the drive-thru, however their own assessment concludes that there are no more central sites available to accommodate both elements of the proposed development. LSH also conclude that the drive-thru would not be expected to draw substantial amounts of trade from existing centres, given the existing food and beverage offer at Monks Cross.

5.11 Policy R1 of the 2018 Draft Local Plan sets a Retail Impact Assessment threshold of 1,500sqm (gross). The proposed development comprises retail space that amounts to a gross floorspace of 2,169sqm and net sales area of 1,456 sqm together with a drive thru unit. It is important to note however that the proposed development involves the reconfiguration of the existing TK Maxx store, which further to the granting of a Certificate of Lawfulness in 2018, had no restrictions on the types of goods to be sold. The TK Maxx store had a gross floorspace of 2,694sqm.

5.12 Despite this proposal representing a reconfiguration of the existing store, a full Retail Impact Assessment by DPP Planning accompanied the planning application. LSH expresses major concerns over the trade draw and impact forecasts prepared by DPP and does not consider that they can be relied upon by the Council. However, their own assessment of likely trade draw, informed by the accompanying household survey, confirms that any impacts on in centre foodstores will be extremely limited.

5.13 In response to an objection raised by the manager of Sainsbury's, LSH make the point that the *need* for a new store is no longer a retail planning policy test in England. However, even if it were, LSH do not consider that the development of an additional supermarket in the area will impact on the existing retailers in the smaller centres nearby. These shops are already trading alongside Sainsbury's, M&S, Asda, Aldi, and Tesco and it is not considered that the introduction of Lidl would alter trade patterns in the smaller centres to a significant extent.

5.14 On the basis of the above considerations, Officers conclude that the proposal will not have a significant adverse impact either in terms of its effect on the vitality and viability of the defined centres or on investment in them. It is also considered that the proposal is in accordance with the Huntingdon Neighbourhood Plan Policy H10, which seeks to retain retail uses at Monks Cross. There are therefore no retail or town centre policy reasons why the current application should not be approved.

HIGHWAY CONSIDERATIONS

5.15 Neighbourhood plan policy H21 Walking and Cycling states that as appropriate to their scale and location development proposals should be designed to provide safe and convenient connections to the network of footpaths and cycleways in the immediate locality. As appropriate to their scale and location development proposals may be required to contribute to improvements to the network of footpaths and cycleways outside the development site and in the immediate locality.

5.16 Paragraph 110 of the NPPF states in assessing development proposals it should be ensured that:

- appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users;
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.17 Paragraph 111 states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.18 Paragraph 112 states that proposals should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use.

Impact on the network

5.19 The Transport Assessment accompanying the application concludes that the development is expected to generate some 260 vehicle trips during the weekday evening period and 421 vehicle trips during the Saturday midday peak period. These vehicle trips are not all new to the network and will be linked with other retail uses in the wider Monks Cross area or will be passing by the site as part of another journey. Assessments have been undertaken of the operation of the priority-controlled T-junction with Monks Cross Drive and the Jockey Lane roundabout which reveal that the junctions will continue to operate satisfactorily even following the addition of the development related trips with no discounting for transferred, linked or pass by trips.

Access

5.20 Vehicle access to the site would be provided from the existing priority-controlled T-junction with Monks Cross Drive at the north-eastern part of the site and via the Jockey Lane roundabout with the store reached through the existing Sainsbury's car park (this is the same way as access to the TK Maxx store was reached). Pedestrian access to the site would be provided via a footway adjacent to the vehicular access with Monks Cross Drive and via the existing footpath link approximately 55 metres to the south of the vehicular site access. An internal footpath with crossing points and tactile paving will be provided within the car park for those walking between the proposed foodstore and Monks Cross Drive.

Car Parking

5.21 In terms of car parking provision, the original scheme proposed a total of 176 spaces however in response to Officer requests to reinstate the landscape strip alongside Monks Cross Drive and to provide trees within the car park itself, the number of spaces has been reduced to 131 (including 8no. parent and child and 6no.disabled). This number is still significantly above the Council's maximum parking standards for retail units but is reflective of the amount of car parking already available at the site. The revised plans indicate that 10no. car parking bays (including 2no.disabled) will be dedicated to the drive thru unit. 2no. electric vehicle spaces are detailed and 20% of the standard spaces will be provided with appropriate infrastructure to allow conversion to EV spaces in the future.

Promotion of sustainable travel

5.22 The plans detail cycle parking for 20 bikes (5no. Sheffield stands adjacent to the drive thru and 5no. Sheffield stands related to the foodstore). It is considered that these spaces could be improved in terms of their location and spacing with there being scope also to include provision for non-standard bikes. Amended details relating to the cycle provision and for improvements to the tactile pedestrian crossing will be secured via condition and an update will be provided at Committee.

5.23 The application is accompanied by a Travel Plan which has been prepared predominantly for staff at the store but also aimed at customers where applicable.

5.24 In terms of servicing, articulated HGVs will be used to provide deliveries and will use the servicing bay on the western side of the proposed store. Vehicle swept path analysis has been undertaken to demonstrate that the proposed site access arrangement and internal arrangement can safely accommodate the required vehicle movements.

DESIGN AND CHARACTER

5.25 NPPF policy on developing previously developed land allows for an approach which either maintains an area's prevailing character and setting, or of promoting regeneration and change. It places importance on securing well-designed, attractive, and healthy places (paragraph 122). Huntington Neighbourhood Plan policy H4 – Design Principles, states that development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location.

5.26 The proposed development would use the existing TK Maxx store which will be part demolished and extended on the western elevation to form a single unit. The new store, with a similar height to the existing store, would reflect Lidl's latest design concept with grey cladding and white render to the walls and columns with glazing for the store frontage. The proposed drive thru unit would also comprise a mix of metal cladding, render and glazing. The scale and design of the proposed store and drive-thru are considered appropriate to its context and is therefore compliant with local and national planning policy.

LANDSCAPING

5.27 The perimeter landscape along Monks Cross Drive is considered to be a critical element of the setting for the Monks Cross Retail Park and it is noted that with the redevelopment of plots, there has been an incremental loss of both quantity and quality of landscape infrastructure. In particular, the depth of planting along Monks Cross Drive has been reduced to a critical minimum and similarly, trees have been lost within the body of the car park.

5.28 The original submission, whilst proposing new planting along the southern boundary of the site, involved a reduction in the depth of planting alongside Monks Cross Drive and the loss of existing trees. The scheme failed to mitigate the loss of vegetation and the capacity for replacement planting alongside Monks Cross Drive and detailed a lack of tree planting within the car park. This was considered detrimental to the street scene, public amenity, and setting of the development.

5.29 Revised plans have been submitted which address these issues largely to the satisfaction of the Council's Landscape Architect. Existing trees along Monks Cross Drive are to be retained and the scheme details the inclusion of trees within the car park. In response to a request for new trees to be added to the frontage with Monks Cross Drive to supplement the existing trees, (which are struggling in the poor growing conditions) and provide more robust tree cover in the longer term, the applicant has agreed to provide 2no. trees. These can be secured via a landscaping scheme condition which will also seek to secure some broad-spreading deciduous trees in the car park to provide maximum shade and rain capture in the summer months. Conditions requiring an arboricultural method statement and tree pit details are also recommended.

BIODIVERSITY

5.30 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on and providing net gains for biodiversity. Huntington Neighbourhood Plan policy H17 – Biodiversity, states that in order to protect and where possible, provide net gains in biodiversity, development proposals should, as appropriate to their scale nature and location – maintain and where possible enhance landscape features; and where practicable incorporate into new developments features that would lead to net gains in biodiversity.

5.31 An ecological impact assessment accompanied the application. In order to meet the requirements of the Neighbourhood Plan and the NPPF, conditions are recommended relating to (i) amphibians and drainage, (ii) measures to further enhance Biological Net Gain (BNG) through the addition of native planting and the addition of bat and bird boxes and features such as hedgehog access point into the landscape design, (iii) a Reasonable Avoidance Measures method statement for Great Crested Newts, (iv) a lighting plan and (v) precautionary methods required during all required vegetation clearance works to protect nesting birds.

AMENITY

5.32 The proposed erection of a food store and drive thru restaurant following the part demolition of the existing store does not raise any amenity issues. The site is surrounded by commercial uses and noise from the site itself would not have a

material impact on residential uses outside of the retail park, the nearest of which are approximately 800 metres away.

SUSTAINABLE DESIGN AND CONSTRUCTION

5.33 The applicants have provided an Energy Usage and Sustainability Statement that acknowledges local requirements and confirms these can be achieved. It notes that the technologies listed below would be suitable for the site -

- Use of air-sourced heat pumps
- Heat recovery ventilation
- Building Energy Management System
- Enhanced Fabric Efficiencies and Thermal Mass

5.34 Paragraph 158 of the NPPF states that the planning system should support the transition to a low carbon future and, among other things, support renewable and low carbon energy. Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' of the 2018 Publication Draft Local Plan requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The revised Building Regulations that came into force in June 2022 (with a transition period) exceed Policy CC1 requirements for reduction in carbon emissions. As such the proposed building would be considered under the more stringent 2022 Building regulations as such it is not considered necessary to condition the 28% reduction in carbon emissions.

5.35 Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy requires that all new non-residential buildings with a total internal floor area of 1000m² or greater should achieve BREEAM 'Excellent' (or equivalent).

5.36 The applicant has confirmed that as this is a part-refurbishment of the existing store, BREEAM Excellent cannot be met with the aim instead for the development to achieve BREEAM 'Very Good'. Given that very limited weight can be afforded to both Policies CC1 and CC2 because of the proposed modifications to the Local Plan, it is not considered that the application could be refused on the basis that the scheme does not meet BREEAM "Excellent". A condition seeking a rating of 'Very Good' could be applied.

FLOOD RISK AND DRAINAGE

5.37 The site is outside of Flood Zones 2 and 3. The development is therefore appropriate in terms of flood risk and NPPF paragraph 159 which seeks to direct development away from areas at the highest risk (of flooding).

5.38 The NPPF in paragraph 167 establishes that when determining any planning applications, flood risk elsewhere should not be increased and sustainable drainage systems be incorporated, unless there is clear evidence that this would be inappropriate. Neighbourhood Plan Policy H18 – Flooding and Water Management states that development should not increase the risk of flooding and/or exacerbate existing drainage problems. The draft local plan approach following the NPPF, in policy ENV5, is that existing surface water rates are evidenced and reduced by 30%. It also applies the sustainable drainage hierarchy.

5.39 Following the sustainable drainage hierarchy, the Drainage Strategy shows foul water discharge to the public foul sewer network and surface water connection to the public surface water sewer. A 30% betterment (i.e., 28 litres per second) of the existing discharge rate is proposed. A condition requiring the submission of the details of the proposed means of foul and surface water drainage to ensure compliance with HNP policy H18 and draft local plan policy ENV5 is recommended.

6.0 CONCLUSION

6.1 The proposal involves the reconfiguration of an existing retail building. A sequential test has been undertaken and a retail impact assessment provided to indicate that there are no sequentially preferable sites and that the impact on the vitality and viability of the city centre will be acceptable.

6.2 The retail use is compatible with neighbouring uses and the building will have a neutral impact on the existing vacant site. Highway impacts have been assessed and a revised scheme submitted which retains the existing trees along Monks Cross Drive and details new trees within the car park. Amended details in relation to the cycle parking provision are awaited with an update to be provided at Committee.

6.3 Technical matters can be addressed to achieve policy compliance through conditions in respect of sustainable design and construction, biodiversity, drainage, the highway network and ground conditions and pollution. Subject to the proposed conditions, it is considered that the proposal will comply with the Huntington Neighbourhood Plan, the NPPF, and the Publication Draft Local Plan (DLP 2018) and accordingly it is recommended that the application be approved.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

2504 P411 (Location Plan)
2504 P401 Rev U (Proposed Site Plan) *****
2504 P101 Rev A (Proposed Floor Plan)
2504 P102 Rev A (Proposed Floor Plan Areas)
2504 P202 Rev A (Proposed Elevations Front / Back)
2504 F203 Rev A (Proposed Elevations Side)
2504 P110 Rev B (Drive Through Proposed Floor Plan)
2504 P204 Rev C (Drive Through Proposed Elevations)
S19147-1F 01 (First Floor Plan)
S19147-GF (Ground Floor Plan)
Drainage Strategy - 21650 - DR-C-0100 - Revision P3 (Topping Engineers)
Framework Travel Plan (May 2022) prepared by Bryan G Hall

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

3 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1300 hours
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval prior to installation. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser,

and include details on the predicted air flow rates in m³/s throughout the extraction system.

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

5 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be approved in writing by the Local Planning Authority prior to development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

8 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be submitted to and approved in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Any drainage structures such as gully pots and kerbing associated with the development shall be constructed to be 'amphibian-friendly'. Details shall be submitted to and approved in writing by the local planning authority prior to their construction. The construction works shall be carried out in accordance with the approved details.

Reason: In order to comply with legislation relating to European protected species and with Paragraph 175 of the National Planning Policy Framework.

10 The development shall not be occupied until a biodiversity enhancement plan/drawing for the site has been submitted to and approved in writing by the local planning authority and has been implemented in accordance with the approved details.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021) to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

11 Prior to the commencement of development, including any site clearance works, a Reasonable Avoidance Measures method statement for Great Crested Newts (GCN) shall be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The method statement shall include the following;

- o Description of development proposal and works.
- o Legal status of GCN.
- o Risk assessment to consider site description, proposed working areas, potential impacts of works and an assessment of potential impacts upon GCN.
- o Methods of working, to include appointment of Ecological Clerk of Works, toolbox talk, timing and extent of works, prevailing weather conditions, site supervision, methods of working (hand searching, destructive searching vegetation removal etc) and what action to be taken in the event that GCN were to be encountered on site.

Reason: The site is located close to a known Great crested newt mitigation area and the method statement is required to reduce the potential impacts upon a protected species arising from the construction of the development. Great crested newts and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

12 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved lighting design plan. The lighting design plan shall:

- o Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

- o Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats European Protected Species where there might be changes on site in accordance with Section 15 of the National Planning Policy Framework.

13 No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the works and written confirmation from the ecologist has been submitted to the local planning authority

that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is certain that nesting birds are not present.

15 The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy - 21650 - DR-C-0100 - Revision P3 - dated 28th July 2022, unless otherwise approved in writing by the Local Planning Authority.

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

16 Surface water run-off from hardstanding and car parking areas of more must pass through an oil, petrol and grit interceptor/separator of a design that has been submitted to and approved in writing by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer.

Reason: To prevent pollution of the aquatic environment and protect the public sewer network

17 No construction works in the relevant area (s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The construction works shall be carried out in accordance with the approved details. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand -off or protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been

agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

Reason: In the interest of public health and maintaining the public water supply

18 No site clearance, preparatory work or development involving excavations shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 (tree protection plan) and chapter 6 (arboricultural method statement) of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) have been submitted to and approved in writing by the local planning authority. The document shall also include construction details and methodology, where a change in surface material and/or boundary treatments is proposed within the root protection area of existing trees. Thereafter the scheme for the protection of the retained trees shall be carried out in accordance with its terms as approved. A copy of the document will be available for reference and inspection on site at all times.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained that are considered to make a significant contribution to the amenity and setting of the development.

19 Within three months of commencement of development, a detailed landscape scheme shall be submitted to the Local Planning Authority for approval in writing. This scheme shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. All tree planting details shall include: means of support, and irrigation; maintenance regime and responsibilities; soil volumes and structural soil cell systems, where applicable, and the corresponding detail of surface treatment. The applicant shall maintain a suitably robust written record and photographic evidence that trees have been installed in strict compliance with the approved details.

The approved scheme shall be implemented within a period of six months from the practical completion of the development. Any trees or plants which during the lifetime of development, die, are removed or become seriously damaged or diseased in the opinion of the local planning authority, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme.

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of trees and other landscape details across the site, since the landscape scheme is integral to the setting and amenity of the development and the immediate area. The trees are a critical element of the approved landscape scheme which is integral to the amenity and setting of the development. Suitable detailing and maintenance will encourage the trees to establish and thrive.

20 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

21 Notwithstanding the submitted details and prior to the construction of the development commencing, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied 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.

22 Prior to the commencement of the use hereby approved, provision shall be made within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

23 No work shall be carried out on site for the development hereby approved until a method of works statement identifying the programming and management of site clearance/preparatory and construction works to address safety concerns on the public highway, has been submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved method of works statement. The method of works statement shall include at least the following information;

- (i) Contractor parking management
- (ii) The routing for construction traffic to be promoted
- (iii) A scheme for signing the promoted construction traffic routing
- (iv) A dilapidation survey

- (v) Measures to prevent the egress of mud and other detritus onto the adjacent public highway
- (vi) Details of where materials will be stored within the site
- (vii) Details of the organisation in control of the development and the individual responsible for the works
- (viii) The plant and equipment required
- (ix) The handling and storage of materials and pollution prevention procedures; and
- (x) The method for safeguarding highway structures.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

24 The construction of the development shall not commence until details of the internal pedestrian crossing layouts have been submitted to and approved in writing by the Local Planning Authority. This must include tactile paving at every pedestrian crossing within the development. The internal pedestrian crossing layouts shall be provided in accordance with the approved details prior to the use commencing and shall be retained as such thereafter.

Reason: In the interests of road safety.

25 A strategy for the provision of Electric Vehicle charging facilities on the site shall be approved in writing by the local planning authority prior to the commencement of the construction of the development. Active Electric Vehicle charge point provision shall meet minimum requirements as set out in the City of York Council Low Emission Planning Guidance. The strategy shall include details of numbers, locations and full specifications for the charge points alongside details of the management and servicing arrangements for a period of 10 years. The strategy shall be implemented as approved.

Reason: To ensure provision of Electric Vehicle charging facilities in line with National Planning Policy Framework (NPPF) and CYC's Low Emission Strategy / Low Emission Planning Guidance

INFORMATIVE

- o A minimum of 5% of the total parking provision on a site should include active EV charge points. Developments should additionally satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021) in terms of both active EV charge points and passive provision / cable routes.
- o Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- o All electrical circuits/installations shall comply with the electrical requirements

in force at the time of installation.

o The EV charging strategy should provide confirmation that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address what would happen in the event of a fault with the charge point and explain how this will be reported and rectified. The plan should also confirm what will happen in the event that a non-EV parks in an EV-only parking space and how this will be managed.

26 Prior to the development coming into use 2.0 x 2.0m sight lines, free of all obstructions which exceed the height of the adjacent footway by more than 0.6m, shall be provided both sides of the junction of any access with the footway, and shall thereafter be so retained and maintained.

Reason: In the interests of pedestrian safety.

28 The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the NPPF

8.0 INFORMATIVES: Notes to Applicant

1. 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:

- revisions to details of design, e.g. with reference to landscaping and cycle parking
- the use of conditions

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171 - Vehicle Crossing - Section 184 - (01904)
551550 - streetworks@york.gov.uk

Planting in the highway (Section 142)

Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) -
highway.regulation@york.gov.uk

Footpath/bridleway diversion (Town and Country Planning Act 1990, Section 257)

3. You are advised that this proposal effect Statutory Undertakers' equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. The applicant is advised that the Yorkshire Waters prior consent is required as well as planning permission to make a connection of foul and surface water to the public sewer network.

5. As this application relates to a business that will sell or supply food and/or drink (including alcohol), the proprietor of the business should contact by email at public.protection@york.gov.uk or by telephone on 01904 551525 at their earliest opportunity to discuss registering the business as a food premises (a legal requirement) and to obtain advice on food hygiene & standards, health & safety, odour extraction etc."

6. Hedgehogs: To ensure hedgehogs can make use of the soft landscaping within the proposed development, the applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) to avoid killing or injuring hedgehog.

Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

<https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

Contact details:

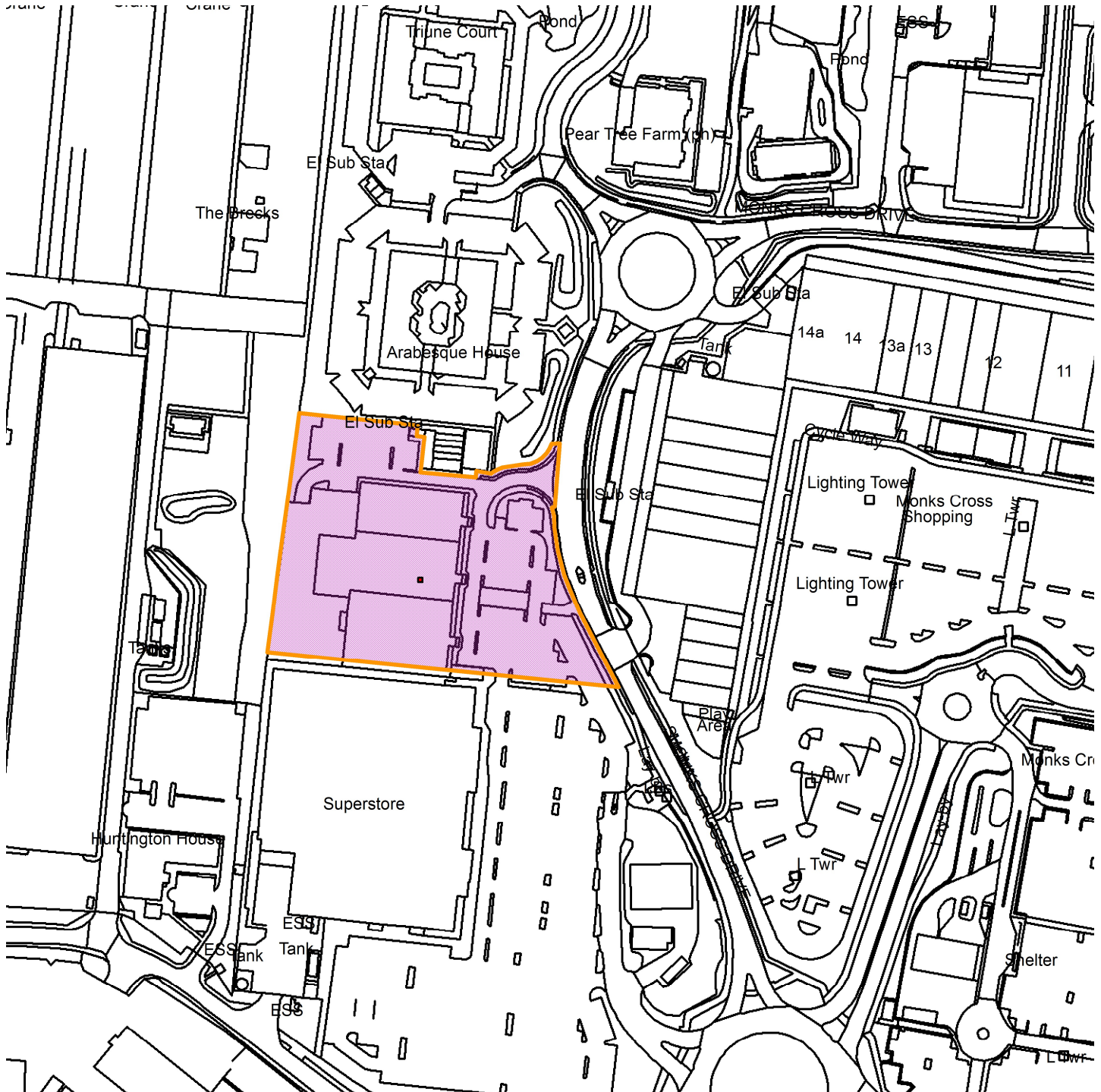
Case Officer: Rachel Tyas

Tel No: 01904 551610

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Unit 2, Monks Cross Drive YO32 9GX

22/01135/FULM



Scale : 1:2527

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	03 January 2023
SLA Number	Not Set

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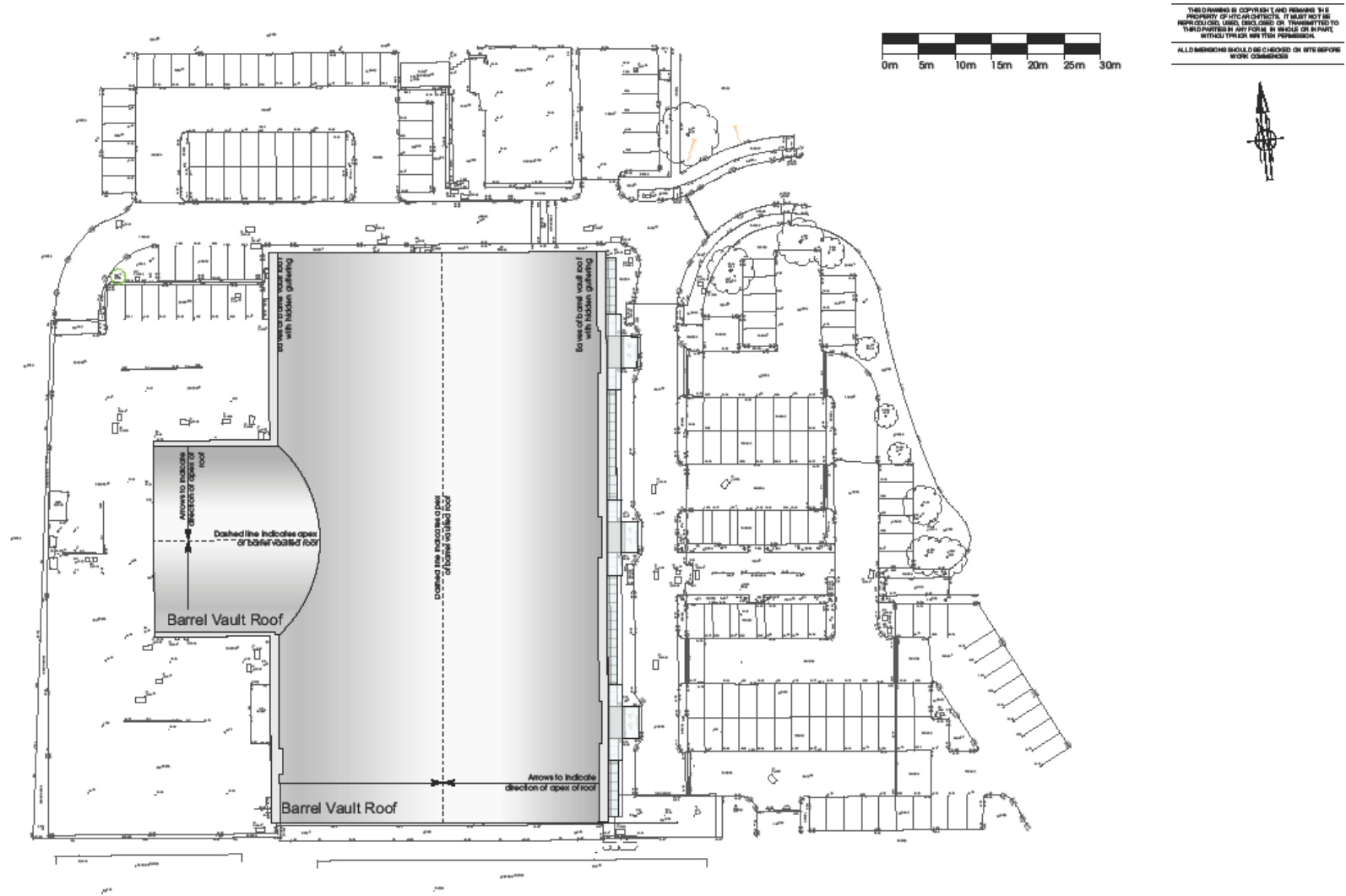


Planning Committee B



22/01135/FULM

Unit 2 Monks Cross Drive Huntington

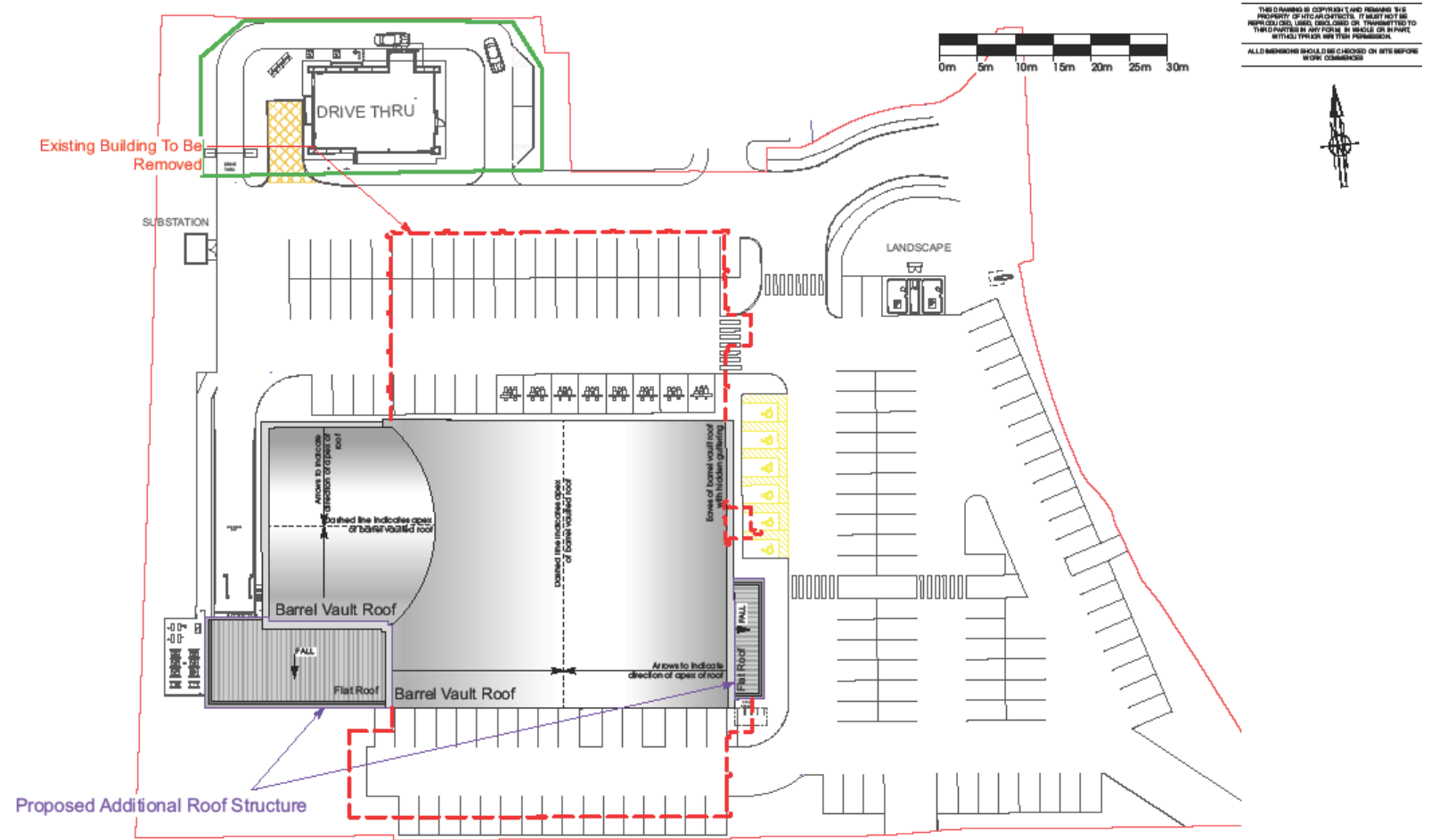
Existing site plan



Rev	Date	Description	Drawn



client		project	Monks Cross, York	date	October 2021	 York Place Studio 9 Brimley Street Leeds LS1 2DZ T: (0113) 244 3457 W: www.htcarchitects.co.uk E: info@htcarchitects.co.uk
		status	Planning	scale	1:500 @ A3	
		drawing title	Existing Roof Plan	drawn	JC checked BM	
				job no.	2504	
				diag no.	P103	
				rev.	/	

Site plan
 Showing outline of part
 demolished building

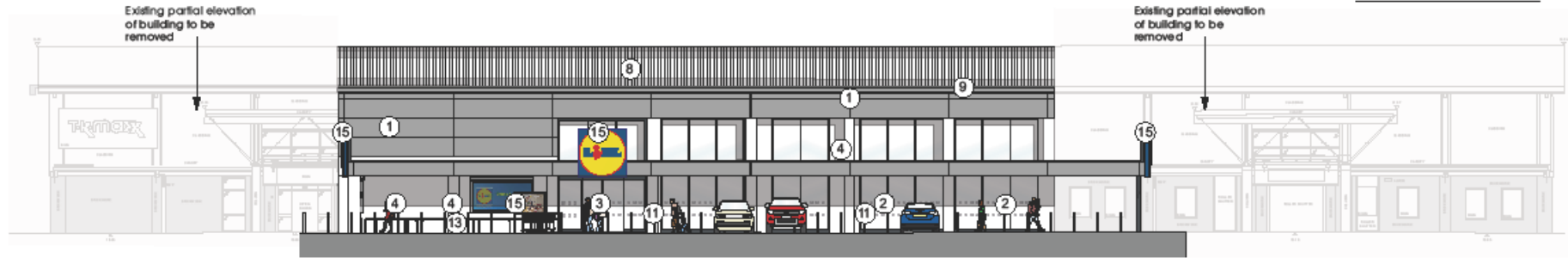


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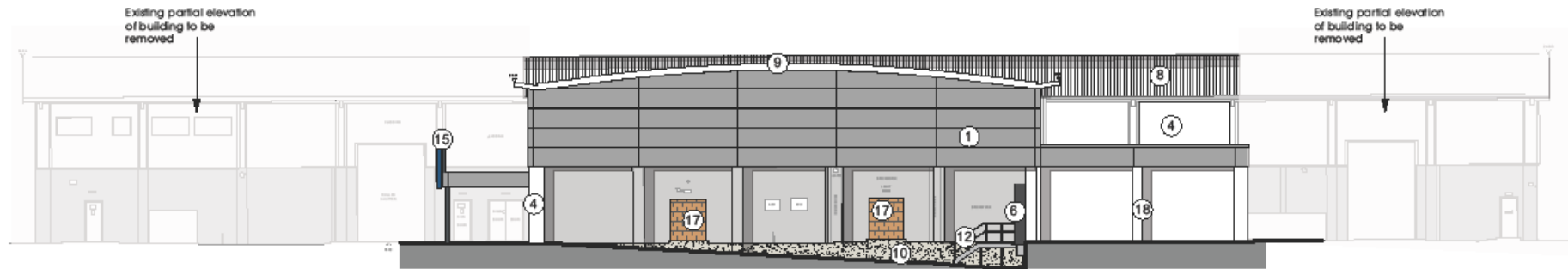
Rev	Date	Description	Drawn

client		project Monks Cross, York	date October 2021	 York Place Studio 8 Birkenside Street Leeds LS1 2DZ T: (0113) 244 3457 W: www.htarchitects.co.uk E: info@htarchitects.co.uk
drawing title		Proposed Roof Plan	status Planning	
			scale 1:500 @ A3	
			drawn JC checked BM	
			job no. 2504 dwg no. P104 rev. /	

Front and rear elevations



EAST [FRONT] ELEVATION



WEST [BACK] ELEVATION

MATERIALS KEY

- ① NEW INSULATED METAL CLADDING PANELS - COLOUR: GREY RAL 9006
- ② NEW CURTAIN WALLING - DOUBLE GLAZED UNITS - COLOUR: GREY RAL 7024
- ③ NEW ENTRANCE DOORS - DOUBLE GLAZED UNITS - COLOUR: GREY RAL 7024
- ④ NEW WHITE RENDER TO EXISTING WALLS AND COLUMNS - COLOUR: WHITE RAL 9010
- ⑤ NEW POWDER COATED STEEL DOORS - COLOUR: GREY RAL 7024
- ⑥ NEW SECTIONAL DOOR - COLOUR: GREY RAL 7024
- ⑦ NEW NON OPENABLE FIXED SAFETY GLASS WINDOWS - COLOUR: GREY RAL 7024
- ⑧ EXISTING ROOF
- ⑨ EXISTING STEEL COPING FLASHING TO ROOF PERIMETERXX
- ⑩ CONCRETE FACED RAMP SIDES, IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS / DRAWINGS

- ⑪ STAINLESS STEEL BOLLARDS
- ⑫ NEW GALVANISED METAL DRIVERS STEPS, STAIRCASE AND BALLUSTERS WITH HANDRAILS. ALL STEPS TO BE CONSTRUCTED IN ACCORDANCE WITH BUILDING REGS PART K.
- ⑬ NEW STAINLESS STEEL TUBULAR TROLLEY GUIDES (MARINE GRADE 316) SPACES FOR WHEELCHAIR SHOPPING TROLLEYS AND TROLLEYS WITH BABY SEATS. FIXED WITH CONCRETE FOUNDATION.
- ⑭ NEW STAINLESS STEEL CYCLE STANDS, 750mm HIGH, ROOT FIXED TO CONCRETE FOUNDATION. INCLUDE CYCLE STAND COVER.
- ⑮ NEW ADVERTISING SIGNAGE INDICATIVE ONLY
- ⑯ CONCRETE FILLED GALVANISED STEEL BOLLARD PAINTED BLACK AND YELLOW AT 45 DEG. CONCRETE FOUNDATION TO STRUCTURAL ENGINEERS' SPECIFICATION
- ⑰ EXISTING OPENING TO BE FILLED WITH BRICKWORK TO MATCH COLOUR AND DETAILING OF EXISTING
- ⑱ NEW WHITE RENDERED BLOCKWORK ON REAR EXTENSION FOR DELIVERY BAY

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Rev	Disc	Checked	Drawn

hicaarchitects
York Place Studio
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Leeds
LS1 3EE
Tel: 0113 244 5607
Hi@hicaarchitects.co.uk
H@hicaarchitects.co.uk

Client:
Lidl GB Ltd

Project:
Monks Cross,
York

Drawing Title:
Proposed Elevations
Front / Back

Date: November 2021
Status: Planning
Scale: 1:200 @ A3
Drawn: BM checked: PHLS
Job no: 2504 stage no: P202 Rev: A

Side elevations

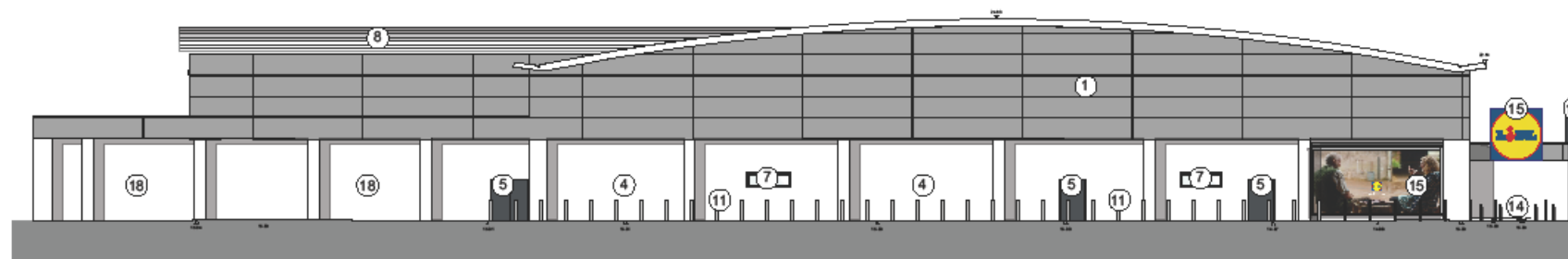
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SUBJECT TO LEVEL REVIEW



NORTH [SIDE] ELEVATION



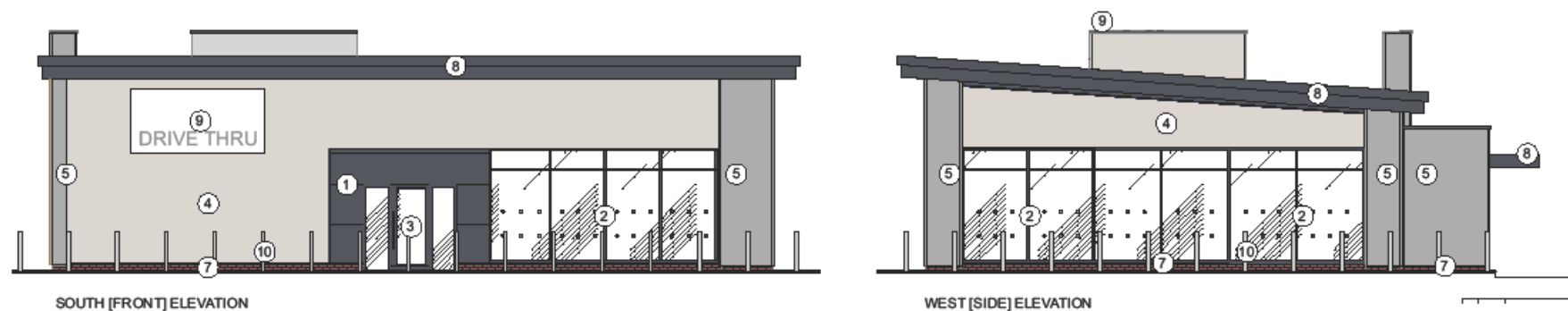
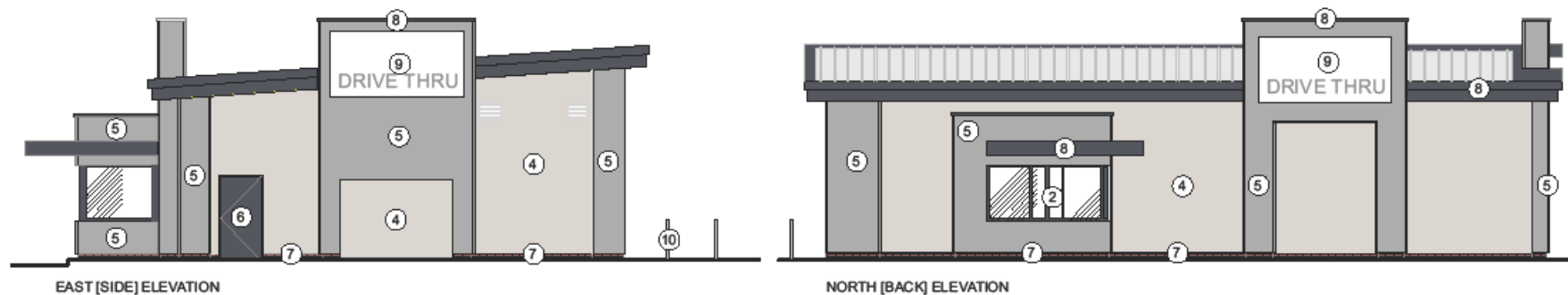
SOUTH [SIDE] ELEVATION

MATERIALS KEY

- | | |
|--|--|
| <ul style="list-style-type: none"> ① NEW INSULATED METAL CLADDING PANELS - COLOUR: GREY RAL 9006 ② NEW CURTAIN WALLING - DOUBLE GLAZED UNITS - COLOUR: GREY RAL 7024 ③ NEW ENTRANCE DOORS - DOUBLE GLAZED UNITS - COLOUR: GREY RAL 7024 ④ NEW WHITE RENDER TO EXISTING WALLS AND COLUMNS - COLOUR: WHITE RAL 9010 ⑤ NEW POWDER COATED STEEL DOORS - COLOUR: GREY RAL 7024 ⑥ NEW SECTIONAL DOOR - COLOUR: GREY RAL 7024 ⑦ NEW NON OPENABLE FIXED SAFETY GLASS WINDOWS - COLOUR: GREY RAL 7024 ⑧ EXISTING ROOF ⑨ EXISTING STEEL COPING FLASHING TO ROOF PERIMETERXX ⑩ CONCRETE FACED RAMP SIDES, IN CONJUNCTION WITH STRUCTURAL ENGINEERS DETAILS / DRAWINGS | <ul style="list-style-type: none"> ⑪ STAINLESS STEEL BOLLARDS ⑫ NEW GALVANISED METAL DRIVERS STEPS, STAIRCASE AND BALLUSTERS WITH HANDRAILS. ALL STEPS TO BE CONSTRUCTED IN ACCORDANCE WITH BUILDING REGS PART K. ⑬ NEW STAINLESS STEEL TUBULAR TROLLEY GUIDES (MARINE GRADE 316) SPACES FOR WHEELCHAIR SHOPPING TROLLEYS AND TROLLEYS WITH BABY SEATS. FIXED WITH CONCRETE FOUNDATION. ⑭ NEW STAINLESS STEEL CYCLE STANDS, 750mm HIGH, ROOT FIXED TO CONCRETE FOUNDATION. INCLUDE CYCLE STAND COVER. ⑮ NEW ADVERTISING SIGNAGE INDICATIVE ONLY ⑯ CONCRETE FILLED GALVANISED STEEL BOLLARD PAINTED BLACK AND YELLOW AT 45 DEG. CONCRETE FOUNDATION TO STRUCTURAL ENGINEERS' SPECIFICATION ⑰ EXISTING OPENING TO BE FILLED WITH BRICKWORK TO MATCH COLOUR AND DETAILING OF EXISTING ⑱ NEW WHITE RENDERED BLOCKWORK ON REAR EXTENSION FOR DELIVERY BAY |
|--|--|

Rev	Date	Description	Drawn
 York Place Studio 8 Millers Wood Leeds LS15 7JZ T: 0113 244 5607 W: www.hicarchitects.co.uk E: hi@hicarchitects.co.uk			
client: Lidl GB Ltd			
			
project: Monks Cross, York			
drawing title: Proposed Elevations Side			
date: November 2021			
status: Planning			
scale: 1:200 @ A3			
drawn: BM checked: LS/PH			
job no. 2504 dep no. F203 Rev A			

Drive-through elevations



MATERIALS KEY

- ① INSULATED METAL CLADDING PANELS - COLOUR: DARK GREY
- ② CURTAIN WALLING - DOUBLE GLAZED UNITS - COLOUR: DARK GREY
- ③ ENTRANCE DOORS - DOUBLE GLAZED UNITS - COLOUR: DARK GREY
- ④ RENDERED BLOCK WALLS - COLOUR: WARM GREY
- ⑤ RENDERED BLOCK WALLS - COLOUR :COOL GREY
- ⑥ POWDER COATED STEEL DOORS - COLOUR: GREY
- ⑦ BRICKWORK PLINTH
- ⑧ METAL COPING FLASHING TO ROOF PERIMETER
- ⑨ ADVERTISING SIGNAGE INDICATIVE ONLY
- ⑩ STAINLESS STEEL BOLLARDS

1	20/11/21	Updated elevations per plan	BM
2	20/11/21	Site visit completed	LS
3	20/11/21	Final design and update of the	LS
4	20/11/21	Drawings	LS

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 E: info@htarchitects.co.uk

Client
Lidl GB Ltd

Project
**Monks Cross,
 York**

Drawing title
**Proposed Elevations
 Drive Through**

Date: November 2021
 Scale: 1:200 @ A3
 Drawn: BM checked: LS
 Job no. 2504 desig no. P204 Rev. C

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 SUBJECT TO LEVELS FROM DW

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COMMITTEE REPORT

Date:	12 January 2023	Ward:	Huntington/New Earswick
Team:	East Area	Parish:	Huntington Parish Council
Reference:	22/01161/FULM		
Application at:	Site To The West Of MX Park Monks Cross Drive Huntington York		
For:	Erection of two units for light industry (class E) or general industry (class B2) or storage/distribution (class B8) or storage/distribution with ancillary trade counter use; and associated car parking and landscaping.		
By:	The Tonsley York Trust		
Application Type:	Major Full Application		
Target Date:	25 January 2023		
Recommendation:	Approve		

1.0 PROPOSAL

1.1 Planning permission is sought for 2 no. detached industrial units to the north of Monks Cross Drive. The site is currently covered with vegetation, trees, and ponds. As part of the development the site the land levels would be reduced. Access to the site would be from a shared access with the recently constructed industrial units to the east.

1.2 To the east of the site are a number of recently constructed units and a storage facility, to the south is the Monks Cross retail park. To the west is a hotel and restaurant/drive through. To the north is a field that is part of housing allocation site ST8 for which outline planning permission was recently approved by the Secretary of State. The area is predominately commercial in character.

1.3 The proposed development does not comprise 'Schedule 1' development for which EIA is mandatory. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant

environmental effects and therefore an Environmental Impact Assessment is not required.

1.4 RELEVANT PLANNING HISTORY

- 10/01006/FULM - Erection of office units (Application to extend time period for implementation of outline permission 07/01006/OUTM) – Approved
- 07/01006/OUTM - Outline application for the erection of three storey and two storey B1 office units with associated landscaping and car and cycle parking (approval sought for scale and access) - Approved
- 03/02690/FUL - Variation of condition 2 of planning permission 01/02528/FUL for temporary offices to allow retention of car park for further temporary 9 month period - Approved
- 01/02528/FUL - Change of use of farmland to office use with siting of temporary portable office structure - Approved

2.0 POLICY CONTEXT

2.1 The Huntington Neighbourhood Plan was adopted in July 2021.

H4 Design Principles

H17 Biodiversity

H18 Flooding and Water Management

H20 Car Parking

2.2 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

GP1 Design

GP4a Sustainability

GP15a Development and Flood Risk

NE2 River and Stream Corridors, Ponds and Wetland Habitats

NE6 Species Protected by Law

NE7 Habitat Protection and Creation

T4 Cycle Parking Standards

2.3 The Publication Draft York Local Plan (2018)

D1 Placemaking

D2 Landscape and Setting

GI1 Green Infrastructure

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

ENV1 Air Quality

ENV2 Managing Environmental Quality

ENV3 Land Contamination

ENV5 Sustainable Drainage

WM1 Sustainable Waste Management

T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 No objections subject to conditions: vehicle areas to be surfaced; cycle parking details to be submitted; car and cycle parking to be laid out; internal turning areas to be provided; and Method of Works.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)

3.2 the applicant has sought to provide ecological enhancements where possible. Given the limited amount of space available for soft landscaping, native hedges and flowering lawns will provide appropriate and useful habitats for the existing ecology. As such, based on the information provided have no objections to the application, subject to the following conditions: amphibian friendly drainage structures; biodiversity Construction and Environmental Management Plan; lighting plan; timing of works to protect nesting birds

LEAD LOCAL FLOOD AUTHORITY

3.3 No objections.

PUBLIC PROTECTION

3.4 Request following conditions: Construction and environmental management plans, and hours of construction, deliveries and despatch; electric vehicles recharging facilities; unexpected contamination condition

3.5 The service yard areas for 2 of the units will be close to a hotel. There are no hours of use detailed within the application. Request following condition: details of all machinery, plant, and equipment which is audible outside of the premises to be submitted

3.6 Due to the close proximity of hotel accommodation to the service yards any external lighting will have to be installed to ensure that light does not cause any disturbance to neighbouring premises. Request following condition restricting the timing of the lighting and full lighting impact assessment

EXTERNAL CONSULTATIONS

HUNTINGTON PARISH COUNCIL

3.7 No comments received

YORKSHIRE WATER

3.8 Request following conditions: sperate systems of drainage for foul and surface water, no piped discharge of surface water; requirement of interceptor

FOSS INTERNAL DRAINAGE BOARD

3.9 The Board has assets in the wider area in the form of Pigeon Cote Dyke. This watercourse is known to be subject to high flows during storm events. The Board notes that the discharge rate of 1 litre per second has been agreed by CYC as the LLFA and the Board will also be willing to accept this discharge rate on this occasion. The Board notes that the applicant is proposing a Cellular Storage Tank. This appears to accommodate a 1:100 year storm event plus 30% for climate change. Request condition: drainage works are constructed in accordance with submitted details.

YORKSHIRE WILDLIFE

3.10 No comments received

NATURAL ENGLAND

3.11 No comments received

CARBON REDUCTION TEAM

3.12 Supporting information outlines that a carbon emissions reduction will be made this is in line with Building Regulations Part L 2022. At least a 28% carbon emissions reduction will need to be met and evidenced through valid documentation.

3.13 The 'Statement to confirm why BREEAM Excellent is not appropriate for this project' document sets out the reasons why BREEAM Excellent is not expected to be met for this site. Should comply Policy CC2 - the development needs to work to try to achieve this and evidenced through valid documentation.

4.0 REPRESENTATIONS

4.1 No representations received

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. An adopted Neighbourhood Plan forms part of the statutory Development Plan for the City of York. The site is not considered to be within the general extent of the York Green Belt.

HUNTINGTON NEIGHBOURHOOD PLAN

5.2 The Huntington Neighbourhood Plan (HNP) was adopted in 2021. Full weight can be given to the policies contained within the HNP; which is the Development Plan for this application. Policy H4 (Design Principles), H17 (Biodiversity), H18 (Flooding and Water Management) and H20 (Car Parking) are considered to be relevant to this application.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.4 The Development Control Local Plan Incorporating the Fourth Set of Changes was approved for development management purposes in April 2005 (DCLP). Whilst

the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications. Where policies relevant to the application are consistent with those in the NPPF, the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to irreplaceable habitats indicate that permission should be refused.

BIODIVERSITY

5.6 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Para 180 of the NPPF sets out that when determining planning applications, local planning authorities should apply the following: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.7 Para 182 sets out that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

5.8 Multiple applications for Great crested newt (GCN) European Protected Species mitigation licences have been made within the Monks Cross development. The application site has previously been used as a mitigation area for great crested newts as part of licenced works for adjacent developments. Correspondently, it is known that significant populations of GCN are present in the area.

5.9 Great crested newts are a European protected species. District level licensing is an approach for planning applications to develop sites which could affect great crested newts. District level licensing aims to increase the number of great crested newts by providing new or better habitats in targeted areas to benefit their wider population. The site is subject to the District Level Licensing Scheme. The planning application includes an impact assessment and conservation payment certificate (IACPC) the IACPC has been signed on behalf of Natural England. The boundaries of site plan submitted with the certificate match those of the planning application.

The IACPC confirms that the development is suitable for district licensing and meets the 'favourable conservation status' test in the Habitats Regulations 2019 and there will be compensation for any impacts on great crested newts by a conservation payment. The above sets out that the harm to biodiversity/newts can be adequately mitigated by the District level Licensing Scheme.

5.10 The "derogation tests" which must be applied for an activity which would harm a European Protected Species are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017. Notwithstanding the licensing regime, the LPA must also address its mind to these tests when deciding whether to grant planning permission for a development which could harm a European protected species: the guidance advises only the first two derogation tests need to take place if there is a signed impact assessment and conservation payment certificate as in this case, the tests are as follows:

That there is no satisfactory alternative

The application site is surrounded on three sides by commercial development and to the north is an allocated housing site. Once the housing site to the north is developed the application site would become isolated and less attractive to newts. The relocation of the newts would be to a site that would provide better habitat than that on the application site.

That the action is for the purpose of imperative reasons of overriding public interest including those of a social or economic nature:

This judgement requires the public interest served by a proposal to be weighed against the harm to the protected species that will be put at risk and in this case taking into account the impacts from other developments outlined above. The units are small to medium sized and would add to the variety of accommodation within the Monks Cross and the wider York area. The development would provide two industrial units which would contribute to the economic prosperity of the city, and thus in the public interest.

5.13 Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Policy H17 (Biodiversity) of the Huntington Neighbourhood Plan requires net gains in biodiversity on new developments. By moving the newts to another area, together with the design of the development, and the small scale of the site there is little possibly of providing on-site net gain to biodiversity. The development is part of the District Licensing Scheme, and the developer would pay towards providing terrestrial and pond habitat that would

provide a better newt habitat elsewhere and as such is considered to result in biodiversity net gain.

5.14 Although the GCN within the application site will be mitigated for through the District Level Licensing Scheme, this does not account for the general population of Great Crested Newts within the area. It is therefore recommended that newts and other amphibians are safeguarded post construction, through sensitive drainage design, this can be sought via condition. Details of a sensitive lighting scheme (to prevent disturbance to ecology) can be conditioned.

VISUAL AMENITY AND CHARACTER

5.15 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. Policy H4 of the Neighbourhood Plan states that development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location.

5.16 The land levels would be reduced to a similar level as those adjacent to the site. The removal of bunds and the reduction in land levels are not considered to result in harm to the character of the area.

5.17 The Proposed smaller unit (12) would measure 16 metres by 30 metres (8.2 metres in height max). Proposed larger unit (13) building 2 would measure 20 metres by 45 metres (8.4 metres in height max). The walls and roof would be metal cladding. The grey, silver and blue cladding to be used is specified in the plans, it is the same that has been used on the recently constructed units to the east and it's considered to be acceptable in this location. The design of the proposed buildings is considered to be in keeping with the surrounding business units. Details of any proposed external lighting should be conditioned. The plans indicate that paladin fencing is proposed. It is considered necessary to condition a landscaping plan to ensure sufficient soft landscaping boundaries are secured.

IMPACT ON NEIGHBOURING BUSINESSES

5.18 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. Neighbourhood Plan policy H4 states that development proposals should also take into account the amenity of neighbouring occupiers. Policy ENV2 of the Publication Draft Local Plan (2018) require that there should be no undue adverse impact from noise disturbance.

5.19 Paragraph 186 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

5.20 The closest dwellings are 420 metres from the application site, however there is a hotel immediately adjacent to the west of the application site. Conditions for the submission of details of machinery that is audible outside the premises together with any mitigation, and details of lighting to ensure adequate amenity of hotel occupants and limiting the impact to bats are considered to be necessary and will provide suitable mitigation.

HIGHWAYS

5.21 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Neighbourhood Plan policy H20 states that development proposals should incorporate sufficient, safe and convenient car parking provision in accordance with the most up to date City of York Council standards. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.22 The area is served by regular public transport. The nearest bus stops are approximately 52 metres and 175 metres from the proposed development. The bus routes are 9,13, 20, and 55. Sufficient cycle parking (12 spaces) and vehicle parking provision (21 spaces) would be provided.

DRAINAGE

5.23 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Policy H18 of the Huntington Neighbourhood Plan sets out the development should not exacerbate existing drainage problems. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be

designed to deliver wildlife benefits, where possible. Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

5.24 An acceptable drainage scheme has been submitted; it is considered necessary to condition that the development would be constructed in full accordance with the submitted plans. The drainage scheme includes an oil interceptor.

SUSTAINABILITY

5.25 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The revised Building Regulations that came into force in June 2022 (with a transition period) exceed Policy CC1 requirements for reduction in carbon emissions. It is noted that an application for building regulations consent has not been made. As such the proposed building would be considered under the more stringent 2022 Building regulations as such it is not considered necessary to condition the 28% reduction in carbon emissions.

5.26 Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy requires that all new non-residential buildings with a total internal floor area of 100m² or greater should achieve BREEAM 'Excellent' (or equivalent). The submitted information sets out that the development can achieve BREEAM 'very good'. The agent advises that achieving some of the credits would result in a disproportionately increased cost. Given the proposed modifications to Local Plan Policy CC2 that have yet to be consulted upon, the policy is considered to have very limited weight. It is not considered that the application could be refused on this basis. A condition seeking a rating of 'very good' could be applied.

6.0 CONCLUSION

6.1 The development would provide employment buildings within an existing commercial area. In the planning balance biodiversity, environmental and highway impacts are acceptable and can be mitigated where necessary by planning condition. The proposal would accord with the NPPF, the Huntingdon Neighbourhood Plan (2021), the Draft Local Plan (2005) and the Draft Local Plan (2018).

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number 1561 (0)01 P4 'Plan and Section Unit 12' received 17 October 2022;

Drawing Number 1561 (0)02 P2 'Elevations Unit 12' received 17 June 2022;

Drawing Number 1561 (0)03 P3 'Plan and Section Unit 13' received 17 October 2022;

Drawing Number 1561 (0)04 P1 'Elevations Unit 13' received 01 June 2022;

Drawing Number 1561 S02 P4 'Proposed Site Layout' received 22 June 2022;

Drawing Number 1561 S04 P2 'Proposed Landscaping Plan' received 17 October 2022;

Drawing Number 305633-HAH-XX-00-DR-C-00200 Revision C 'Drainage Layout' received 25 November 2022;

Location Plan received 22 June 2022;

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

3 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

4 A written strategy for the provision of Electric Vehicle charging facilities on the site shall be approved in writing by the local planning authority prior to commencement of the construction of the development. Active EV charge point provision shall meet minimum requirements as laid out in the council's Low Emission Planning Guidance. The strategy shall include details of numbers, locations and full specifications for the charge points alongside details of the management and servicing arrangements for a period of 10 years. The strategy shall be implemented in accordance with the agreed strategy prior to first occupation and the apparatus shall be retained for the lifetime of the development.

Reason: To ensure provision of EV charging facilities in line with current Building Regulations (Approved Document S), the National Planning Policy Framework (NPPF) and CYC's Low Emission Strategy / Low Emission Planning Guidance

INFORMATIVE

- A minimum of 5% of the total parking provision on a site should include active EV charge points. Developments should additionally satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021) in terms of both active EV charge points and passive provision / cable routes.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.
- The EV charging strategy should provide confirmation that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address what would happen in the event of a fault with the charge point and explain how this will be reported and rectified. The plan should also confirm what will happen in the event that a non-EV parks in an EV-only parking space and how this will be managed.

5 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall first 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 machinery, plant or equipment as approved and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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.

7 The development shall be carried out in full accordance with Drawing Number: 305633-HAH-XX-00_DR-C-00200 Revision C (dated and submitted 24th November 2022) unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

8 Unless otherwise first approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

9 Any drainage structures such as gully pots and kerbing associated with the development shall be constructed so as to be 'amphibian-friendly'. Details shall be submitted to and approved in writing by the local planning authority prior to their construction. Thereafter the development shall be constructed in full accordance with the approved details.

Reason: In order to comply with legislation relating to European protected species and with Paragraph 175 of the National Planning Policy Framework.

10 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The lighting shall be constructed in full accordance with the approved details.

The plan shall:

- Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats European Protected Species where there might be

changes on site in accordance with Section 15 of the National Planning Policy Framework. To protect amenity of the occupants and users of the neighbouring buildings.

11 No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the works and written confirmation from the ecologist has been submitted to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. y.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

12 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in full accordance with the approved CEMP: Biodiversity .

The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities
- b) Identification of 'biodiversity protection zones'
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements)
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works
- f) Responsible persons and lines of communication
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or

similarly competent person

h) Use of protective fences, exclusion barriers and warning signs

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area in line with Policy GI2 in the Publication Draft Local Plan (2018).

13 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

14 Prior to the first occupation of the development details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied 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.

15 The buildings shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

16 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

17 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The development shall be constructed in full accordance with the approved details. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 Prior to first occupation details of the refuse bin enclosures shall be submitted to and approved in writing by the local Planning Authority. Prior to first occupation the refuse bins enclosures as approved shall be constructed and ready for use. Thereafter the refuse bin enclosures shall be retained for such use at all times.

Reason: In the interests of good design in accordance with section 12 of the NPPF. To ensure there is suitable refuse storage areas for the life of the development. To achieve a visually cohesive appearance.

19 The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the NPPF

8.0 INFORMATIVES: Notes to Applicant

1. 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:

- Request additional information
- Request revised plans
- Use of conditions

2. INFORMATIVE:

You are advised that this proposal may have an effect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

3. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

4. Informative - Up-dated information:

Although up-to-date survey data has been provided with this submission, it should be noted that ecology surveys may need repeating where delays to project commencement are incurred.

5. DRAINAGE INFORMATIVE:

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

The applicant should be advised that the Yorkshire Waters prior consent is required as well as planning permission to make a connection of foul and surface water to the public sewer network.

The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming

the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

Contact details:

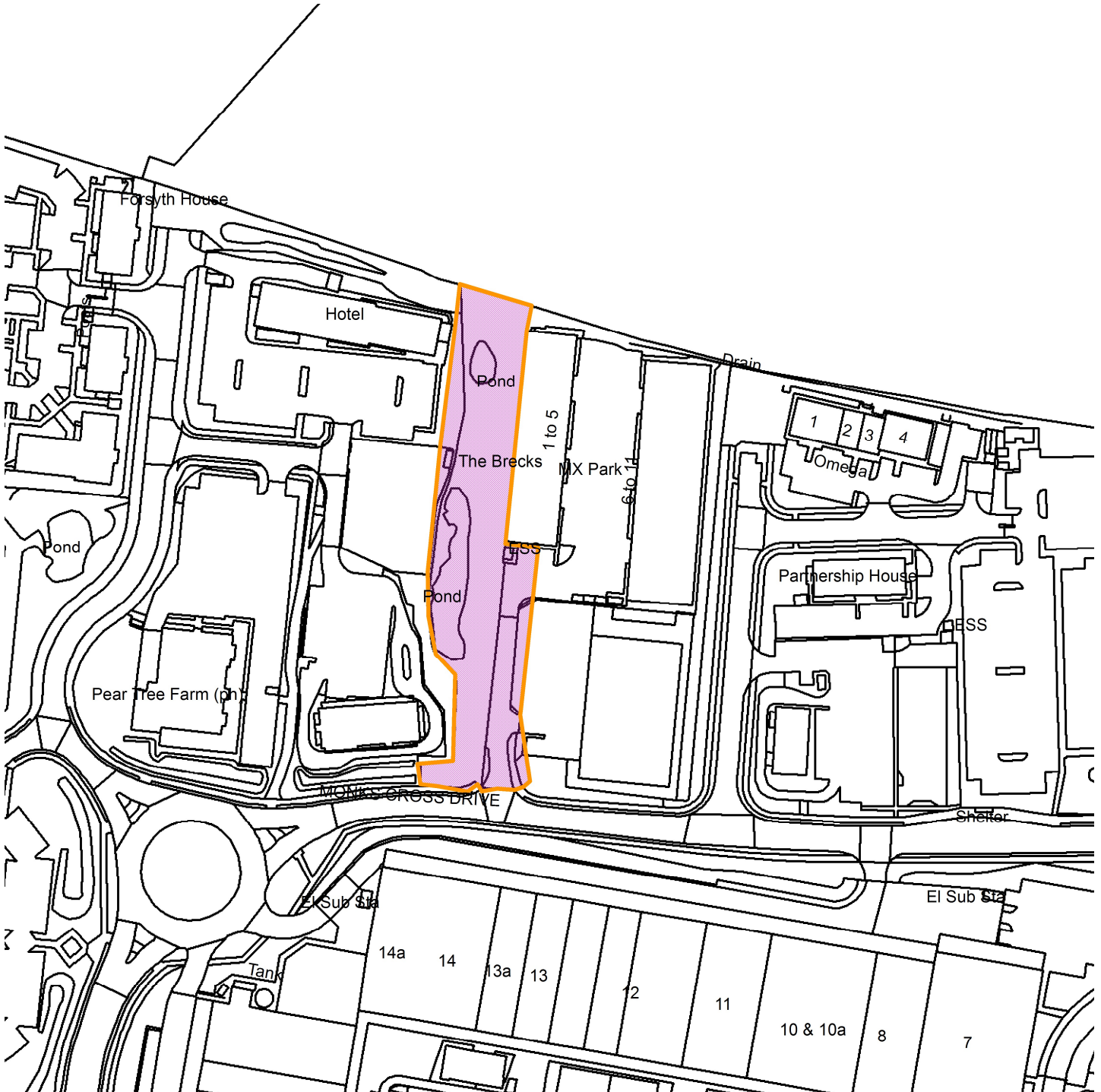
Case Officer: Victoria Bell

Tel No: 01904 551347



22/01161/FULM

Site To West Of MX Park, Monks Cross Drive, Huntington



Scale : 1:1935

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Organisation	City of York Council
Department	Directorate of Place
Comments	Site Location Plan
Date	03 January 2023
SLA Number	Not Set

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Planning Committee B

22/01161/FULM

Site To The West Of MX Park, Monks Cross Drive, Huntington

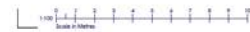
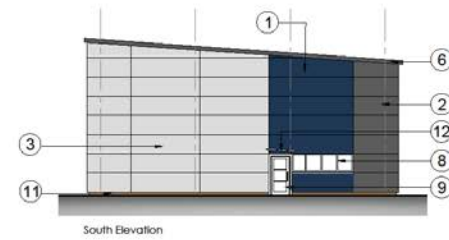
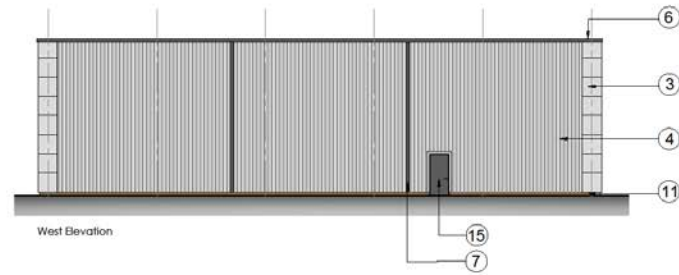
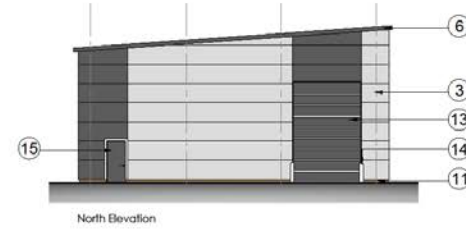
Site plan



Unit 12



All dimensions are to be checked on site. Do not scale from the drawing.
Proposals are subject to the safety and stability approval.

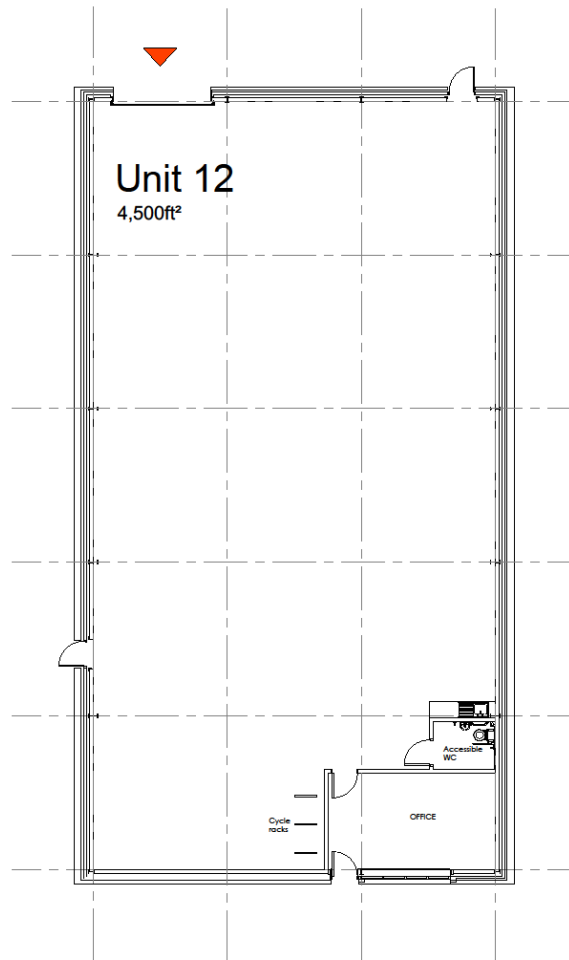


Materials

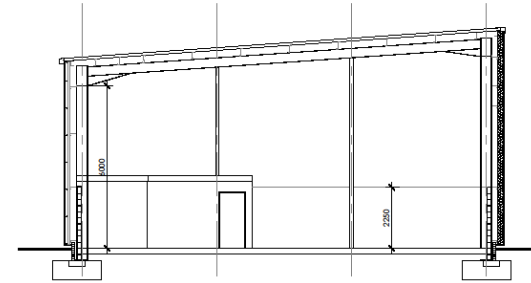
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Colour: RAL 5013 Signal Blue
- ② All composite structural panels
Colour: Safety Grey 01, R 8 20
- ③ All composite structural panels
Colour: RAL 5020 (Safety Blue)
- ④ Safety net (transparent built-up coating)
Colour: RAL 5020 (Safety Blue)
- ⑤ Powder coated aluminium gutter
Colour: BS 18 25
- ⑥ Powder coated aluminium verge
Colour: BS 18 25
- ⑦ Glass Panels - double glazed aluminium framework
Colour: BS 18 25
- ⑧ Powder coated anodized double glazed aluminium
framework
Colour: BS 18 25
- ⑨ Powder coated aluminium double glazed doors
Colour: BS 18 25
- ⑩ Powder galvanneal roll-up roof cladding
Colour: RAL 7035 (concealing grey)
- ⑪ Framing brackets to Local Authority approval
- ⑫ Glass entrance canopy
- ⑬ Powder coated aluminium anodized overhead door
Colour: BS 18 25
- ⑭ Safety Screens
- ⑮ Powder coated steel fire exit door
Colour: BS 18 25

No.	Description of work (numbered to match with)	DATE
1.	1561	08/10/21
By:	1561	08/10/21
Checked:		
IBA ARCHITECTS		
East River & The Waterfront Coleridge & Hillier 1561 Broadway Suite 1201 New York, NY 10038 www.ibaarchitects.com		
Project:	Industrial Development - Phase 3	
	Market Street Office Park	
Title:	Exterior	
	Unit 12	
Client:	Trinity Investments	
Drawn:	GSB	Scale: 1:100 (A1)
Checked:	SKK	Date: 30/10/21
PRELIMINARY		
1561	(0)02	P2
RENDERING © COPYRIGHT		

Unit 12



All dimensions are to be checked on site. Do not scale from this drawing
Proposals are subject to the survey and statutory approvals



Unit 12 Section

P4	Spacing of cycle racks increased	12.10.22
P3	Cycle racks added	12.09.22
P2	Office and toilet section revised	10.03.22
P1	Site plan	20.12.21
Rev	Description	Date



Keel Row 4 | The Watermark | Gateshead | NE11 9JZ
E: info@iba-architects.com T: 0191 461 1411
www.iba-architects.com

Project: Industrial Development - Phase 2
Monks Cross Drive, York

Title: Plan and Section
Unit 12

Client: Tonley Investments

Drawn: GRS Scale: 1:100 @A2
Checked: SGK Date: 20.12.21

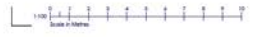
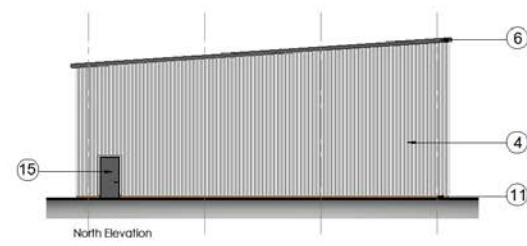
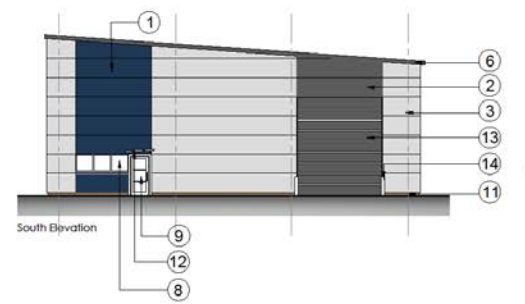
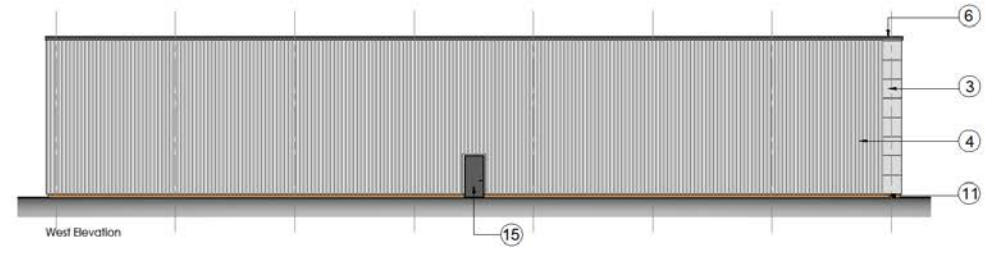
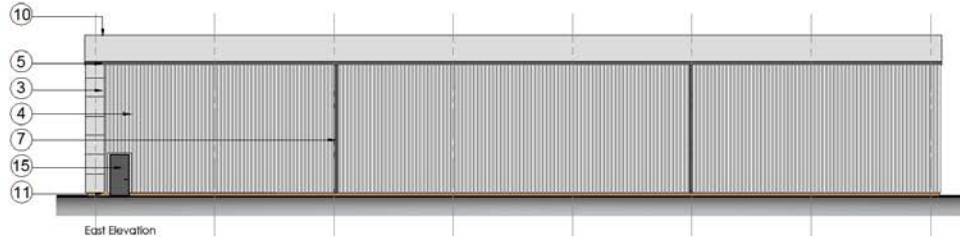
PRELIMINARY

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Unit 13

All dimensions are to be checked on site. Do not scale from this drawing.
Proposals are subject to the survey and statutory approvals.



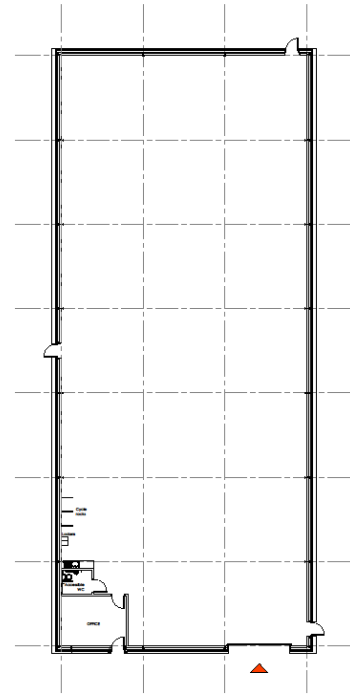
Materials

- ① Flat composite horizontal panels
Colour: RAL 7035 (Imperial Blue)
- ② Flat composite horizontal panels
Colour: RAL 7035 (Imperial Blue)
- ③ Flat composite horizontal panels
Colour: RAL 7035 (Imperial Blue)
- ④ Flat composite horizontal panels
Colour: RAL 7035 (Imperial Blue)
- ⑤ Vertically ribbed aluminium built-up cladding
Colour: RAL 7035 (Imperial Blue)
- ⑥ Powder coated aluminium gutter
Colour: RAL 7035 (Imperial Blue)
- ⑦ Powder coated aluminium verge
Colour: RAL 7035 (Imperial Blue)
- ⑧ Glass panels - Powder coated aluminium aluminium
tinted aluminium. Colour: RAL 7035 (Imperial Blue)
- ⑨ Powder coated aluminium double glazed units
Colour: RAL 7035 (Imperial Blue)
- ⑩ Gutter aluminium built-up roof cladding
Colour: RAL 7035 (Imperial Blue)
- ⑪ Fixing brackets to suit authority approval
- ⑫ Slated asphalt canopy
- ⑬ Powder coated aluminium sectional overhead door
Colour: RAL 7035 (Imperial Blue)
- ⑭ Safety screens
- ⑮ Powder coated steel fire exit door
Colour: RAL 7035 (Imperial Blue)

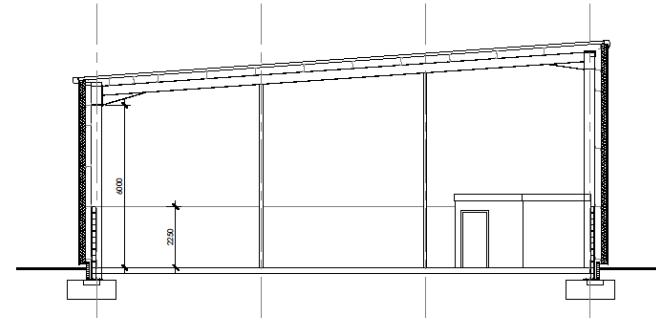
IBARCHITECTS	
Karl Ross & J. The Workman Architects 14511 852 80 Brookwood Drive, Suite 101 14511 852 www.ibarchitects.com	
Project:	Industrial Development - Phase 2 North Cross Street, York Phase 2
Site:	Brookwood Unit 12
Client:	Stanley Investment
Drawn:	GAB
Checked:	SGK
Scale:	1:100 (A4)
Date:	20.12.21
PRELIMINARY	
1561	(0)04 P1
THE DRAWING IS CONFIDENTIAL	

Unit 13

All dimensions are to be checked on site. Do not scale from this drawing.
Proposals are subject to site survey and statutory approvals.



Unit 13 Floor Plan
1:200



Unit 12 Section
1:100



P3	Issued for construction	13.10.22
P2	Additional work completed	12.08.22
P1	Final Issue	20.12.21
Rev	Description	Date

IBA ARCHITECTS

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Project: Industrial Development - Phase 2
Monks Cross Drive: Toke

Title: Plan and Section
Unit 12

Client: Tansley Investments

Drawn: GRG Scale: Varies @A2
Checked: SGK Date: 20.12.21

PRELIMINARY

1561 (0)03 P3

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