

COMMITTEE REPORT

Date: 2 March 2023 **Ward:** Osbaldwick And Derwent

Team: East Area **Parish:** Osbaldwick Parish
Council

Reference: 22/00015/FULM

Application at: J H Shouksmith And Sons Ltd Murton Way York YO19 5GS

For: Erection of 1no. three storey office building (use class E) and
2no. two storey light industrial buildings (use classes E, B2 and
B8) together with parking and new access arrangements
following demolition of existing buildings

By: Mr D Shouksmith

Application Type: Major Full Application

Target Date: 9 March 2023

Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is a brownfield site at the junction of Outgang Lane and Murton Way in the Osbaldwick Industrial Estate.

1.2 The proposal is for the erection of a three-storey office building (use class E) accessed from Murton Way and 2no. two storey light industrial buildings (use classes E, B2 and B8) with separate access from Outgang Lane to the north following demolition of the existing buildings in the southern portion of the site. The proposal is partly retrospective as much of the demolition has taken place. Previously the site provided single storey office and warehouse accommodation for the company JH Shouksmith with access from Murton Way to a surface car park to the front of the building. To the north of the site are retained modern industrial units.

1.3 The site is largely rectangular in shape bounded by a deep grass verge to the south to Murton Way with shrubbery and single tree, a mature hedgerow to the west boundary and wire mesh fence to the east, fronting Outgang Lane. The modern units to the north have a tree lined frontage to Outgang Lane, set in front of grey palisade fencing. The site is within the urban area, with the Green Belt boundary on its western edge. It is within Flood Zone 3a (high risk of flooding).

1.4 The office building would provide a total of 1,181 sq.m gross internal floorspace, and is intended to be predominantly occupied by Shouksmith as its regional headquarters. Of this, 859 sq.m would be occupied by Shouksmith's staff

(building service engineers, maintenance and refrigeration teams), being 73% of the floorspace. The remaining amount, 322 sq.m gross internal floorspace would be occupied by others.

1.5 The industrial buildings would provide 1,396 sq.m gross internal floorspace. The proposed site plan shows a single unit at the north of the site and a long building to the south, separated into 5no. smaller units.

1.6 The office building is designed as a regional headquarters and would have presence in the street scene by virtue of its scale and design. It would provide modern, flexible, fully serviced accommodation. The external elevations comprise masonry with white painted render panels and large glazed curtain walling and windows. The third storey would be set back behind a parapet wall, with a high proportion of glazing, and topped with a deep overhanging, low pitched roof.

1.7 The industrial units would be two storeys in height with masonry and profiled metal cladding with glazed curtain walling and profiled windows.

1.8 The designated office parking would provide 40 car parking spaces and 22 bicycle parking spaces. The new industrial units would have 26 car parking spaces and a further 20 cycle spaces. The site would be landscaped with native hedgerow to the Murton Lane frontage and native trees.

RELEVANT PLANNING HISTORY

1.13 The following is of relevance:

- On 13.06.2008, planning permission was granted for the erection of 3no. two storey pitched roof buildings comprising 8no. business units for B1, B2 and B8 uses with associated access, parking, cycle storage and landscaping (08/00736/FULM). The buildings would be constructed from red multi-facing brickwork with buff stretcher courses to window heads and sills and have profiled metal pitched roofs. The three buildings were of similar design with long sections of glazed windows in horizontal bands. Planning permission not implemented.
- On 28.10.2010, planning permission was granted to extend the time period of the above planning permission (10/01698/FULM), however it remains unimplemented.
- On 25.11.2021, a planning application was withdrawn for 2no. three storey office buildings (use class E) and 2no. two storey light industrial buildings (use

classes B2 and B8) together with parking and new access arrangements following demolition of 2no. existing buildings in commercial and light industrial/storage use (21/00092/FULM). The LPA advised the applicant that sequential tests were required in relation to the proposed office use (main town centre use) in an out-of-centre location, and because the development was in flood zone 3 (high risk of flooding). A revised scheme was submitted reducing the amount of office space proposed, for which a new application was required (being the current scheme under consideration).

2.0 POLICY CONTEXT

Planning Policy

2.1 The National Planning Policy Framework was republished in July 2021 (NPPF) and its planning policies are material to the determination of planning applications. The NPPF sets out the Government's overarching planning policies. Paragraph 7-11 explains that the purpose of planning is to contribute to achieving sustainable development. Development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

York Local Plan Publication Draft (February 2018)

2.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 4 of the hearings was completed in September 2022. In accordance with paragraph 48 of the NPPF the 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).

2.3 Due to the progress of the plan, those policies without unresolved objections now carry more weight as the plan is in the last stage of hearings. The Council Executive meeting of 26 January 2023 approved the commencement of consultation on the proposals to move forward with the Local Plan adoption process. As such, where policies are subject to minor or very inconsequential changes, such policies are now considered to carry significant weight in accordance with paragraph 48 of the NPPF. Those with more substantial changes, carry little or no weight until post consultation and the NPPF policies carry precedence.

2.4 The following emerging policies are applicable:

- DP2 Sustainable development
- DP3 Sustainable communities
- R1 Retail hierarchy and sequential approach
- ENV4 Flood risk
- D1 Placemaking
- T1 Sustainable access
- GI2 Biodiversity and access to nature
- GI4 Trees and hedgerows
- CC1 Renewable and low carbon energy generation and storage
- CC2 Sustainable design and construction of new development

2.5 The evidence base is a material consideration to the determination of planning applications where applicable. In this case, the City of York Council's Statement on Matter 3: Economic Development (Phase 2 Hearings) of the Examination of the York Local Plan (March 2022) has been referenced.

3.0 CONSULTATIONS

INTERNAL

Forward Planning

3.1 As offices are considered as main town centre uses the applicant should submit a sequential test for the proposed office floorspace in this out of centre location. The sequential test should consider all emerging allocations in the Local Plan. No impact assessment is required.

3.2 The emerging Local Plan supports locating development in sustainable locations. Policy SS1 'Delivering Sustainable Growth for York' encourages making the best use of previously developed land and directing development to the most sustainable locations, ensuring access to sustainable modes of transport and a range of services. The site is well served by public transport (the number 6 route provides a frequent service along Osbaldwick Lane) and, while it lies outside a ten minute walk from a local centre, there are range of local shops and services located within walking distance.

Economic Growth

3.3 The Economic Growth team supports the proposal. J H Shouksmith and Sons Ltd., are one of York's oldest employers and have just celebrated their centenary year, so their confidence in York and the York economy in making this substantial investment is welcomed. They are investing in the future by removing an outdated building and replacing it with a large, flexible and modern facility that will be to the benefit of both existing and new employees, as well as other businesses who will be co-located there as either start-ups or companies aiming to expand.

3.4 The availability of suitable employment space is crucial to ensuring that York remains a great place to do business, and this proposal replaces a dated building with modern, quality office space and desirable units. Anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation across York, especially industrial units.

3.5 The location is sustainable, there are a range of means of accessing the site by non-car modes. It will provide for a wide range of new employment opportunities to meet the needs of local and incoming employers, whilst balancing market requirements with sustainable objectives. Given the shortage of industrial accommodation across York and the limited supply in construction, the proposed development will provide much needed business accommodation to enable business start-ups, support business growth and create jobs for local people.

Design, Conservation and Sustainable Development (Landscape architect)

3.6 No objection to the proposed removal of three trees within the site due to the extent of the proposed tree planting and landscaping. Supports the revised

landscaping scheme following revisions to increase the native mix, include the wildflower meadow and include a native hedgerow to the frontage and a greater variety of trees to provide a more natural appearance in keeping with the rural edge location. It is important that tree planting is incorporated into car parks and courtyards to provide shade in the summer months, to reduce urban heat island effect (and heating of cars) and also to 'slow the flow' and encourage the sounds and sights of nature into the working environment for health and wellbeing. Trees should have adequate soil volumes, which are likely to include soil cell systems below the block paving. Conditions are recommended.

Design, Conservation and Sustainable Development (Ecologist)

3.7 The site offers potential for nesting birds. Precautionary methods will be needed to ensure active nests are not destroyed during vegetation clearance. The hedgerow along the western boundary provides suitable habitat for foraging bats and the green corridors within the arable land to the west have the potential to be used by a range of light sensitive species. A sensitive lighting scheme should be produced. Due to the close proximity of Osbaldwick Meadow SINC candidate (to the immediate west), the provision of a CEMP (biodiversity) is considered appropriate. Overall, no objections to the proposed development subject to conditions.

Highways Network Management

3.8 The proposed car and cycle parking provision meets CYC parking standards. Amendments were sought and points of clarification. Officers concluded that the final revised drawings now show correctly the lay-by and tie-in with the existing western kerb line of Outgang Lane. An adjustment to the vehicle swept path drawings result in less deflection and the offside front not encroaching into the opposite lane. The net cumulative residual traffic impact of the proposed development on the highway is not significant. Therefore, a travel plan is not required. Earlier issues relating to adopted highway have been resolved with the proposed site plan showing the buildings not on the adopted highway and inward opening doors for the office building on its eastern elevation.

3.9 A series of standard conditions are advised to be attached to any planning permission, plus a condition to secure a Construction Traffic Management Plan.

Flood Risk Management

3.10 With regards to river flooding, this 'less vulnerable' development is identified as being in Environment Agency (EA) high risk Flood Zone (FZ) 3a and in accordance with the Council's Strategic Flood Risk Assessment (SFRA) as being in FZ3a(i) i.e. developed areas with up to a 1 in 25 or greater annual probability of flooding in any year (4% or greater) and therefore the Exception Test must be passed.

3.11 The site-specific ground investigation found ground conditions to be predominantly dense clay with ground water found at a depth of 1m below ground level and FRM confirm infiltration methods will not work on this site.

3.12 The FRMT have sought revised schemes to ensure the buildings were suitably safe and flood resilient in Flood Zone 3a and would not displace flood water outside of the site. The final drainage scheme shows foul water being connected to the existing 225mm diameter public combined sewer in Outgang Lane and surface water connected to the culverted watercourse within the verge in Outgang Lane with appropriate attenuation up to and including the 1 in 100year + 40% climate change event at a rate no greater than 17.4 (seventeen point four) litres per second. This is now supported. Standard drainage conditions are advised.

Public Protection

3.13 Public Protection has reviewed all environmental impacts (noise, light, air quality, contaminated land and dust). They report no objections subject to the attachment of conditions relating to agreeing details of all plant and machinery to be installed due to the proximity of residential units 65m from the site, submission of a Construction Environmental Management Plan (CEMP) and standard land contamination conditions. Also proposed are conditions to secure electric vehicle recharging points; two for the offices and two for the industrial units plus an additional 5% passive provision, and details of external lighting proposed.

EXTERNAL

Yorkshire Water

3.14 Advised that the October 2022 Foul and Surface Water Drainage Strategy is acceptable. Foul water will discharge to public combined water sewer, sub-soil conditions do not support the use of soakaways and a culverted watercourse exists near to the site to which the surface water connection is proposed, and is subject to

agreement with the Local Land Drainage Authority. They have advised that drainage details could be conditioned.

Environment Agency

3.15 The Environment Agency report no objection subject to the inclusion of a condition preventing any raising of ground levels within Flood Zone 3 and for all excess spoil to be removed from the site. A further condition is advised that the development shall be undertaken in accordance with the submitted detailed flood risk assessment and recommendations.

Foss Internal Drainage Board

3.16 The Board has assets in the wider area in the form of Outgang Drain and Osbaldwick Beck. These watercourses are known to be subject to high flows during storm events. There also appears to be an ordinary watercourse nearby which is not maintained by the Board and will be the responsibility of the riparian owner to maintain.

3.17 Further drainage details are required including where the applicant is proposing to discharge surface water into and where the point of connection is on a plan. Details, including photographic evidence that the watercourse is free flowing. Discharge rates are also required, including evidence of operational connection by dye testing or CCTV and means of flow control devices. Conditions are advised.

Osbaldwick Parish Council

3.18 The Parish Council are supportive of the aim of Shouksmiths to redevelop their site. However they object on design grounds due to the impact on the rural frontage of Murton Way in a very prominent position at the entrance to Osbaldwick and on the journey to Murton. The buildings are too big, completely out of character with the area and inadequately screened to fit in with the hedge line running from Osbaldwick to Murton. They consider the reference to university style buildings has no relevance to this site. The proposals harm the semi-rural nature of the Link Road. The LPA should aspire to Heritage House on the opposite corner as reference for the current proposals and as something to aspire to with a more traditional red-brick design with an appropriate hedgerow / tree boundary treatment. There should be no vehicular entrance or car parking to the front of the building.

Murton Parish Council

3.19 Murton Parish Council would prefer the development to offer a building more suited to the rural frontage of Murton Way and would point to the offices opposite, Heritage House, as being more traditional and compatible. Whilst not wishing to stifle the redevelopment of the corner site, the replacement of the original low level building with a three storey frontage is too much, especially in the current design.

4.0 REPRESENTATIONS

Publicity

4.1 One neighbouring business has expressed concerns about whether the proposals result in a loss of 6 parking spaces for existing tenants immediately to the north of the application site and proposals for joining the existing development with that proposed and amalgamation of the new development with existing.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues are considered to be:

- Principle of development (including proposed town centre use in out of centre location)
- Location in flood zone 3 - high risk of flooding
- Drainage
- Design
- Highways impact
- Ecology
- Sustainable construction

APPRAISAL

Principle of development

5.2 The application site comprises of previously developed land (brownfield site) in an industrial estate on the outskirts of Osbaldwick. In late 2021, the existing single storey office blocks and older warehouses were largely demolished with only a small

section of the offices retained on the west boundary of the site. The redevelopment of the site is for a greater quantum of development. The existing buildings (prior to demolition) provided 705 sq.m gross internal offices space, with replacement comprising 1,181 sq.m gross internal office space (increase of 476 sq.m) and 1,050 sqm gross internal light industrial floorspace to 1,396 sq.m (increase of 346 sq.m).

Policy

5.3 The NPPF 2021 sets a presumption in favour of achieve 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). For decision taking this means approving development proposals which accord with an up-to-date development plan without delay, and where there is no relevant development plan policies, or they policies are out of date, grant planning permission 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 (para. 11).

5.4 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.

5.5 Annex 2 Glossary defines 'main town centre uses' to include offices. Section 7 seeks to ensure the vitality of town centres being at the heart of communities, and through defining a network and hierarchy of town centres and promoting their long-term vitality and viability. Paragraph 87 and 88 state that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre not in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period), should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

5.6 Section 11 supports the use of previously-developed land while safeguarding and improving the environment. Planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs (para 120). Planning decisions should support development that makes efficient use of land, taking into account, need, type of development local market conditions and viability, availability and capacity for infrastructure and services, the desirability of maintaining an area's prevailing character, promoting regeneration and change, and securing well-designed, attractive and healthy places.

5.7 The Publication Draft Local Plan (2018) policy R1 'retail hierarchy and sequential approach' requires an impact assessment for main town centre uses over 200sq.m outside the city, district or local centres. A sequential test is required, but an impact assessment is no longer required for out-of-centre office development with the NPPF 2021 requirements takes precedence in relation to out-of-date policy R1.

5.8 Planning Practice Guidance on Town Centres and Retail explains that the use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification (paras 011 and 012).

5.9 The evidence base document to the Examination of the Local Plan Phase 2 Hearings: Matter 3 Economic Development is of relevance (March 2022) in providing an update since the publication of the 2018 Publication Draft Plan. It updates the employment land requirements (Table 4.1) noting that since 2017, there has been changes in supply, including a loss of 42,815 sqm office floorspace, and updating the table with a corresponding increase in office floorspace (formerly B1a) requirements 2021-2038 to 149,898 sqm. The Paper confirms that the approach will be to delete references to the old use classes prior to adoption of the Local Plan, but to retain the development types within the assessment and site allocations. Throughout the Paper, the changes to the Use Classes Order (to subsume various classes into a more generic E Class) raises concerns over office supply through conversions, and tools are suggested to prevent further loss of office space such as restricting conversions to other employment uses via condition or a targeted Article 4 Direction in parts of York to remove permitted development rights.

Assessment

5.10 The applicant has submitted a sequential test of alternative sites, both allocated sites in the Publication Draft Local Plan and other development sites/opportunities/vacant buildings. Key points in the introduction of the Sequential Test are that JH Shouksmiths & Sons was founded in 1820 and is a successful building services engineering firm with over 70 staff in York and Leeds. Staff comprise engineers and foremen who mainly work on site but also require office space, plus some home-based staff including the property team. The Company is successful and growing, with an annual turnover of over circa £12m in 2021 and this is forecast to increase to £17m in the next few years, requiring a growth in staff. Shouksmith has developed the Osbaldwick Industrial Estate since purchasing the site in 1964 and created a thriving commercial estate providing employment and economic benefits. They remain the owners and landlords of the industrial estate. It is also home to Shouksmith's office headquarters, until partial demolition of the low grade 1960s pre-fabricated office buildings last year. These buildings were retained long after their short-term lifespan and were constrained in size and layout. The proposed redevelopment will provide a new three-storey office building, providing a suitable high quality headquarters for this key York company. Also proposed are two two-storey light industrial buildings. It is a major investment of a successful York-based business.

5.11 Of the proposed gross internal floorspace of 1,181 sqm, Shouksmiths will occupy 859 sqm (73%) with the remaining 322 sq.m initially to be leased to Shouksmith's fire and security contractor, which will provide further operation efficiencies for the business and help secure the viability of the proposed development. It may also provide further space for Shouksmiths to expand into in the future.

5.12 It is a brownfield site, in an industrial estate that the company has developed, and the proposal replaces outdated accommodation, no longer fit for purpose, with high quality building worthy of accommodating headquarters. It supports the development of a key York business, consolidate operations at its long-established headquarters, supports local business and growth in the wider economy. The NPPF at paragraph 83 requires significant weight to be placed on the need to support economic growth and productivity, taking into account local business needs, and that substantial weight should be given to the value of using suitable brownfield land within settlements for other identified needs (para 120). It is considered that this weighting should be justifiably applied here.

5.13 The site is in an accessible and sustainable location. Being a brownfield site in an industrial estate, commercial uses would only be considered appropriate. The submitted assessment of alternative sites is considered comprehensive and aligns with the separate sequential test undertaken by the LPA. The alternative allocated sites identified which are reasonably available and of sufficient size being Annamine Nurseries (site E11) and Northminster Business Park (site ST19). York Central ST1 and Poppleton Garden Centre (site E16) are discounted as not reasonably available. The other sites are all also out-of-centre and therefore not sequentially preferable. The application site has locational advantages in allowing Shouksmith to remain at a site which has been its headquarters for over half a century, and for which they remain as owners and landlords to the other commercial uses.

5.14 An assessment has also been made on the full range of available and marketed employment sites. Reference to current marketing information by the LPA, and with reference to the submitted sequential test, it is agreed that there is very limited immediately available alternatives: Moorside at Monks Cross Drive and Redwood House, Northminster Business Park. However the available office floorspace at Moorside is spread across different parts of the building and Redwood House requires upgrade; it is not Grade A office space with laboratory facilities at ground floor. Neither meet Shouksmith's aspirations and therefore are not realistic alternatives.

5.15 The reports provided by the Economic Growth Team summarise the central York office market as having very low vacancy levels (4%). There is very little office development in the pipeline and only 1 office sale recorded in the last 12 months. The York Fringe sub-market contains about the same size of office floorspace as central York. Whilst the vacancy rate has increased, it remains low at 4.3%. There is no office development in the pipeline and no office buildings under construction. There have been 4 sales in the last 12 months. (Make it York, January 2022).

5.16 Considering Shouksmith's operational requirements, desire for a Headquarters building, the lack of reasonable alternatives that would meet their requirements, the very low vacancy levels of office development across the city, the lack of significant office development in the pipeline over the short-term, the sustainable brownfield site proposed, and significant locational advantages in an industrial site they have developed, it is concluded there are no sequentially preferable sites, and the sequential test is passed for the office element of the scheme,

5.17 The replacement of an outdated office building with modern, high quality office space at an established and business location will not undermine the principle of ensuring the viability and vitality of town centres, which is the overarching aim of planning policy relating to main town centre uses.

Flooding and drainage

Policy

5.18 NPPF paragraph 154(a) states that new development should be planned for in ways that avoid increased vulnerability to the range of impacts arising from climate change. Paragraph 159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 162 explains that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

5.19 The Council's strategic flood risk assessment requires the development to pass an exception test to demonstrate that the development would provide wider sustainability benefits to the community that outweigh flood risk and that the development will be safe for its lifetime taking into account the vulnerability of uses, and that it does not increase flood risk elsewhere.

5.20 Development should only be permitted when within the site the most vulnerable development is located in lowest flood risk, development must be appropriately flood resilient, it incorporates sustainable drainage systems where appropriate, any residual risk can be safely managed and there are safe access and escape routes as part of an agreed emergency plan (NPPF para 167).

5.21 Policy ENV4 in the Publication Draft Local Plan has been revised for the new consultation 'main modifications' in the January 2023 papers to be fully in accordance with the NPPF 2021. The changes include specific reference to the sequential test in the policy rather than the accompanying text for clarity. The weight of policy ENV4 at this stage in the Publication Draft 2018 is now low, but the NPPF 2021 and NPPG provides context and is against which the application has been assessed.

Assessment

5.22 The applicant has submitted sequential and exception tests in support of the proposals. The sequential testing of the site on flood risk grounds, with development directed to sites at lower risk of flooding is not restricted to office use (unlike the town centre use sequential test) but include the whole of the proposed development including the light industrial element. Referencing the sites identified in the town centre use sequential test, both Annamine Nurseries (E11) and Land at Northminster Business Park (ST19) are sequentially preferable being in flood zone 1. The other sites which are immediately available which were previously identified (Moorside and Redwood House) were discounted as not being realistic alternatives for Shouksmith's aspirations and could not accommodate the industrial element. However, it is not agreed with the reasoning of JOC consultants in their discounting of sites E11 and ST19 in terms of the flood risk sequential test; these sites remain sequentially preferable alternatives in the LPA's opinion. ST19 is identified for B1, B2 and B8 industrial uses in the Publication Draft Plan (2018) – as the proposal, and the need for a new access is not a reason to discount E11 in terms of the sequential test as this has not yet been deemed necessary or unacceptable.

5.23 Nevertheless, consideration is given to the implications for not permitting redevelopment of the existing brownfield site previously occupied by Shouksmith's offices. Significant weight is given to previously developed land, of the visual blight to the area by not permitting redevelopment, that this site is only one of three sites potentially suitable for the development proposed, and the lack of office development in the immediate pipeline (York Central being the major site but on which office development is some years away to being delivered). Substantial weight is given to the support for an existing established business in York developing their headquarters here and investing constructing a Grade A office development and the opportunities that brings to the city. Weight is also given to the previous occupation of the site by Shouksmiths, their ownership of the industrial estate, their desire to remain on the site and their long history in York. The LPA consider on these grounds that providing the development is considered sustainable development, and that it can be made safe and not increase flood risk elsewhere, these considerations weigh strongly in the planning balance.

5.24 Consideration is therefore given to the exception test and site-specific flood risk assessment: whether the buildings and occupiers will be safe in a flood event, that flood waters would not be displaced onto others, and suitable drainage will be in

place and whether there are sustainability benefits to the wider community that outweigh flood risk.

5.25 The buildings and the occupiers should be safe in a flood event. The source of any flooding from rainfall would occur as a result of surface water unable to percolate quickly or from Osbaldwick Beck which runs parallel and south of Murton Way. Overland flows are not likely to be high velocity (say unlike a main river). Surface water drainage will be contained and released at suitable rates from an attenuation tank beneath the office car park. Permeable paving is shown in the car park and large areas of soft landscaping. Flow rates for foul and surface water drainage is as approved by the LPA's flood risk engineer. Finished floor levels will be at 13.050m AOD (above the 1:100 year event) and a car park edge detail has been provided with an upstand to minimise the risk of surface water being displaced onto neighbouring land.

5.26 The agent has also confirmed a range of design treatments for flood resilience of the building which can be conditioned. The proposed development includes suitable drainage, will be flood resilient and safe for occupiers, and surface water will not be displaced onto other. Any residual risk is outweighed by the significant sustainable benefits of the development in creating local employment opportunities and developing an existing brownfield site in a sustainable location within the urban area. The exception test is passed.

Design and landscaping

Policy

5.27 The NPPF at section 12 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to planning. Planning decisions should ensure that developments will function well and add to the overall quality the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, is sympathetic to local character including the surrounding built environment and landscape setting, establish a strong sense of place with building types and materials to create attractive, welcoming and distinctive places to work, and create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users.

5.28 The Publication Draft Local Plan emerging policies of relevance include:

- DP2 Sustainable development enhance the special character of the city by ensuring development is in acceptable locations, ensure sustainable design techniques are incorporated in new developments.
- DP3 Sustainable communities requires development to deliver high quality design, appropriate density, layout and scale whilst ensuring appropriate buildings materials are used, with development relating well to the surrounding area.
- D1 Placemaking development should enhance and complement the character of landscape by planting and boundary treatment and ensuring appropriate building materials are used and demonstrates the use of best practice in contemporary urban design and placemaking with parking integrated within the development so as not to dominate the street scene. Buildings should have active frontages to streets.

5.29 These policies have not been subject to significant change in the January 2023 papers for the new consultation 'main modifications' to be commenced in February 2023 in relation to the parts of the policies that apply to the proposals. As such they are considered to carry significant weight.

Assessment

5.30 The site is at the entrance to Osbaldwick Industrial Estate on Murton Way with access from Osbaldwick Link Road. To the west is Osbaldwick Village, separated from the Industrial Estate by open fields, designated as Osbaldwick Meadow candidate SINC to the immediate west. To the east is open countryside, separating Osbaldwick from the village of Murton. Murton Way is a typical rural road, lined with predominantly native Hawthorn hedges, which includes hedgerow trees such as Oak and Ash. To the south are industrial units along Osbaldwick Link Road up to its junction with Hull Road with Grimston Bar Park and Ride to the south beyond.

5.31 The site now comprises cleared brownfield land within the urban area. There is minimal tree planting to the front of the site including a young Rowan, multi-stemmed semi-mature Ash and a Sycamore. There is a deep hedgerow along the western boundary.

5.32 Outgang Lane is a functional street in an industrial area. The office block on the opposite side of the road to the application site is fronted by a car park which abuts the back edge of the highway pavement. This serves to illustrate the negative impact of development when there is no provision for planting, especially trees.

Generally Outgang Lane comprises functional and utilitarian architecture. The street scene is dominated by galvanised steel palisade fencing, vehicles, and industrial activity.

5.33 The proposed building reflects its intended use; as a headquarters office building for a well-established company. It will have greater presence in the street scene and industrial estate than previously, but this is considered a positive attribute. The building will be three storeys in height and at the entrance to the estate on this junction of Murton Way with the estate, this is considered to be appropriate. The third storey is stepped back, is light and contrasting in appearance with a higher proportions of windows to the lower storeys, and set beneath a low pitched roof. This will reduce the massing of the building in an area of generally two storey high buildings.

5.34 Osbaldwick Industrial Estate is characterised by a range of office and industrial building designs and materials. The use of white rendered panels and facing bricks is considered appropriate for the gateway building and is considered of high quality design.

5.35 At the rear (north) of the site, two light industrial buildings providing 6 units of varying size are proposed to match the existing units in scale, appearance and materials. They square off the existing units and are accessed off a new entrance from Outgang Lane. They are two storeys in height with shallow pitched roofs with masonry at ground level and profiled cladding above.

5.36 The landscaping has been amended since submission to propose a range of trees planted along both street frontages with a native hedge to Murton Way interspersed with lime trees, silver birch, crab apple and field maple to provide some screening, soften the building, integrate with the wider rural landscape and increase biodiversity. Behind the hedging will be a wildflower meadow with benches for office workers to use. Within the car park in the courtyard to the offices and new industrial units will be several trees to provide shade and green outlook for office workers. The proposed landscaping will soften the built form and help integrate it into the landscape through the significant tree planting, native hedge planting and provision of car park within the centre of the site rather than having any vehicles parked to the front.

5.37 The scheme is considered to be high quality design, suitable as a headquarters building which provides a gateway entrance to the estate and which

will lift the area, and which is softened by a range of native planting and trees to help assimilate it into its rural context to the east on the urban edge of Osbaldwick.

Highways impact

Policy

5.38 Section 9 of the NPPF promotes sustainable transport and encourages its early consideration in development proposals so that potential impacts of development on transport networks can be addressed and opportunities to promote walking, cycle and public transport use are identified and pursued. The patterns of movement, streets, parking and other considerations are integral to the design of schemes to contribute to making high quality spaces. Significant development should be focused in sustainable locations, limiting the need to travel and offering a genuine choice of transport modes. Safe and suitable access to the site must be achieved for all users.

5.39 Emerging policy DP2 ‘Sustainable development’ in the Publication Draft Local Plan (2018) sets overarching principles and includes the desire to deliver a fundamental shift in travel by prioritising and improving strategic public transport, cycle and pedestrian networks and managing travel demand and modal choice.

5.40 Emerging policy T1 ‘Sustainable Access’ supports development that minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it. Development proposals should demonstrate that there is safe and appropriate access to the adjacent adopted highway, and they create safe and secure layouts for motorised vehicles, cyclists and pedestrians that minimise conflict.

5.41 These emerging local plan policies have not been subject to significant change in the January 2023 papers for the new consultation ‘main modifications’ to be commenced in February 2023 in relation to the parts of the policies that apply to the proposals. As such they are considered to carry significant weight.

Assessment

5.42 The existing access to the offices is taken from Murton Way with the existing adjacent industrial units’ access from Outgang Lane to the north. A small existing car park is to the front of the office buildings on Murton Way capable of

accommodating approximately 20 cars. The warehouse building to the rear has its own parking spaces numbering 10 cars. A total of ten cycle parking spaces were available.

5.43 The application form states that the existing employees on site comprise 12 full-time and 2 part-time employees. The proposed number of employees is 100 full-time plus 100 part-time employees. Final revised drawings show 40 car parking spaces and 22 cycle parking spaces for the office element and 26 car parking spaces and 20 cycle parking spaces for the new industrial buildings. Access is taken from Murton Way, beneath the offices to a central parking area to the rear. A one way system will operate to enable additional parking spaces to be provided and adequate space for manoeuvring with deliveries in the north-east corner. Refuse storage and collection will be from Outgang Lane and negotiation has resulted in a suitable layby that a refuse collection vehicle can pull in and exit from without obstructing the free-flow of traffic. There is no vehicular access into the site from this point.

5.44 For the new industrial units, a separate and additional access is proposed from Outgang Lane to a separate car parking area. Negotiations with highways engineers have secured an improved layout for disabled parking and access into the units. During the course of the application, it became clear that the adopted highway as shown on record extended partly into the red line boundary and revisions have sought to ensure there is no building within the adopted highway or opening of doors out over the adopted highway. Negotiations took place on cycle parking provision and sought the correct placing of Sheffield cycle stands.

5.45 The site is close to existing residential areas and as demonstrated in the submitted Travel Statement, is in an accessible location in terms of walking and cycling distance to the local population. There are footways along Osbaldwick Link Road and Murton Way to Osbaldwick, Murton and Hull Road. On Osbaldwick Link Road, shared use pedestrian / cycle paths are present on the western side of the road and run along the entire stretch of the road between Murton Way and the A1079 Hull Road. The closest bus stops are on Osbaldwick Link Road and Murton Way and are within 300m of the site. Bus services connect with Clifton Moor, the University, Rawcliffe, Osbaldwick, the city centre and Pocklington. The site is in a sustainable location and has good local connections.

5.46 The net cumulative residual traffic impact of the proposed development on the highway is not significant and therefore, a travel plan is not required.

Ecology

Policy

5.47 Section 15 of the NPPF is on conserving and enhancing the natural environment. Included in the requirements of development proposals at paragraph 174 is the need to protect and enhance valued landscapes and sites of biodiversity and to minimise impact on and provide net gains for biodiversity.

5.48 Policy GI2 'Biodiversity and access to nature' in the Publication Draft Local Plan (2018) requires development to avoid loss or significant harm to Sites of Importance for Nature Conservation (SINCs) whether directly or indirectly and to secure a net gain in biodiversity. Policy GI4 underlines the value to existing tree cover and hedgerows for their biodiversity value, the contribution they can make to the quality of development and assimilation into the landscape context.

5.49 These policies have not been subject to significant change in the January 2023 papers for the new consultation 'main modifications' to be commenced in February 2023 in relation to the parts of the policies that apply to the proposals. As such they are considered to carry significant weight. The requirement for 10% net gain in biodiversity in accordance with the Environment Act 2021 is not yet required to be demonstrated.

Assessment

5.50 As confirmed in the submitted Ecological Impact Assessment, due to the existing hedgerow on the western boundary and few trees, there is some potential for nesting birds to be present on site. Precautionary methods will therefore be needed to ensure active nests are not destroyed during any require vegetation clearance and demolition works and this can be secured by condition. The proposed native hedging, significant tree planting and wildflower meadow offers opportunities for biodiversity net gain and a biodiversity enhancement plan/drawing can be secured via condition to ensure this is implemented. The hedgerow on the western boundary offers suitable bat foraging habitat and should be protected. A CEMP biodiversity can be agreed by condition to protect this hedgerow and the adjacent candidate SINC during construction. As such, the biodiversity value of the site can be protected and enhanced in accordance with the policy framework.

Sustainable construction

Policy

5.51 Paragraph 8(c) of the NPPF 2021 requires planning to mitigate and adapt to climate change, including moving to a low carbon economy. Paragraph 10 sets a clear presumption in favour of sustainable development.

5.52 The Publication Draft Local Plan (2018) Policy CC1: 'Renewable and Low Carbon Energy Generation and Storage' is now heavily modified in the January 2023 main modifications paper and the requirement for new buildings to achieve a reasonable reduction in carbon emissions of at least 28% deleted. Emerging policy CC2 has also been heavily modified and thus these policies are now considered to carry no weight until the revised version has been through consultation.

Assessment

5.53 The applicant has submitted a report 'Sustainable design alternatives' by Martin Design Building Service Design: Low Carbon Consultants. The proposal is to install air source heat pumps rather than gas fired systems to generate the heating energy required. This will result in very significant carbon deduction being achieved with calculations presented by these consultants that by adopting a heating service strategy based upon the proposed changes in Part L of the Building Regulations a 79.2% reduction in carbon emissions would be achieved over a gas fired installation and along with a site wide PV installation and much improved and sustainable building fabric.

5.54 The LPA's carbon reduction team confirm that the report makes clear that multiple Low or Zero Carbon (LZC) technologies to reduce the overall carbon emissions from the building have been considered. Air Source Heat Pumps (ASHPs), high efficiency LED lighting with presence detection and mechanical ventilation are going to be used alongside double glazed windows, high level of insulation and low flush WC cisterns to reduce carbon emissions by 79.2% (under the 2022 Part L Building Regulations). Solar Photovoltaics have also been considered and will ideally be used. Other LZC Technologies considered within the statement were; Wind Energy, Solar Hot Water Systems, Combined Heat and Power (CHP) and Biomass but each of these technologies were discounted due to

better technologies being used or being unable to use the technology in this location.

6.0 CONCLUSION

6.1 The proposal is for the erection of 1no. three storey office building (use class E) and 2no. two storey light industrial buildings (use classes E, B2 and B8) together with parking and new access arrangements following demolition of the existing buildings in the southern portion of the site on Murton Way in Osbaldwick. Both the town centre and flood risk sequential tests are passed, as is the exception test for flooding. The design and landscaping is considered appropriate for the site, and good design of a new head quarter's building for this well-established company with a long history in York. Six new industrial units to assimilate with the existing units in the estate are proposed. Access and parking provision is acceptable and there is no harm to neighbour amenity, subject to details to be submitted by condition.

6.2 As such the proposals are found to be in accordance with relevant sections of the NPPF 2021 including 6, 11, 12 and 14. It is also found to be in accordance with emerging policies in the Publication Draft Local Plan 2018, particularly DP2 Sustainable development, DP3 Sustainable communities, ENV4 Flood risk, D1 Placemaking and T1 Sustainable access.

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, SHO-570-001, 03.10.2019

Proposed location plan, SHO-570-001 revision B

Proposed block plan, SHO-570-001 revision B

Proposed site plan, SHO-570-001 100 revision D

Proposed ground floor plan, sheet 1 of 2, SHO-570-001 101 revision C

Proposed ground floor plan, sheet 2 of 2, SHO-570-001 102 revision C

Proposed first floor plan, sheet 1 of 2, SHO-570-001 110 revision C

Proposed first floor plan, sheet 2 of 2, SHO-570-001 111 revision C

Proposed second floor plan, sheet 1 of 2, SHO-570-001 120 revision C

Proposed second floor plan, sheet 2 of 2, SHO-570-001 121 revision C

Proposed elevations, sheet 1 of 2, SHO-570-001 201 revision C

Proposed elevations, sheet 2 of 2, SHO-570-001 202 revision C

2B Landscape Consultancy Ltd's Planting Plan, 2022-439 300, dated 30.05.2022

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Drainage layout, 3485-SL(5)500 revision C dated 12.01.2023
Drainage details, 3485 SL(5)501 dated October 2022
Proposed site plan, flood exceedance routing, 3485 SL(5)511 revision B, dated 12.01.2023

Martin design Associates Ltd report 'Sustainable design alternatives' dated 08.12.2021

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 development above ground level. The development shall be carried out using the approved materials.

This shall include:

- Proposed bricks
- Proposed tiles
- Proposed render panels including finish and colour
- External door materials and colour
- External colour of window frames and materials
- Colour and material of rainwater goods

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority prior to being installed on site. Thereafter they shall be installed fully in accordance with these approved details before the development is first occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

5 Prior to any above ground works commencing, a detailed landscape scheme shall be submitted for approval in writing by the local planning authority. It shall be in accordance with the landscape scheme shown on 2B Landscape Consultancy Ltd's 'Planting Plan' drawing reference 2022-439 300 and the 'Proposed Site Plan' SHO-

570-001 100 revision D (including all planting details and maintenance and seating areas) and shall be implemented in full within a period of six months of the practical completion of development. For the lifetime of the development, any trees or plants which 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 approves 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.

6 Prior to any above ground works, all tree planting details shall be submitted and approved in writing by the Local Planning Authority. This shall include: maintenance regimes and responsibilities, means of support and irrigation, soil volumes, root barriers, structural soil cell systems where applicable, corresponding paving details and locations of underground utilities. Where trees are to be located within paved areas, the surface area of soil cell systems, soil volumes, tree species and any utilities shall also be shown on a tree planting plan. Thereafter the trees shall be planted fully in accordance with these approved details prior to first occupation of the development.

Reason: The trees are an important element of the approved landscape scheme which is integral to the amenity and setting of the development. Suitable detailing and maintenance will encourage the trees to establish and thrive.

7 No vegetation clearance, tree works or building demolition works shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and buildings for active birds' nests immediately before the vegetation is cleared 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 for approval in writing.

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.

8 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of above ground works on site. The content of the plan shall include, but not be limited to, the recommendations set-out in the Ecological Impact assessment, MAB Environment & Ecology Ltd. (November 2021), as already submitted with the planning application and approved in principle with the local planning authority prior to determination.

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 by establishing coherent ecological networks that are more resilient to current and future pressures.

9 Prior to first occupation of the development, details including a 'lighting design plan' showing the height, type, position, angle and spread of any external lighting shall be submitted to and approved in writing by the local planning authority. The external lighting shall be installed and maintained in accordance with the approved details to minimise light spillage and glare outside the designated area.

The plan shall:

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

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

- 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.

Reason: To protect the amenity of the locality and to maintain the favourable conservation status of bats and ensure the site remains attractive to other light sensitive species.

10 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. Thereafter, work shall be undertaken in accordance with these approved details.

The CEMP: Biodiversity shall include the following:

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

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

Reason: To facilitate the protection of notable/sensitive habitats within Osbaldwick Meadow candidate SINC located adjacent to the site boundaries.

11 Prior to commencement of development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

The CEMP shall include the following:

- a) Noise details and hours of construction, deliveries, types of machinery to be used, acoustic barriers, and any prefabrication off site should be set out.
- b) Details of any particularly noisy activities and when they may take place and how impacts may be lessened, including any monitoring.
- c) Vibration details for any activities which may result in excessive vibration and details of any monitoring to be carried out.
- d) Dust mitigation measures.
- e) Construction lighting details and hours of operation, location and angling.
- f) Details of a complaints procedure and advertising of it.

Reason: To protect the amenity of the locality.

12 Prior to the commencement of development, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the works shall be undertaken in accordance with these approved details.

The CTMP shall include but not be limited to the following information:

- a) Measures to prevent the egress of mud and other detritus onto the adjacent public highway.
- b) A dilapidation survey jointly undertaken with the local highway authority.
- c) The routing for construction traffic that will be promoted.
- d) A scheme for signing the promoted construction traffic routing.
- e) Where contractors will park.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents or the safe and free passage of

highway users.

13 As shown on the approved plans, vehicular access to the office element shall be from Murton Way and access to the commercial element shall be from Outgang Lane. Details of the design of these accesses, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. Once approved, they shall be constructed fully in accordance with these details prior to first occupation of the development.

Reason: In the interests of highway safety.

14 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.

15 Prior to the development coming into first use, details of the cycle parking areas, including means of enclosure, shall be submitted to and approved in writing by the Local Planning Authority. The building shall not be occupied until the cycle parking areas and means of enclosure have been provided within the site in accordance with such approved details, and these areas shall not be used for any purpose other than the parking of cycles.

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

16 The building shall not be occupied until the areas shown on the approved plans for parking, turning 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 and to enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

17 The development hereby permitted shall not come into use until the following highway works have been carried out in accordance with the approved plans, or arrangements entered into, which ensure the same:

- Amendments to the existing entrance off Outgang Lane to provide lay-by for refuse vehicle

To note: These works may need to be carried out under a S278 Agreement.

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

18 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 the local planning authority for approval in writing prior to being installed on site. 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.

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

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

Reason: To protect the amenity of the locality.

20 Prior to development commencing (excluding demolition), 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 and the potential risks to human health, groundwater, surface water and other receptors. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approved in writing of the Local Planning Authority. The report of the findings must include:

- a) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- b) 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;
- c) 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.

21 Prior to development commencing (excluding demolition), where remediation works are shown to be necessary, 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 by 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.

22 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.

23 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.

24 A strategy for the provision of Electric Vehicle (EV) charging facilities (active charge points and passive provision for future points) on the site shall be approved in writing with the Local Planning Authority prior to the commencement of development. The strategy shall include full specifications and location plans for the charge points and should include details of the management, maintenance, servicing and access arrangements for each EV charge point for a period of 10 years. The strategy shall be implemented as approved prior to first occupation of the development.

Reason: To ensure provision of active and/or passive EV charging facilities in line with the NPPF and CYC's Low Emission Strategy / Low Emission Planning Guidance.

25 The development shall be carried out in accordance with the details shown on the submitted Drainage Layout, drawing reference 3485-SL(5)500 revision C dated 12.01.2023, Drainage Details, 3485-SL(5)501 and the Proposed Site Plan, drawing reference SHO-570-001 100 revision D, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage of the site.

26 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.

27 There must be no raising of ground levels within flood zone 3 and all excess spoil must be removed from the site as soon as practically possible.

Reason: To ensure that there is no loss of storage from flood zone 3, and that flood flows are not displaced onto others.

28 The buildings shall be constructed in accordance with the flood resilient design treatments set out in the Planning and Design Associates email of 06.01.2023 which shall include but not be limited to:

- using flood resistant materials that have low permeability to at least 600mm above the estimated flood level,
- using flood resilient materials (for example lime plaster) to at least 600mm above the estimated flood level,
- raising all sensitive electrical equipment, wiring and sockets to at least 600mm above the estimated flood level,
- making it easy for water to drain away after flooding such as installing a sump and a pump,
- making sure there is access to all spaces to enable drying and cleaning, and
- ensuring that soil pipes are protected from back-flow such as by using non-return valves.

Finished floor levels shall be constructed to 13.050m AOD.

Reason: To ensure the building is as flood resilient as possible when located in flood zone 3.

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 and assessed sequential and exception test reports
- Sought landscape revisions
- Negotiated for revised and additional highways safety information and parking provision
- Negotiated and secured various drainage designs and strategy leading to a final approved scheme
- Agreed pre-commencement of development conditions

2. INFORMATIVE: 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. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

3. INFORMATIVE: HEDGEHOGS

Section 7.6 (Other species) of the EclA states that hedgehogs have been recorded in the local area. The applicant is advised to consider using permeable fencing or leaving occasional gaps suitable to allow passage of hedgehogs. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehog.

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

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

4. INFORMATIVE: CONSENT FOR HIGHWAYS WORKS

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

Agreements as to execution of works (Section 278) -
development.adoption@york.gov.uk

Works in the highway (Section 171) - streetworks@york.gov.uk

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

6. INFORMATIVE: ELECTRIC VEHICLE CHARGING POINTS

The specification and locations of all Electric Vehicle Charging Points (including potential future locations) should be agreed in writing with CYC. It is recommended that the applicant reviews Approved Document S, 2021 edition, relating to infrastructure for the charging of electric vehicles to inform the choice of hardware and the design of cable routes / passive provision.

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

The strategy should provide confirmation that the charge points will be serviced and maintained in line with the manufacturers recommendations for a minimum period of 10 years. It should also address what would happen in the event of a fault with a charge point and explain how this will be reported and rectified.

7. INFORMATIVE: DRAINAGE

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

ii) The applicant should be advised that York Consortium of Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

Contact details:

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