

## COMMITTEE REPORT

**Date:** 13 April 2023                      **Ward:** Rawcliffe And Clifton Without

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

**Reference:** 22/02012/FULM

**Application at:** Abracs George Cayley Drive York YO30 4XE

**For:** Extension to warehouse after demolition of existing ancillary building and associated external refurbishment and infrastructure works

**By:** Impala Estates Limited

**Application Type:** Major Full Application

**Target Date:** 14 March 2023

**Recommendation:** Approve

## PROPOSAL

1.1 The application site is unit 3, George Cayley Drive, a Brownfield site of 0.95 hectares of land located within the industrial area of Clifton Moor. The site comprises a large, three storey detached building which serves an Office (Class Use B1) and Warehouse (Class Use B8) for the distribution of abrasives, power tools and accessories.

1.2 The main access into the site is from George Cayley Drive and land to the west of the existing building comprises car parking for employees and visitors. The southern side of the site is mainly laid out as a service area.

1.3 Planning permission is sought for the construction of 1807sq.m square metre extension to eastern elevation of the building which will involve the demolition of an existing storage building. The proposal includes the reconfiguration of the site to allow for pedestrian pathways for access around the built form of the site and adaptations to the existing car parking arrangement to provide an additional of no.24 on-site car parking spaces, inclusive of disabled person's parking and provisions for 4no. EV charging points. Additional provisions will be provided for cycle storage. The proposal will include some minor alterations to the pallet of materials to the existing building to re-decorate of the profile metal sheeting cladding in a dark grey, and the addition of one vehicular entrance bay door. The proposal will increase the footprint of the building to about 4,200 square metres.

## 2.0 POLICY CONTEXT

2.1 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.

2.2 The National Planning Policy Framework July 2020 ('NPPF') is a material consideration in the determination of this planning application. Where there are no relevant development plan policies, or the policies are out of date, planning permission should be granted unless the application of policies in the NPPF that protect areas of particular importance provide a clear reason for refusing the development proposed or any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole.

2.3 THE PUBLICATION DRAFT LOCAL PLAN (eLP2018).

Key relevant Publication Draft Local Plan 2018 Policies are as follows:

D1 Placemaking  
CC1 Renewable and Low Carbon Energy  
CC2 Sustainable Design and Construction of New Development  
ENV3 Land Contamination  
ENV5 Sustainable Drainage  
T1 Sustainable Access  
D2 Landscape and Setting  
GI2 Biodiversity and Access to Nature

### **3.0 CONSULTATIONS**

#### EXTERNAL

##### Clifton Without Parish Council

3.1 No comments received.

##### Yorkshire Water

3.2 Yorkshire Water have requested suitable conditions in the interest of satisfactory and sustainable drainage for a separate foul and surface water system on and off site. The separate systems should extend to points of discharge to be agreed if planning permission is granted.

#### INTERNAL

##### Highway Network Management

3.3 No objections to revised drawings subject to highway conditions.

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

3.4 No objections subject to conditions for provisions of biodiversity enhancements. Officers request a developer informative for the consideration of lighting and wildlife, and nesting birds.

#### Public Protection

3.5 No objections subject to relevant conditions to be submitted for approval Reporting of Unexpected Contamination and Provision for Electric Vehicle Recharge Points. Officers request developer informative during construction.

#### Flood Risk Management

3.6 No objection to revised drawings and subject to relevant drainage conditions.

### **4.0 REPRESENTATIONS**

4.1 The application was advertised by neighbour consultation letters and site notice. No comments have been received.

### **5.0 APPRAISAL**

#### **5.1 KEY ISSUES**

- Principle of Development
- Scale and Design
- Sustainability
- Highway Implications
- Ecology Issues

#### PRINCIPLE OF THE DEVELOPMENT

5.2 The NPPF 2021 sets a presumption in favour of sustainable development through three overarching interdependent objectives; economic, social, and environmental. Economic objectives include the requirement to build a strong, responsive, and competitive economy by ensuring the right type of land is available to support growth, innovation, and improved productivity (para. 8).

5.3 Section 6 of the NPPF on building a strong, competitive economy states that planning decisions should help create the conditions in which businesses can invest,

expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account, both local business needs and wider opportunities for development (para 83). Planning decisions should recognise the specific location requirements of different sectors.

5.4 This is brownfield site located within the well-established Industrial Area of Clifton Moor and surrounded by other industrial, storage and distribution units. Abracs Ltd are a supplier of abrasives and accessories. The site is the York-based headquarters which serves the sales team and comprehensive stock facility, used to store, and distribute the company's range of products. The proposed extension is to provide additional storage space to meet the current business use and facilitate future expansion. The, proposal is considered to be acceptable in principle subject to other material planning considerations.

### SCALE AND DESIGN

5.5 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. Paragraph 130 states that planning decisions should ensure that development will add to the overall quality of the area, be visually attractive, be sympathetic to local character and history, and have a high standard of amenity for existing and future users. Policy D1 of the Publication Draft City of York Local Plan indicates that development proposals will be supported where they demonstrate that the combined effect of new development does not dominate other buildings and spaces paying particular attention to adjacent buildings.

5.6 In terms of visual appearance, George Cayley Drive hosts a line of industrial warehouse units and office buildings. The buildings are arranged with ample spacing between tree lined landscaped borders, boundary hedges and large areas of storage and car parking. The host building is situated close to the northern side boundary of the site and set back similar to other buildings in the vicinity. The site curtilage shares a boundary with North Yorkshire Police to the north of the site which extends on to the adjacent highway of Kettlestring Drive. To the rear of the site on the eastern boundary is Lloyds Car Showroom, a large building with a car sales forecourt, which is entered from Lysander Way, a cul- de- sac accessed from Kettlestring Lane. To the south-west boundary there is a large industrial building serving several units. The largest being Travis Perkins, a Builders Merchants which extends along the full depth of the site.

5.7 In this context, the proposed extension, although large, will be adequately set back within the site to avoid it appearing unduly cramped and prominent within the site surrounds. Also, it would be relative to the scale and mass of adjacent industrial buildings. Therefore, its siting and scale would remain generally localised within the site curtilage to avoid it being excessive when viewed from adjacent buildings or unduly prominent within the wider locality.

## SUSTAINABILTY

5.8 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. The accompanying Planning Statement explains the development will seek to explore and assess sustainable building fabric solutions for the construction of the proposed extension. Furthermore, there will be a focus on reducing energy wastage and the applicant proposes exploring the use of LED lighting throughout, use of skylights to achieve maximum solar gain as well as considering sustainable energy solutions during the technical design process will be explored.

5.9 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' and policy CC2 'Sustainable Design and Construction of New Development' of the 2018 Publication Draft Local Plan are both subject to significant proposed modifications. As such they are considered to have little or no weight in the decision-making process at this stage. In terms of CC1, the policy as originally worded sought that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28%. The revised Building Regulations that came into force in June 2022 exceed Policy CC1 requirements for reduction in carbon emissions.

## HIGHWAY IMPLICATIONS

5.10 The NPPF encourages development that is sustainably located and accessible. Paragraph 108 requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 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 110 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 Draft 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.

5.11 The external area of the site will be reconfigured to allow for pedestrian pathways around the service yard, retention of a 25-metre turning circle and adaptations to the existing to the existing car parking arrangement. This will increase the existing car parking from 19 spaces to 43 spaces. This will provide an additional of no.24 on-site car parking spaces, inclusive of disabled parking and provisions for 4no. EV charging points. Additional provisions will be provided for cycle storage to provide 16no. cycle parking spaces. The Council's Highway Officer has no objections in principle, however, has requested several conditions to ensure there is safe movement around the site for the coming and goings of large vehicles in association with pedestrian pathways within the site. In this regard, Officers have

requested tactile paving and vehicle tracking for both light vehicles and HGVs parking, entering, and exiting the site before any commencement of development. Additional information required in terms of securing cycle storage and highway safety measures can be secured by suitably worded conditions.

## ECOLOGY ISSUES

5.12 Paragraph 170 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. 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. Draft Local Plan policies reflect this advice in relation to trees, protected species, and habitats. The Council's Ecologist is satisfied with the additional submitted ecology information subject to conditions to support protected and notable habitats and species.

## **6.0 CONCLUSION**

6.1 The application site is a Brownfield site located within an existing industrial area surrounded by similar style industrial and office buildings. The site is occupied by a large, three storey detached building which serves an Office (Class Use B1) and Warehouse (Class Use B8). The proposal seeks to planning permission for an 1807sq.m extension to provide additional storage space to facilitate future expansion. In the planning balance, it is considered the proposal would be appropriately integrated into the prevailing character and appearance of the locality. Therefore, approval is recommended subject to detailed conditions on the grounds that the scheme is compliant with policies contained in the National Planning Policy Framework (NPPF), the Emerging 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:-

Approved plans dated 01. 2022

Site Location Plan - Drawing No: A000 Rev P00

Proposed Site Plan - Drawing No: A002 Rev P07

Proposed Ground Floor Plan - Drawing No: A103 Rev P03

Proposed First Floor Plan - Drawing No: A104 Rev P00

Proposed Second Floor Plan - Drawing No: A105 Rev P01

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Proposed Elevations - Drawing No: A201 Rev P06  
Proposed bin and bike store - drawing No: A400 Rev P00

General Drainage Arrangement - drawing number 1477-D100 Rev 4 - dated  
06.03.2023

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

4 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.

5 The development shall be carried out in accordance with the details shown on the submitted Drainage General Arrangement Drawing - Re: 1477-D100 Revision 04 dated 6th March 2023 and supporting calculations, unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

Note, on the Statutory Sewer Map, there is a unknown diameter public surface water sewer recorded to cross the site, the accompanying drainage report states that this is a 175mm diameter. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. We understand Yorkshire Water (YW) have agreed in principle to grant to build over this sewer (copy of YW build over agreement attached for reference).

6 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approval in writing of the Local Planning Authority. 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:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 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) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall 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.

8 Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

9 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.

10 A strategy for the provision of EV charging facilities on the site shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Active EV charge point provision shall meet minimum requirements as laid out in CYC's Low Emission Planning Guidance. The strategy shall include details of numbers, locations and full specifications for the charge points and a timetable for their provision alongside details of the management and servicing arrangements for a period of 10 years. The strategy shall thereafter be implemented as approved.

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

11 The development shall not be constructed beyond foundation level until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

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 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.

13 The extension shall not be occupied until the cycle parking has been constructed in accordance with drawing number A400 Rev P00 and 8no "Sheffield" stands have been installed, thereafter the cycle parking shall be retained solely for

such purposes.

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

14 The extension shall not be occupied until the turning areas and areas for servicing and delivery vehicles 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 and to ensure that delivery/service vehicles can be accommodated within the site thereby ensuring the safe and free passage of traffic on the public highway.

15 Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: In the interests of the safety and good management of the public highway the details of which must be recorded prior to the access to the site by any construction vehicle.

16 Prior to the development coming into use full detailed drawings of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the approved details.

Tactile paving at every pedestrian crossing

Reason: So that the Local Planning Authority may be satisfied with these details.

17 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.

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.

## **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 negotiated with the applicant for additional drawings requested by The Highway Authority and Flood Risk Manager to address matters of sustainable drainage and highway and pedestrian safety. As such a positive outcome has been achieved.

## 2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) 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.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

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

(f) There shall be no bonfires on the site

3. You are advised that prior to starting on site, consent will be required from the Highways Authority for the works being proposed under the Highways Act 1980

- Adoption of highway (Section 38) - [development.adoption@york.gov.uk](mailto:development.adoption@york.gov.uk)
- Temporary highway closure (Road Traffic Regulation Act 1984, Section 14) [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

4. 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.

5. Applicants/Developers are reminded that great care should be taken to ensure that no damage to the surface or structure of the public highway is caused, by activities relating directly to the approved development (e.g. delivery of building materials via HGVs).

6. 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.

#### 7. Wildlife and lighting:

When designing external lighting its potential impacts on light sensitive species should be considered. Direct lighting and light spill should be avoided where new roosting and nesting features are installed, on trees and 'green' linear features, such as hedgerows. Advice on lighting design for light sensitive species is available from the Bat Conservation Trust (2018) Bats and artificial lighting in the UK guidance: <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>

#### 8. Nesting birds:

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.

#### 9. Condition 10

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 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.

**Contact details:**

**Case Officer:** Sharon Jackson

**Tel No:** 01904 551359