

COMMITTEE REPORT

Date: 1 September 2022 **Ward:** Osbaldwick and Derwent
Team: East Area **Parish:** Dunnington Parish
Council
Reference: 21/02601/FULM
Application at: Former Storage Facility Site Derwent Valley Industrial Estate
Dunnington York
For: Erection of storage and distribution warehouse (Use Class B8)
and office building including associated car parking, perimeter
security fencing and new vehicular access from Chessingham
Park
By: Mrs Joanne MacLean
Application Type: Major Full Application
Target Date: 8 September 2022
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Planning permission is sought for a storage and distribution warehouse and associated offices. Access to the site would be from an existing access point from an unnamed road to the south. A further access point is proposed from Chessingham Park, to the north, to allow for access to the unused part of the site to the west. 50 vehicle parking spaces and 12 cycle parking spaces are proposed. The proposed building will be used for storage of short term and emergency stock to enable Northern Powergrid to ensure that the operation of the electrical network is maintained. The new office building will allow Northern Powergrid to amalgamate two of their existing York sites, one office (Toft Green) and one warehouse (Birch Park, Huntington, into a new shared facility.

1.2 There would be 63 Full time employment positions. There is to be space for 58 staff workstations within the office building, however many of the staff are peripatetic in their job roles and will not all be on site at any one time. There is also space for a further 4 staff workstations to the logistics office within the new warehouse. It is anticipated thereafter there will be 1 large vehicle movement per day and a further 1 HGV delivery to site per week to replenish stock levels following the initial stocking period. The proposed hours of operation would be 07.30 to 16.30 hours.

1.3 The site lies within Flood Zone 1. There are two sewers running underneath the application site. The majority of the site is hardstanding, the site has recently been cleared of buildings. The site is enclosed by a fence. To the west of the site is a Public Right of Way (14/8/20). The site is within an industrial estate

1.4 The proposed development does not comprise 'Schedule 1' development. 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. It is the view of Officers that 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 it is considered that an Environmental Impact Assessment is not required.

2.0 POLICY CONTEXT

2.1 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

GP6 Contaminated Land

GP15a Development and Flood Risk

T4 Cycle Parking Standards

T13a Travel Plans and Contributions

MW7 Temporary Storage for Recyclable Material

2.2 The Publication Draft York Local Plan (2018)

D1 Placemaking

GI2 Biodiversity and Access to Nature

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 CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 The provision of 26 vehicle parking spaces and 13 cycle spaces is considered to be acceptable, 2 disabled bays and 3EV bays. Proposed would result in a maximum of 24 movements at busiest peak hour, as this does not exceed 30 movements in any one direction no highway of junction capacity assessment is required and there would be no material impact on the highway network in terms of capacity and safety

3.2 Request that a full travel plan be sought via condition. Travel Plan Coordinator is to be funded by the developer – the level of funding should be stated by the applicant to ascertain whether the TPC role is sufficiently funded to avoid TPC responsibilities being subsumed within another role and ensure TPC responsibilities are given sufficient priority against other potentially competing responsibilities. This funding could be set out in a S106 agreement, which could also include funding for CYC Travel Plan support

3.3 Request conditions for: Construction Traffic Management Plan; Internal turning areas to be provided; Proximity of gate to highway; Servicing within site; the construction of new access from Chessingham Park.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.4 No objection, There are a few trees around the perimeter of the site that are worthy of retention. These appear to be unaffected by the proposed development. This includes the three Sycamore trees in the eastern corner of the site, although I note that they are located immediately adjacent to two manhole covers and a number of drainage runs, so the re-development may affect these. However the trees on the site do not have such significant public amenity value that they are worthy of a TPO.

3.5 Note there is no landscape plan accompanying the application. Given the condition of the existing site and its location away from the public realm (other than a PROW in the west, from which it is separated by a tall conifer hedge) not sure it would be necessary to require new planting on the site. However officers may feel that some sort of outdoor provision for employees would be appropriate.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.6 No objections, The Ecological Impact Assessment (EclA) states that the site provides suitable habitat for amphibians, including Common toad. As the proposed works have the potential to harm amphibians, precautionary working methods will be required during the construction phase of the project. It is recommended that the applicant continues to work with an ecological consultant to provide an appropriate amphibian method statement and identify where the proposed works will require the supervision of an ecologist. Request that Amphibian Method Statement is sought via condition

3.7 The site offers suitable habitat for nesting birds. Precautionary methods will therefore be required to ensure active nests are not destroyed during any vegetation clearance or tree works. Request this is sought via condition

3.8 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/features. Request this is sought via condition

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.9 No impact and no archaeological conditions are required

LEAD LOCAL FLOOD AUTHORITY

3.10 No objections in principle to: the proposed building stand-off from public rising main centre-line (of three metres); the proposed building position over the 225 mm diameter public combined sewer subject to a Formal Build over agreement prior to construction; the proposed separate systems of drainage on site with combined off-site; the proposed amount of domestic foul water to be discharged to the public combined sewer network; the proposed amount of curtilage surface water to be discharged to the public combined sewer network at a restricted rate of 7.7 (seven point seven) litres/second); the proposed point of discharge of foul and surface water to the 225 mm diameter public combined sewer crossing the site, and; the proposed use of full retention separators.

PUBLIC PROTECTION

3.11 This site is located on land previously used for industry therefore the applicant has submitted a Solmek Phase 1 desk top study ref S200510 dated May 2020 and Solmek Phase 2 site investigation ref S200510/SI dated June 2020. These reports

are acceptable and demonstrate based on the site investigation results that the site is suitable for the proposed use. Request condition for the reporting of unexpected contamination

3.12 In line with paragraph 107(e) of the NPPF, developments should be designed to incorporate facilities for charging plug-in and other ultra low emission vehicles in safe, accessible and convenient locations. City of York Council's draft Low Emissions Supplementary Planning Guidance requires 5% of all car parking spaces to be provided with electric vehicle charge points. An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles. Request condition for electric vehicle recharging facilities

3.13 There are residential dwellings approximately 80 metres from the site. As the proposal is for distribution there may be activities involving reversing beepers and traffic movements. Request condition for details of machinery that is audible outside of the premises, to be submitted

PUBLIC RIGHTS OF WAY TEAM

3.14 Public Footpath, Dunnington No 8, which runs to the west of the site will not be directly affected by the proposed development. Therefore no comments

CARBON REDUCTION TEAM

3.15 An energy statement and Low or Zero Carbon (LZC) technology feasibility study has been provided alongside the Full Planning Application. The report makes clear it has considered both York Planning Policies relating to carbon reduction (CC1 & CC2) detailing a predicted carbon emissions reduction of 34.2% (CC1) and aiming for a BREEAM excellent rating (CC2). The 34.2% carbon emissions reduction will be achieved through fabric efficiency and the application of efficient heating and lighting systems. The BREEAM Excellent standard outlined in CC2 is a minimum requirement. Request following conditions: reduction in carbon emission of at least 28%; development shall achieve BREEAM 'excellent'.

EXTERNAL CONSULTATIONS

DUNNINGTON PARISH COUNCIL

3.16 No objections, The Energy Assessment recommendations in respect of 10.1 Low/Zero Carbon Technologies (LZT) Discounted are very disappointing for a

development of this size and greater consideration should be given to this particular area. Part of these recommendations conflict with an email response from Matrix Architecture which states that there will be PV panels on the south facing roof and two air source heat pumps which, if that is the case, fully support this initiative.

3.17 The Arboricultural report includes the removal of some cypress trees to facilitate a new site access. It also mentions reducing the height of this hedge to maintain a cohesive form. Support this subject to the hedge being regularly maintained

3.18 Three cherry trees are noted for felling as they are either dead, diseased or unstable. Whilst do not have any problem with this aspect there does not appear to be any reference to replacements which we would recommend and support subject to them being small native trees such as hawthorn, rowan or crab apple.

3.19 Welcome and support the commitment made in the Ecological Impact Assessment regarding the mitigation proposals in respect of 'landscape planting bearing flowers, nectar and fruits which are attractive to invertebrates, thereby helping to maintain the food resources for birds and wildlife generally'

YORKSHIRE WATER

3.20 Yorkshire Water has no objection in principle to: The proposed building stand-off from public rising main centre-line (of three metres); The proposed building position over the 225 mm diameter public combined sewer subject to a Formal Buildover agreement prior to construction; The proposed separate systems of drainage on site with combined off-site; The proposed amount of domestic foul water to be discharged to the public combined sewer network ; The proposed amount of curtilage surface water to be discharged to the public combined sewer network at a restricted rate of 7.7 (seven point seven) litres/second); The proposed point of discharge of foul and surface water to the 225 mm diameter public combined sewer crossing the site; The proposed use of full retention separators

3.21 In this instance, Yorkshire Water would look for the building over of the 225 mm diameter sewer to be controlled by formal building over agreement between Yorkshire Water and the developer. It would appear that the public rising main is unlikely to be affected by building-over proposals.

3.22 A proposal by the developer to alter/divert a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 185 Water Industry Act 1991.

OUSE AND DERWENT INTERNAL DRAINAGE BOARD

Application Reference Number: 21/02601/FULM

Item No: 4a

3.23 The Board has assets in the wider area in the form of Hagg Lane Drain and Common Drain. These watercourses are known to be subject to high flows during storm events. The Board notes that the applicant intends to use the mains sewer for the disposal of surface water incorporating Sustainable Urban Drainage. Request that the Planning Practice Guidance hierarchy for the management of surface water is followed

3.24 The Board awaits the results of soakaway testing and the drainage discharge rate calculation. Seek drainage details via condition

4.0 REPRESENTATIONS

4.1 Two representation of comments

- Do not object to building of proposals, over the past 5 years 2 pairs of Oyster catchers nest and rear their chicks on this site. Any building work done at breeding time would be detrimental to these birds. Request part of the site be left as a future breeding site

4.2 One representation of support

- No objections, welcome development on this site which has been neglected for some years .

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. The site is not considered to be within the general extent of the Green Belt.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.2 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 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)

5.3 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.

DUNNINGTON VILLAGE DESIGN STATEMENT (2006)

5.4 The relevant guidelines are as follows: 41 (Developments on the industrial estate should be effectively screened), 42 (developments should be in keeping with the established rooflines and not exceed the height of the present buildings.), 43 (Estate has close proximity to residential, businesses should create minimal noise, light and odour emissions), and 44 (Developments should respect the estate's close proximity to Hassacarr Nature Reserve, and should have no adverse effect upon it).

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 NPPF sets out the presumption in favour of sustainable development in paragraph 11.

VISUAL AMENITY AND CHARACTER

5.6 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. This advice is reflected in Draft Local Plan policy GP1 of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan and, therefore, these policies can be given weight.

5.7 The proposal would bring a vacant employment site into use. The site is centrally located within the Dunnington Industrial Estate. Officers understand that the site was previously used for the storage of modular buildings. Aerial photos show

the site was vacant in 2017, and streetview and aerial photos appear to show the site has been vacant since this time.

5.8 The proposed building would measure 77.5 metres by 20 metres. The maximum height of the building would be 9.3 metres. The walls and roof would be metal cladding in a grey finish. The elevations indicate photovoltaic panels to the office roof, and air source heat pumps. The design of the proposed building is considered to be in keeping with the surrounding business units. The proposed cladding in a grey colour finish is considered to be acceptable in this location. There is an existing mixture of unit sizes within the business park. The proposed unit is relatively large and would add to the variety of accommodation within the business park and the wider York Area.

HIGHWAYS

5.9 The NPPF encourages development that is sustainably located and accessible. Paragraph 110(b) 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. 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.

5.10 The business park is not directly served by public transport, the nearest bus stop is about 340m served by route nos. 46/X46 between Pocklington and York operating approximately every half-hour daytime Mon to Sat. Alternative services serve the village centre about 1.2km to the north of the site, with the no.10 running at a daytime 30 minute frequency between Stamford Bridge and York.

5.11 Sufficient cycle parking and vehicle parking provision has been provided. The additional access allows for the unused part of the site to be used in the future. The requirement for electric vehicle recharging facilities is in line with guidance contained within the NPPF and the Councils low emission strategy. It is considered that they can be sought by condition.

5.12 The proposals are considered to be acceptable in terms of principle of development and their impact on the surrounding highway network. It is considered necessary to condition the submission of a travel plan. The Highway Network Management team have requested that contribution of £10,000 towards the City of

York Travel Plan support. These obligations are considered to comply with Regulation 122 of the Community Infrastructure Levy Regulations (CIL).

BIODIVERSITY

5.13 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. 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. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

5.14 Paragraph 180 of the NPPF advises that if significant harm to biodiversity from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The Ecology Officer is satisfied with the submitted ecology information and that there are no protected species in the building. It is considered that the recommendations of the report can be sought via condition.

RESIDENTIAL AMENITY

5.15 Paragraph 130 of the NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are sympathetic to local character and history, including the surrounding built environment and landscape setting. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 and ENV2 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

5.16 The proposed development is a minimum 75 metres from residential properties. It is considered unlikely that the proposed use would affect the residential amenity of the occupants of these dwellings however it is considered necessary to condition that details of any machinery that are audible outside the development boundary should be submitted via condition

DRAINAGE

5.17 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan Policy GP15a (Development

and Flood Risk) and 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.

5.18 There are two sewers running across the site. Only one would appear to be affected by the proposals. Yorkshire Water have confirmed they have no objections to the proposed building being built over the sewer subject to a formal building over agreement between Yorkshire Water and the developer.

5.19 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

SUSTAINABILITY

5.20 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 was made prior to June 2022; officers understand the development would be constructed in accordance with the previous building regulations. Therefore the 28% reduction in carbon emissions is relevant to this application. The submitted Energy Statement sets out that they expect to achieve at least 28% carbon emission savings. It is considered that it is necessary to condition to ensure the requirement is met.

5.21 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 Local Plan Policy CC2 is considered to have moderate weight given the evidence base that supports it. The submitted Energy Statement sets out that they intend to target BREEAM excellent rating. It is considered that it is necessary to condition to ensure the requirement is met.

6.0 CONCLUSION

6.1 The development would accord with the NPPF, the Draft Local Plan (2005) and the Draft Local Plan (2018). On balance, the proposal complies with the thrust of national and local planning policy.

7.0 RECOMMENDATION:

That delegated authority be given to the Head of Planning and Development Services to APPROVE the application subject to:

a. The completion of a Section 106 Agreement to secure the following planning obligations:

Travel Plan

£10,000 towards the City of York Travel Plan support

ii The Head of Planning and Development Services be given delegated authority to finalise the terms and details of the Section 106 Agreement.

iii The Head of Planning and Development Services be given delegated authority to determine the final detail of the planning conditions

Conditions

1 TIME2 Development start within three years

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

Drawing Number 3374(B)03 'Ordnance Survey Location Plan' received 212 August 2022;

Drawing Number 3374(C)01 Revision C 'Ground Floor Plan as Proposed' received 24 May 2022;

Drawing Number 3374(C)02 Revision A 'Proposed Elevations' received 28 April 2022;

Drawing Number 3374(C)03 Revision E 'Proposed Overall Site Plan' received 12 August 2022;;

Drawing Number 3374(C)04 Revision F 'Proposed Site Plan' received 12 August 2022;;

Drawing Number 3374(C)05 Revision F 'Proposed Roof Plan' received 12 August 2022;

Drawing Number 3374(C)06 'Proposed Cycle Shelter' received 26 November 2021;

Drawing Number 3374(C)07 Revision B 'Proposed 'Clean' Site Plan' received 12 August 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 Prior to the first occupation of the development 2 Electric Vehicle Recharging Point(s) shall be provided in a position and to a specification submitted to and approved in writing by the Local Planning Authority. In addition, a minimum of 2 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 shall be submitted to and agreed in writing by the Local Planning Authority. 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

- o 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.
- 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

4 In the event that unexpected contamination is found at any time when carrying out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and, if remediation is necessary, a remediation strategy shall be prepared, and submitted to and approved in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report shall be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

5 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment 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.

6 Prior to the commencement of development, including any site clearance works, an Amphibian Method Statement should be submitted to and approved in writing by the Local Planning Authority. The method statement shall include the following;

- o Description of development proposal and works;
- o Risk assessment to consider site description, proposed working areas, potential impacts of works and an assessment of potential impacts amphibians; and
- 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 amphibians were to be encountered on site.

Reason: To limit harm, injury and disturbance to amphibians on site.

7 No vegetation clearance or tree 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.

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. 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.

8 A biodiversity enhancement plan/drawing shall be submitted to and approved in writing by the local planning authority prior to the commencement of works. The plan should include a minimum of two bat boxes/roosting features, suitable for crevice dwelling species and four boxes for nesting birds.

Informative: To discharge the condition the applicant will need to provide a plan or drawing showing the proposed locations and product specifications of the bat and bird features.

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 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.

9 The development shall be carried out in full accordance with the details contained in the Drainage Strategy ref 304-20-010, dated 08 November 2021 by Bell Munro Consulting, (received 12 January 2022), unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

10 The development hereby approved shall be constructed to a BREEAM standard of 'Excellent'. 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

11 The development hereby permitted shall achieve a reduction in carbon emissions of at least 28% compared to the target emission rate as required under Part L of the Building Regulations 2013. Prior to commencement of construction, details of the measures undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018

12 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles and cycles 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.

13 No part of the development shall be occupied until a Full Travel Plan has been submitted and approved in writing by the LPA. The Travel Plan should be developed and implemented in line with local and national guidelines and the Travel Plan ref: 1056-TP Revision 2 Dated 28 June 2022. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan.

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the LPA. Results of annual travel surveys carried out over period of 5 years from the first survey shall then be submitted annually to the authority's travel plan officer for approval.

INFORMATIVE: The travel plan shall contain; information on how private car ownership will be prevented, measures to prevent occupants parking on the adjacent streets

Reason: To promote sustainable transport and in the interests of good design in accordance with section 9 of the NPPF.

14 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.

15 No barrier or gate to any vehicular access shall be erected within 6 metres of the rear of the footway abutting this site on Chessingham Park, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

The pedestrian gates, detailed in the plans, shall not at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

16 The development hereby permitted shall not come into use until the construction of the vehicular access to Chessingham Park has 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. To retain the neighbouring land in employment use.

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 additional information
- Use of conditions

2. Construction Noise and Dust

Due to the close proximity of other commercial premises then the following informatives should be added to any planning approval to ensure that noise and dust emissions are controlled during construction:

The developer's attention should also be drawn to the following which should be

attached to any planning approval as an informative.

1. 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 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions. Some basic information on control noise from construction site can be found using the following link.
https://www.york.gov.uk/downloads/download/304/developers_guide_for_controlling_pollution_and_noise_from_construction_sites

4. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

5. There shall be no bonfires on the site.

3. OUSE AND DERWENT INTERNAL DRAINAGE BOARD INFORMATIVE

Under the Land Drainage Act 1991 and the Internal Drainage Boards' byelaws, the Board's prior written consent (outside of the planning process) is needed for:-

a) any connection into a Board maintained watercourse, or any ordinary watercourse in the Board's district.

b) any discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly (i.e. via a third party asset such as a mains sewer).

c) works within or over a Board maintained watercourse, or any ordinary watercourse in the Board's district - for example, land drainage, an outfall structure, bridges, culverting etc.

Please note that the Board does not, generally, own any watercourses and the requirement for you to obtain the Board's consent is in addition to you obtaining consent from any land owner or other authority to carry out the relevant works. Full details of the Consent process can be found on the Board's website:- <http://www.yorkconsort.gov.uk>

4. Yorkshire Water Informative

The developer should also note that the site drainage details submitted have not been approved for the purposes of adoption or diversion. If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

5. 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.

6. LEGAL AGREEMENT

Your attention is drawn to the existence of a legal obligation under Section 106 of the Town and Country Planning Act 1990 relating to this development

Contact details:

Case Officer: Victoria Bell

Tel No: 01904 551347