

Framework (NPPF) and it is against this Framework that the application proposal should principally be addressed.

National Planning Policy Framework

2.3 Section 4 of this report highlights the key aspects of the NPPF that are relevant to this application.

Other Material Considerations

“Development Control Local Plan” 2005 (DCLP)

2.4 Although there is no formally adopted local plan, the “City of York Draft Local Plan Incorporating the Fourth Set of Changes” was approved for development control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are :

CYGP1 - Design

CYGP4A - Sustainability

CYGP6 - Contaminated land

CGP15A - Development and Flood Risk

CYT4 - Cycle parking standards

CYE3B - Existing and Proposed Employment Sites

Emerging Local Plan and Evidence Base

2.5 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF), particularly as the emerging Local Plan is to be the subject of further consultation and a revised publication draft is anticipated. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of planning applications.

The up to date evidence considered relevant to this application includes:
Economic Land review 2016.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Raise no objection subject to a condition in respect of unexpected contamination, and provision of an electric charging point.

Highway Network Management

3.2 The applicant has demonstrated that they have control of the car parking and turning in front of the proposed building and unit 7, and has provided swept paths of expected vehicles turning. These turning areas should be conditioned to be kept free from obstructions to allow vehicles associated with the new development to turn within the site. This will allow vehicles to enter and exit the industrial estate in forward gear. Levels of parking provided are acceptable for the proposed use. Accordingly no objection is raised.

Flood Management

3.3 Drainage plans showing ground and pipe invert levels of all existing and proposed impermeable areas are required. The details shall include, storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

3.4 However, because the proposed footprint appears to be on an existing impermeable drained hard standing the above can be conditioned to be agreed in writing prior to any commencement of work on site.

EXTERNAL

Dunnington Parish Council

3.5 No objection.

Yorkshire Water Services

3.6 Condition requested requiring details of surface water drainage to include information on the existing drainage of the site, together with information to

demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to a public sewer.

Ouse and Derwent Internal Drainage Board.

3.7 The Board has no objections to the principle of this development but feel it appropriate that the applicant clarifies the drainage strategy to enable an evaluation to be undertaken in terms of flood risk. The Board recommends that any approval granted should be subject to condition requiring the submission of a scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority.

Neighbour Notification and Publicity

3.8 The application was advertised in the press and on site. Immediate neighbours were also consulted. No representations received.

4.0 APPRAISAL

KEY CONSIDERATIONS

- Principle of the development in this location
- Access
- Drainage
- Design
- Neighbour impact

POLICY CONSIDERATIONS

4.1 The NPPF states at paragraph 14 that there is a presumption in favour of sustainable development which, for decision-taking, means approving without delay development proposals that accord with the development plan. Where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. Sustainable development is split into three roles: economic, social, and environmental (para 7). These roles can not be undertaken in isolation and are mutually dependent. Current Government policy is to assist the economy, sustainable development proposals should be allowed unless they would compromise the key sustainable development principles set out in national planning policy. Local planning authorities should seek to approve applications for sustainable development where possible and work with applicants to secure

developments that improve the economic, social and environmental conditions of the area (paragraph 187).

4.2 The NPPF sets out a number of core principles (paragraph 17) that are relevant to the consideration of the application, one of which includes the principle that planning should:

Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs...

This is re-affirmed in Section 1 and para 18 of the NPPF, which states:

1. Building a strong, competitive economy

18 The Government is committed to ensuring economic growth in order to create jobs and prosperity, building on the Country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

4.3 Paragraph 21 includes support for existing business sectors. Taking account of whether they are expanding contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. The NPPF further requires that planning seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. It attaches great importance to the design of the built environment and supports sustainable transport and includes a requirement to meet the challenge of climate change, flooding and coastal change.

4.4 The City of York Draft Development Control Local Plan (incorporating fourth set of changes, April 2005), (2005 DCLP) has been adopted for development management purposes. Where they are consistent with the policy approach in the NPPF, the policies carry some weight. It is considered that Policies GP1-Design, GP4a -Sustainability, Policy GP6 - Contaminated land and policy GP15a-Development and Flood Risk , T4 - Cycle Parking Standards and E3b - (Existing and Proposed Employment Sites) are broadly in conformity with the NPPF.

PRINCIPLE OF THE USE IN THIS LOCATION

4.5 The site lies outside the York Green Belt on Derwent Valley Industrial Estate. The NPPF supports the proposal. It is positioned between two existing industrial buildings, with further units to the east. Policy E3b of the) also supports the retention of existing employment sites. As submitted, the Design and Access Statement advised that the future occupier of the building was yet to be confirmed. However the applicant has updated this and has confirmed that the building will be occupied by the company who occupy an adjacent unit, and are a 'long established York

business'. At present they have a second unit in York storing food which they are required to vacate this summer. As a result they are under pressure to have the new building in operation to replace it. The business will employ 45 people at the site at Dunnington and a number of drivers which they estimate to be a further 15 people. In total around 60 people will be employed.

4.6 Taking account of the policy support for the principle of the use, the location of the site within an area of conforming uses, and in close proximity to a strategic road network, it is considered that the principle of the development is acceptable.

ACCESS

4.7 The site is accessed from a spine road from Common Lane, which itself is in close proximity to the A1079 York-Hull Road. As submitted, officers expressed concern regarding the level of parking and turning available if the site was subdivided from the adjacent unit. Further plans and clarification have been received from the applicant which provides confirmation that the applicant has control of the parking in front of the adjacent unit. Furthermore they have provided swept paths that demonstrate that large vehicles can turn within the site. On the basis that a condition is imposed requiring that such areas are kept clear, Network Management officers have advised that the details are acceptable for the proposed use. It is understood that the applicant also owns another access to the site, although it is currently blocked by fencing. This access runs closer to adjacent properties, and it is therefore considered that any approval be conditioned to restrict access to the main route as shown on the submitted drawing.

4.8 Given the location of the site within an industrial estate on the edge of a village, together with proposed use for warehousing, it is inevitable that vehicular movements will be generated. As such, the development will not accord with that part of the section 4 of the NPPF that supports sustainable transport. However the building will be occupied by existing users on the industrial estate, and potential employees could live in relatively close proximity to the site. Accordingly it is not considered that the level of conflict with the NPPF in terms of sustainable transport is sufficient to outweigh the appropriateness of the location.

DRAINAGE

4.9 The application is accompanied by a Flood Risk Assessment which demonstrates that the site lies within Flood Zone 1. It further states that the building will drain to the existing system. Consultation responses have been received from the Flood Risk Management Officer, Yorkshire Water Services and the Ouse and Derwent internal Drainage Board. All the consultation responses promote the use of sustainable drainage techniques, and advise that the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to a public sewer. On-site

attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event.

4.10 The applicant has been advised of these requirements and will carry out the required survey work to inform the subsequent drainage strategy. However he has advised that the costs of the required survey work are significant, and has requested that such work is subject to a planning condition rather than pre-determination. The Flood Risk Manager has advised that in this case, because the proposed footprint appears to be on an existing impermeable drained hard standing, the information could be the subject of a condition to be agreed in writing prior to any commencement of work on site.

DESIGN

4.11 The NPPF requires good design, and Policy GP1 of the 2005 DCLP states that development proposals will be expected to respect or enhance the local environment. The proposed building has a greater footprint, and stands forward of the adjacent building. Furthermore, the Design and Access Statement advises that the proposed building will have a ridge height of approximately 6m greater than the adjacent building. Indeed it is noted that the proposed building has a greater height than many of the surrounding buildings. Nevertheless, it is considered that the design and scale is broadly compatible within the context of an existing industrial estate, and the building will not be readily visible from the wider area. The roof will be clad in dark grey sheeting which is less obtrusive than more reflective light sheeting.

4.12 On balance it is therefore considered that the design accords with the NPPF and Policy GP1 of the 2005DCLP.

NEIGHBOUR IMPACT

4.13 In relation to neighbour impact, there are no immediate residential properties. The nearest residential properties are located on Hull Road, but are separated from the application site by other industrial and business units. In view of this, it is not considered that there will be a significant adverse impact on their existing amenities. The height of the building is such, that it is likely to be visible from those dwellings; however the distance is such that it is not considered that the proposed building will overshadow or over dominate them. As stated in paragraph 4.7, there is an alternative access to the site which could result in greater movements closer to residential properties. It is considered necessary that access to the site from this alternative access is restricted to protect residential amenity. This can be achieved by planning condition.

5.0 CONCLUSION

5.1 It is considered that the proposed development will be located in an appropriate location within an existing industrial estate. Furthermore, it accords with a core principle of the NPPF to 'positively drive and support sustainable economic development'. This is further emphasised in paragraph 18 which states that the Government is committed to ensuring economic growth. There is an existing access to the site which is capable of accommodating the proposed development, and drainage can be addressed by condition. Given the distance of the proposed building from residential properties, and the context of the site within an existing industrial estate, it is not considered that the development will result in a significant adverse impact on residential amenity. Residential amenity can also be protected by imposition of a condition restricting access to the site from the alternative access referred to at paragraph 4.7 to the report. Accordingly, it is considered that the development complies with the principles of the NPPF, and those policies that are consistent with the NPPF, in particular policies E3B, and GP1. The requirements of policy GP15a and GP6 can be addressed by conditions.

5.2 It is not considered that there are any material considerations that would outweigh the general support for economic development, and the recommendation is one of approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The building hereby approved shall not be occupied until surface water drainage works have been implemented in accordance with details that have first been submitted to and approved in writing by the local planning authority. Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. If the assessment demonstrates that soakaways are not viable, the surface water drainage design should limit the flow from the total impermeable area of the proposed site to 70% of the existing flow. The submitted details shall include the following:

- i. Drainage plans showing ground and pipe invert levels of all existing and proposed impermeable areas.
- ii. Storage volume calculations, using computer modelling, to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model

must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

iii A management and maintenance plan for the lifetime of the development.

Reason: In the interests of achieving the satisfactory drainage of the site.

3 Notwithstanding the submitted details, there shall be no external lights on the building hereby approved, unless precise details have first been submitted to, and approved in writing by the local Planning Authority.

Reason: In the interests of visual amenity.

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

Reason: In the interests of highway safety.

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

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

6 There shall be no external storage of materials or finished products unless details have first been submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

7 The building hereby approved shall only be accessed by the 'existing access' within the red line shown on proposed site plan drawing 15/M17/P/04B.

Reason: In the interests of protecting the amenities of residential occupiers on Hull Road.

8 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Proposed Site plan - 15-M17-04C

Proposed Elevation - 15-M17/P/03B

Design section- 15-M17-P-06

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

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

Note: Because of limited storage space at our offices it would be appreciated if sample materials could 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.

10 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighboring 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.

7.0 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 (paragraphs 186 and 187) 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 further plans to demonstrate parking and turning.

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