

## COMMITTEE REPORT

**Date:** 28 April 2022                      **Ward:** Rawcliffe And Clifton Without

**Team:** West Area                              **Parish:** Clifton Without Parish Council

**Reference:** 21/02220/FULM

**Application at:** B and M Stores Stirling Road York YO30 4WZ

**For:** Erection of 5no. business and commercial units (use classes B2, B8, and E(g)(ii) and E(g)(iii)) and 1no. drive thru cafe unit (use class E) with associated hard and soft landscaping

**By:** William Marshall

**Application Type:** Major Full Application

**Target Date:** 19 April 2022

**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The proposal is for the construction of 5 units in employment use (General Industrial use B2, Storage and Distribution use B8, Research and Development use E(g)(ii) and Light Industrial use E(g)(iii)) and a drive through coffee shop with associated parking.

1.2 The site is within the Clifton Moor area and previously housed the B&M store which burnt down in 2018. The site has now been cleared of the previous buildings. The access to the site is shared with the adjacent gym to the south. To the east is another gym while the Clifton Moor retail park is west of the site.

1.3 The site contains 3 mature oak trees all subject to Tree Protection Orders.

1.4 Outline planning permission for the wider development site was initially granted under 3/27/128/PA with various variations and condition approvals under this application. A further outline planning consent was granted in January 2003, 00/02769/OUT, which sought consent for the erection of non-food warehouse and associated car parking and ancillary works. Reserved matters approval (05/00013/REM) under this outline consent was granted in May 2005, with further minor applications related to signage also consented.

## **2.0 POLICY CONTEXT**

### 2.1 Publication Draft City of York Local Plan (2018)

SS1 Delivering sustainable growth for York

EC1 Provision of employment land

DP2 Sustainable development

D1 Placemaking

CC1 Renewable and low carbon energy generation and storage

ENV4 Sustainable drainage

GI2 Biodiversity and access to nature

T1 Sustainable access

### 2.2 Development Control Local Plan incorporating 4<sup>th</sup> set of changes (2005)

GP1 Design

GP4a Sustainability

E3b Existing and proposed employment sites

NE1 Trees, woodlands and hedgerows

## **3.0 CONSULTATIONS**

### INTERNAL

#### Design, Conservation And Sustainable Development (Ecology)

3.1 No objections subject to conditions regarding nesting birds, biodiversity enhancements and a lighting plan.

#### Design, conservation and sustainable development (Landscape)

3.2 A revised site layout has been received which pulls the kerb edge further away from the trunk of the TPO trees. Two parking spaces have also been removed from the root protection area of the trees. The revisions are acceptable in respect of reducing the risk of harm to the existing mature trees. Conditions are required to secure details for working in proximity to the trees and for a revised landscape scheme. Trees around the perimeter of the site make a significant contribution to the public amenity of Stirling Road. Unit 1 should be further set back from Stirling Road to allow for meaningful planting.

### Public Protection

3.3 Conditions recommended regarding noise, odour, electric vehicle charging, land contamination and a construction management plan.

### Flood Risk Management Team

3.4 Assessment of the information provided confirms that soakaways will not work in this location. The surface water discharge rate shall be no more than 44.2 litres per second and the drainage design and calculations should be revised to suit this. Surface water run-off from parking areas should pass through an oil interceptor before discharge to the public sewer.

### Forward Planning

3.5 The principle of employment use in this location has been established and there is no objection in policy terms to the principle of such development.

### Highways Network Management

3.6 Comments made regarding bin storage, cycle storage, disabled parking and two way passing into the drive through access.

### Carbon Reduction Team

3.7 We appreciate the Energy Statements demonstration of speculative units being unable to achieve typical carbon reduction targets due to their industrial nature with tenants being unknown at this stage. We recognise the Energy Statements acknowledgement that shell units often have very low energy consumption. In an attempt to produce some energy reducing measures the energy statement outlines a variety of methods including: Building U Values, Low Energy LED Lighting, Low energy mechanical ventilation, Low energy local electric water heaters, and a Low energy local electric heater. These measures are all acceptable, given the unit 'type'.

## EXTERNAL

### Kyle And Ouse Internal Drainage Board

3.8 Condition recommended regarding sustainable drainage hierarchy.

### Yorkshire Water

3.9 Condition recommended regarding sustainable drainage hierarchy.

## 4.0 REPRESENTATIONS

### Neighbour Notification and Publicity

4.1 One letter of objection has been received in relation to the drive through element of the scheme. This raises concern about the extra vehicle movements associated with deliveries following the pandemic. Comments are made relating to queuing vehicles stopping on pedestrian crossing and vehicles sitting with engines running. Cycle parking is insufficient at the drive-through for customers and staff and does not make provision for different types of bicycles, or for e-charging of bicycles. Layouts do not address issues related to where delivery drivers will wait, impacts from vehicle fumes on customers and staff health. A further drive-through at Clifton Moor will encourage more vehicle trips.

## 5.0 APPRAISAL

### Main Issues

- Principle of development;
- Design;
- Amenity;
- Highways and parking;
- Landscaping;
- Drainage;
- Sustainability;
- Ecology.

## POLICY CONTEXT

### National Planning Policy Framework (2021)

5.1 The revised National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. The NPPF is a material planning consideration in the determination of this application.

5.2 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

5.3 Paragraph 11 states planning decisions should apply a presumption in favour of sustainable development and that for decision taking this means where there are no relevant development plan policies, granting permission unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

#### Publication Draft Local Plan 2018

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') 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. In accordance with paragraph 48 of the NPPF the 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).

5.5 It is considered that given the stage of preparation of the emerging plan, nature of objections and consistency with the NPPF that the policies should be given limited weight.

5.6 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The directly relevant evidence base is:

Employment Land Reviews (2016 and 2017 Update)  
Carbon Trust Report on Sustainable Design and Construction  
City of York Local Plan Viability Study

## 2005 Development Control Local Plan

5.7 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.

### Principle of development

5.8 This application is for a block of 5 employment units of various sizes (total 2,451m<sup>2</sup> gross internal area) and a drive through coffee shop (174m<sup>2</sup> gross internal floor area), on the north eastern edge of Clifton Moor Business Park. The proposed uses are compatible with the general extent of uses within the Clifton Moor area. The previous use of the site, as a B&M retail store was under former Use Class A1.

5.9 Policy SS1 (Delivering Sustainable Growth for York) promotes sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth and improve prosperity, consistent with the ambitions of the York Economic Strategy, in locations with accessibility to sustainable modes of transport and a range of services.

5.10 Given the brownfield location of the site, within an established employment Area and within the built up extent of the City the proposed development satisfies the requirements of Policy SS1.

5.11 The application site is not an allocation within policy EC1 but does support the overall delivery of employment space in the city in line with the evidence base (Employment Land Review, 2017) supporting this policy. The proposal represents windfall development. It is noted that because it is a speculative development, the application cannot currently give a specific number of jobs. However, the site is vacant as the existing use building was demolished following a fire. This application would therefore support the aim of policy EC1 and bring back into use a currently vacant brownfield site. The proposal offers a range of unit sizes – 3x372m<sup>2</sup>, 1x588m<sup>2</sup> and 1x747m<sup>2</sup>, which supports the general assumption of the Council's Employment Land Review for the provision of a range of site sizes to meet demand.

5.12 Additionally, it is considered that bringing forward this site for employment also supports the economic and sustainable development agenda under policies DP2 and DP3.

5.13 Given the location of the proposal, the previous use of the site and existing uses, and policy support for the re-use of brownfield site it is considered that the proposed development is acceptable in principle subject to other material considerations.

### Design

5.14 The proposed units are typical of industrial units being a terrace of metal clad units with a shallow pitched roof and large service doors to the front. They sit parallel to the western boundary of the site adjacent to the Roko gym but closer to Stirling Road. From Stirling Road the gable elevation of the units will be visible with a ridge height of approximately 6m compared to the height of Roko at approximately 9m. Development will be more visible than the previous retail unit as it sits closer to Stirling Road however it is not considered out of keeping with the character of the area. There is no clear building line here and the building will be partially screened by Roko for vehicles travelling west along Stirling Road. The area around the roundabout and TPO trees is free of development and will help to retain the existing character and protect the trees.

5.15 The proposed drive-through coffee shop with internal seating is sited to the south of the site and is a single storey building facing west on to the Tenpin bowling at the other side of Stirling Road. The building is set back from the highway with parking to the front and drive-through access curving round the back of the building. The structure is flat roofed with wooden and grey clad elevations.

5.16 In terms of their design, scale, layout and impact on the character of the area, both the drive-through building and new industrial units are considered acceptable and to comply with policy D1 of the 2018 draft Local Plan.

### Amenity

5.17 The site is distant from residential properties and so no impacts on residential amenity are anticipated as a result of the proposals. It is recognised that the proposed drive-through cafe use has more potential to impact on the amenity of neighbouring businesses than the previous retail use. Therefore, a condition is

recommended to require details of any extraction equipment to deal with issues of odour to protect the amenity of local businesses.

5.18 It is the policy of the developer to require bin storage to be within the industrial units to avoid issues of anti-social behaviour or health risk. Hence a small bin store is located within the site but storage will be predominantly within the units and is secured via condition. The proposed drive-through includes a utility area to the side for bin storage.

### Highways and parking

5.19 Parking provision for the units is around the edges of the site with 42 spaces in total including 6 disabled parking spaces. This complies generally with the guidance contained in Appendix e of the DCLP for B2 uses of 37 spaces (or 18 spaces for B8 use). Cycle parking is intended to be within units and space for 4 bikes is to be provided in each unit and will be secured via condition. Cycle parking for visitors to the units is at the access point from the cycle track on Stirling Road.

5.20 Parking is provided for the drive-through close to the access of the site. There is no guidance within Appendix e regarding parking provision for such forms of development. 13 parking spaces are provided here including 2 EVCP and 2 disabled bays. A further 6 spaces are available to the other side of the access road. Tracking has been provided to show that vehicles can pass at the entrance into the drive-through site from the access road. Cycle provision is provided to the side of the building and includes sufficient space for a variety of different forms of bike.

5.21 Access to the Pure gym site to the south is retained. It is not considered that the level of traffic anticipated as a result of the development would be significantly different to the previous retail use and the Pure gym retains a further access further along Stirling Road.

5.22 Policy T1 of the 2018 draft Local Plan requires that development proposals demonstrate safe access to the adopted highway, safe links to local facilities, provide cycle storage and provide for a range of transport modes. Access is provided straight from the cycle path on Stirling Road to the industrial units and drive-through and cycle parking is provided across the site; vehicular access is from the existing access and safe crossing points exist for pedestrians to cross Stirling Road. For these reasons it is considered that the proposal would meet policy T1.



## Landscaping

5.23 The layout plans for the site have been revised to pull the areas of parking away from the TPO trees thereby disturbing less of the recommended root protection area and not increasing development within the existing grassed area under the large separate oak. Specialist construction methods will still be required with the root protection area so that kerb construction is kept to a minimum depth. Details can be secured in an arboricultural method statement.

5.24 Concern was also raised about the loss of landscaping along Stirling Road, particularly that which would screen the industrial units to the north of the site. The agent has confirmed, and plans show, that this landscaping is predominantly in the highway verge and not within the red line boundary. There is no intention of removing this landscaping (and it would be outside the ownership of the applicant) and an additional landscaping strip is proposed within the site. This should go some way to screening the proposed development and retaining the amenity provided by the soft landscaping along the boundary.

## Drainage

5.25 The site is in flood zone 1: low risk. The Council's Flood Risk Engineer has confirmed that, due to soil type, soakaways would not be suitable in this location. All buildings on site have now been demolished and have no positive connection to the drainage system. Only the existing hard standing is connected and therefore a surface water discharge rate no more than 44.2 litres per second should be allowed. Drainage details should reflect this and can be secured via condition.

5.26 As a result of the number of parking spaces and area of hard standing, surface water run-off should pass through an oil, petrol and grit interceptor before discharge to the public sewer network.

## Sustainability

5.27 The buildings are designed for low energy consumption with large windows to provide natural light and roof lights within the industrial units.

5.28 Proposals will have to meet the requirements of policy CC1 with a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or energy efficiency measures. This can be secured via condition.

5.29 The applicant has identified that the development will be able to achieve BREEAM Very Good as opposed to Excellent as required by policy CC2. This is as a result of the speculative nature of the units which are to be provided as shell units and would therefore have a very low energy consumption. The Council's Carbon Reduction policy officer has accepted this and recognises that the submitted energy statement outlines a number of energy reducing methods (Building U Values, Low Energy LED Lighting, Low energy mechanical ventilation, Low energy local electric water heaters, and a Low energy local electric heater) which are all considered appropriate.

### Ecology

5.30 The existing mature oak trees within the site will be retained as will boundary vegetation outside the site. There is still potential for bird nests to be disturbed during vegetation clearance or tree works therefore a condition is recommended to control such works.

5.31 The increased structural integrity of modern developments reduces the potential for birds and bats to use modern buildings for nesting and roosting therefore any new developments should integrate a variety of bird and bat boxes. Additionally, a sensitive lighting scheme should be produced to ensure boundary vegetation and retained trees remain valuable for light sensitive species. These matters can be controlled via condition.

## **6.0 CONCLUSION**

6.1 The NPPF makes it clear that substantial weight should be given to the value of using suitable brownfield land within settlements for development needs. While the site is a windfall, there is an identified need for employment land within the city and the site sits within the urban area in proximity to similar uses and other facilities. Issues related to the impact on the TPO trees on site have been resolved and other matters related to landscaping, ecology, amenity and highways can be secured via condition.

## **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 other submitted details:-

Location plan

Proposed site plan 20685 -1000 - 09

Proposed floor plan industrial units 20685 -1001-C03

Proposed elevations industrial units 20685 -2001-P03

Proposed floor plan drive-through 20685 -1010-P01

Proposed elevations drive-through 20685 -2010-P01 and 20685 -2011-P01

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

3 Before the commencement of development a fully detailed Arboricultural Method Statement and scheme of arboricultural supervision regarding protection measures for existing trees shown to be retained on the approved drawings, and existing trees immediately adjacent to the site, shall be submitted to and approved in writing by the Local Planning Authority. Amongst other information, this statement shall include details and locations of protective fencing, ground protection, a schedule of tree works if applicable, site rules and prohibitions, phasing of protection measures, types of construction machinery/vehicles to be used, specialist construction techniques where applicable, locations and means of installing utilities. A copy of the document will be available for reference and inspection on site at all times. The approved Arboricultural Method Statement shall be adhered to throughout the construction period for the development.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting existing trees that are covered by a Tree Preservation Order and/or are considered to make a significant contribution to the amenity of this area and/or development.

4 Within three months of commencement of development a detailed landscape scheme shall be submitted and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and other plants. This approved scheme shall be implemented within a period of six months of the practical completion of the development. Any of the trees or plants that form part of the approved landscape scheme which within the lifetime of the development die are removed or become seriously damaged or diseased 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site, since the landscape scheme, is integral to the amenity of the development.

5 No tree maintenance or vegetation clearance works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation 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 should be submitted to the local planning authority.

Reason: To ensure that breeding 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.

6 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of works. The plan should include a minimum of two bat box, suitable for crevice dwelling species and two boxes for nesting birds. The plan/drawing should also include details of where native planting is to be incorporated into landscape design and detail where grassland areas can be set-aside for reduced maintenance. The approved works shall be carried out in accordance with details shown on the approved enhancement plan/drawing.

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.

7 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 plan shall specify lighting in-line with current guidance (Bat Conservation Trust (2018) Bats and artificial lighting in the UK), and show how and where external lighting will be installed, so that it can be clearly demonstrated that areas to be lit will not disturb light-sensitive wildlife, such as bats. A plan should be submitted showing 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. The installation of new external lighting shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity and protected species.

8 There shall be adequate facilities for the treatment and extraction of cooking odours from the drive-through cafe. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed in accordance with the approved details 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 m<sup>3</sup>/s throughout the extraction system.

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

9 Before the occupation of the development 4 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification to be first approved in writing by the Local Planning Authority (active provision). In addition, a minimum of 4 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision). The locations of these additional bays should also be approved in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

#### Notes

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.

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.

All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, 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.

11 Prior to the commencement of above ground works details of the cycle parking for the staff and visitors to the commercial units and drive-through cafe, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The buildings 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.

12 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.

13 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. HWAY19 Car and cycle parking laid out

14 Units 1 - 5 shall be used for uses in Classes E(g)(ii), E(g)(iii), B2 and B8 and for no other purpose, including any other purpose in Class E in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that

Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

15 The drive through restaurant shall be used for uses in Classes E(b) and for no other purpose, including any other purpose in Class E in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

16 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.

17 No development shall take place until details of the proposed means of foul and 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 proposed surface water discharge rate shall not exceed 44.2 litres per second unless agreed with the Local Planning Authority.

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

18 Unless otherwise 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.

19 Surface water run-off from the areas used for car parking and hard standing shall first pass through an oil, petrol and grit interceptor/separator. Prior to commencement of development details of the proposed interceptor including cover and invert levels to ordnance datum, shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details.

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

20 No above ground works shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations 2013 edition (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures when compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Alternatively the developer shall submit details to demonstrate that the development is to be constructed under the 2021 edition of the Building Regulations which come into force 15 June 2023.

Reason: In the interests of sustainable design and in accordance with policies CC1 of the Publication Draft Local Plan 2018.

21 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Reason: In the interests of the safe and free passage of highway users.

22 Prior to first use of the development hereby permitted a final Design Stage Pre-Assessment Report showing that the development will achieve at least a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Within six months of first use of the development hereby permitted a Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 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:

Requested revisions to address impact on trees and highways issues.

2. 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. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable nesting habitat is present on the application site and are 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.

3. The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's City of York Council's Sustainable Drainage Systems Guidance for Developers (August 2018) and in agreement with the Environment Agency and the

York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then Greenfield sites are to limit the discharge rate to the pre developed run off rate. The pre development run off rate should be calculated using either IOH 124 or FEH methods (depending on catchment size).

In some instances design flows from minor developments may be so small that the restriction of flows may be difficult to achieve. However, through careful selection of source control or SuDS techniques it should be possible to manage or restrict flows from the site to a minimum 0.5 l/sec for individual residential properties, please discuss any design issues with the City of York Council Flood Risk Management Team.

Where calculated runoff rates are not available the widely used 1.4l/s/ha rate can be used as a proxy, however, if the developer can demonstrate that the existing site discharges more than 1.4l/s/ha a higher existing runoff rate may be agreed and used as the discharge limit for the proposed development. If discharge to public sewer is required, and all alternatives have been discounted, the receiving public sewer may not have adequate capacity and it is recommend discussing discharge rate with Yorkshire Water Services Ltd at an early stage.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties. Details of the future management and maintenance of the proposed drainage scheme shall be provided.

**Contact details:**

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