

that part of the application site which was to be safeguarded to provide a rail halt has expired due to the lapse of time.

RELEVANT PLANNING HISTORY

- 17/00830/FUL - Use of land for storage of up to 60 cars for a period of 5 years and erection of 2.1m boundary fence - Approved (Temporary Planning Permission) (Officer Note location of Unit 1)
- 06/01036/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 05/ 2181/FUL) for extension of time period for submission of reserved matters for development of York Business Park until 31.10.2013 - Approved
- 06/00518/FUL - Variation of condition 1 of planning permission 99/01777/OUT (for proposed mixed use development comprising cycle and car park to proposed rail halt, office/light industry/research and developments (B1), general industrial (B2) and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved
- 05/02181/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 02/02533/FUL) for extension of time period for submission of reserved matters - Approved
- 05/02148/REMM - Reserved matters application to which planning application 99/01777/OUT relates for proposed mixed use development comprising (B1), general industrial (B2) and storage or distribution (B8) uses at Plot 13 - Approved
- 02/02533/FUL - Non-compliance with condition (i) of the planning permission T/APP/C2741/A/99/1023645 (LPA Ref: 99/00238/OUT) for extension of time period for submission of reserved matters - Approved
- 99/01777/OUT - Proposed mixed use development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses - Approved
- 99/00238/OUT - Renewal of planning permission 6/116/164Q/OUT for a mixed business, commercial and industrial employment park - Approved
- 6/116/164Q/OUT (1996) - Outline application for mixed business, commercial and industrial employment park, land at Grid Ref. 457000/453900 Millfield Lane - Approved

- 6/116/164/OUT (1987) - Outline application for Business Park including new buildings for high technology use including industrial office warehousing and ancillary uses, land at Millfield Lane - Approved

2.0 POLICY CONTEXT

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYGP1 Design
- CYGP3 Planning against crime
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CGP15A Development and Flood Risk
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT8 Promotion of passenger rail services
- CYE3B Existing and Proposed Employment Sites

2.2 The Publication Draft York Local Plan 2018:

- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- SS1 Delivering Sustainable Growth for York
- D1 Placemaking
- D2 Landscape and Setting
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T2 Strategic Public Transport Improvements
- T6 Development at or Near Public Transport Corridors, Interchanges and Facilities
- T8 Demand Management

2.3 Please see the Appraisal Section (4.0) for national and local policy context.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS/REPRESENTATIONS

Highway Network Management

3.1 No objections. A segregated cycle path leading to this development from Severn Green would now be permanently redundant and misleading. HNM require the applicant to fund and complete highway works for the removal of the segregated cycle lanes, markings, and signs within Severn Green. *(Officer note - Officers have sought the agreement of a the applicant, as yet no response as been received)*

3.2 Seek conditions HWAY14 (details of accesses required), HWAY 36 (servicing of site).

Design, Conservation and Sustainable Development (Landscape Architect)

3.3 No comments received

Design, Conservation and Sustainable Development (Ecology Officer)

3.4 No objection, Units 2, 3 and 4 are planned on a raised area of managed amenity grassland which is considered to have very low ecological value. Unit 1 is planned on an unmanaged area of grassland, trees and scrub (bramble, willow species and silver birch) adjacent to the railway line and comments are focused on this area.

3.5 None of the trees on site are suitable for roosting bats although the trees and scrub as a whole group would provide suitable foraging habitat, likely to be of low value. The vegetation is suitable for nesting birds. A nearby pond (on Great North Way) is known to support a population of great crested newts however there is little habitat connectivity between the site and the pond and therefore it is considered that they will not be impacted. It is indicated in the proposals that trees along the boundary of Unit 1 will be retained and additional tree planting undertaken. An appropriate planning condition should be used to secure a landscaping scheme.

3.6 Overall the scheme is unlikely to result in a significant impact on biodiversity.

Flood Risk Management Team

3.7 Object to the proposed surface water discharge rate of 5 l/sec, would remove objection if as per CYC Flood Risk and Drainage Design Requirements the surface water discharge rate was no greater than 2 l/sec.

3.8 The submitted Flood Risk Assessment and Drainage Report does not provide evidence that soakaways do not work in this location therefore infiltration testing should be carried out to discount their use.

Public Protection

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3.9 Unit 1 is directly adjacent to residential dwellings on Severn Green and request the following conditions in order to protect the amenity of these nearby residential dwellings:

- Details of machinery and extraction equipment;
- Restriction of hours of work;
- Restriction of hours of deliveries and despatch;
- Restriction of the hours of waste removal;
- Details of illumination;
- Noise management plan if outside area is to be used for storage

3.10 Unit 2 is further away from the residents at Severn Green (approximately 40 metres), therefore request following conditions:

- Details of machinery and extraction equipment;
- Hours of work

3.11 Units 3 and 4 are further still from Severn Green, which are protected by other buildings that would act as natural barriers. There are, however, a number of offices in the area and request the following conditions in order to protect the amenity of the office users:

- Details of machinery and extraction equipment.

3.12 Request standard demolition and construction informative be attached.

Planning and Environmental Management

3.13 This application is for class B1c, B2 and B8 uses and therefore this application would not result in the loss of employment land at York Business Park.

3.14 The application site in relation to Unit 1 on Rose Avenue is on land shown as Land Safeguarded for Potential Future Transport Schemes in the Local Plan Publication (draft) February 2018 (Regulation 19 Consultation), Policies Map (North). This safeguarding is in accord with Policy T2: Strategic Public Transport Improvements criterion (vi) and the council's aspirations for a potential new rail halt.

3.15 The background to emerging Local Plan Policy T2 iv) and the evidence base (i.e. the Policies Map (North)) dating back to when reports investigating the potential for a station in this location were commissioned over 20 years ago indicating where a new station (rail halt) could be located and that there was a commercial case for a new station at York Business Park, provided that a developer contributes 50% to the capital costs of the new station. The Council has not yet been able to secure developer funding for the station and is, therefore, not included in the Local Plan Infrastructure Delivery Plan, as there is, currently, no reasonable prospect of funding being secured for its delivery, but it does still remain an aspiration for the Council to

provide more sustainable access to York Business Park and the proposed residential allocations (Site ST1 and Site ST2). A recent report entitled 'New Railway Stations in North and West Yorkshire, Feasibility Study Final Report, 2014 (ARUP) commissioned by the West Yorkshire Combined Authority offers some optimism for this aspiration to be realised, in that although it states that 'The assessment suggests that based upon the current situation[...][it][...]would [not] generate enough trip demand to make it sustainable' it also states that ' It is recommended that a new station at Acomb [York Business Park on York-Harrogate line] is linked to development and potential upgrade of Harrogate line.' This anticipates the nearby British Sugar site (ST1) as potential location for over 1,200 dwellings creating a larger catchment for passengers, but does not take account of the additional catchment created by site ST2 (Civil Service Sports Ground) and any existing/additional office to residential conversions within York Business Park. The study concludes that it is recommended that these sites should be kept under review and considered in the future should any opportunities arise which might boost the trip demand potential.

3.16 The location of the station as indicated in the Polices Map (North) by that area shown hatched as 'Land Safeguarded for Potential Future Transport Schemes' is the optimal position for the station and there is minimal flexibility for the potential new station to be located elsewhere.

3.17 Allowing the development of Unit 1 would significantly reduce the opportunity of being able to serve York Business Park by rail and thus realise the Council's long term ambition to provide more sustainable access to York Business Park. However, this must be considered as part of the wider planning benefits of the proposal. The provision of a rail halt in this location is not considered to be commercially viable at this current time and on this basis it is not considered that a policy objection can be sustained.

Public Rights of Way

3.18 No comments

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.19 Object, would prevent the proposed railway halt. This proposed railway halt is set out in the transport policies of the 2005 Local Plan and in the emerging Local Plan (2018) as being an important for future transport needs. The construction of Unit 1 would prevent the proposed railway halt for the future.

Network Rail

3.20 No objection. Request method statements, lighting and landscaping through a condition. Request a condition to require that method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works shall be submitted to the Network Rail Asset Protection Project Manager. The conditions are requested on the grounds of safety, operational needs and integrity of the railway. For the other matters request the applicant is advised by informative.

Yorkshire Water

3.21 No objections

Ainsty Internal Drainage Board

3.22 Request drainage scheme details via condition

Publicity and Neighbour Notification

3.23 Two representations of objection

The quantity of the proposed parking spaces is very low and will result in the same issues seen elsewhere within the business park. Concerns for highway safety

No objection to the principle of the units

Proposed Unit 1 would be too close to the objectors dwelling and garden, resulting in loss of privacy

4.0 APPRAISAL

KEY ISSUES

- Planning policy
- Allocation for Future Transport infrastructure
- Design and landscape considerations
- Drainage
- Highways
- Impact to residential amenity
- Impact to neighbouring businesses

PLANNING POLICY

4.1 The National Planning Policy Framework (NPPF) indicates a presumption in favour of sustainable development unless specific policies in the NPPF indicate development should be restricted. The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own

needs. Achieving sustainable development means that the planning system has three overarching objectives (economic, social, and environmental), which are interdependent and need to be pursued in mutually supportive ways. The NPPF sets out that they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

4.2 Paragraph 127 of the NPPF states that decisions should aim to ensure that development, amongst other things, will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history, including the surrounding built environment and landscape setting, and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks.

4.3 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for the site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt (the application is not within the Green Belt) and the Upper Poppleton and Nether Poppleton Neighbourhood Plan, which came into effect from 19 July 2017.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

4.5 The application site is allocated as employment in the Proposals Maps.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.6 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the

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- 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).

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

4.8 The site of Unit 1 is allocated as Land Safeguarded for Potential Future Transport Scheme in the Proposals Maps.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.9 Policy PNP7 of the Neighbourhood Plans states proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications.

4.10 The supporting text of the plans sets out the following: The experience of York Business Park trading estate, has shown that business and houses may not always be a good mix. It creates traffic congestion, road side parking and difficult egress onto the A1237 Ring Road at peak times (8.4). York Business Park is adjacent to a housing development Poppleton Park which has 200 houses. There is the potential to expand sections of this site either for further business premises or housing. The change of use to C2 residential land would be supported by the Parish Council if a suitable proposal came forward and was supported by the City of York Planning(8.8). As employment is the key function of this area, it should be noted that there exists at the present time a critical shortage of parking facilities for cars. There is no bus route round the Business Park so most employees of the 70 businesses arrive by car. Parking currently occurs on a daily basis parking on the cycle paths, pavements and fire roads and makes it difficult for traffic to enter and exit the site. Evidence would suggest that at the present time there is a shortage of around 100 car parking spaces (8.11). There is no reference in the Neighbourhood Plan to a rail halt in the business park.

POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.11 The Poppleton Village Design Statement has a number of policies relevant to this application: Guidelines 11, 14, 16, 29.

ALLOCATION FOR FUTURE TRANSPORT INFRASTRUCTURE

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4.12 The application site was allocated as employment in the Proposals Maps of the Draft Local Plan (2005).

4.13 The site of unit 1 is allocated Land Safeguarded for Potential Future Transport Scheme in the Proposals Maps of the Publication Draft Local Plan 2018. This site has been allocated as a rail halt through the various stages of the Local Plan up until the publication draft where it has been revised to its current allocation. The site is the optimal position for the station and there is minimal flexibility for the potential new station to be located elsewhere.

4.14 Policy T2 'Strategic Public Transport Improvements' of the Publication Draft Local Plan 2018 states improvement of rail access and connectivity, including but not limited to new railway stations / halts for heavy or light rail services, and capacity improvements and other enhancements on rail lines running into or through York will be supported

4.15 The NPPF states that planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan: (a) they should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, de-allocate a site which is undeveloped); and (b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.

4.16 The Planning Policy team advise that the background to the allocation and emerging Local Plan Policy T2 dates back to reports investigating, over 20 years ago, where a new station (rail halt) could be located and that there was a commercial case for a new station at York Business Park, provided that a developer contributes 50% to the capital costs of the new station. Officers understand that the Council has not yet been able to secure developer funding for the rail halt and it is, therefore, not included in the Local Plan Infrastructure Delivery Plan, as there is currently no reasonable prospect of funding being secured for its delivery. However it does still remain an aspiration for the Council to provide more sustainable access to York Business Park and the proposed residential allocations (Site ST1 and Site ST2).

4.17 A recent report entitled 'New Railway Stations in North and West Yorkshire, Feasibility Study Final Report, (2014) commissioned by the West Yorkshire Combined Authority states that there would be both construction and operational issues with a station at York Business Park. It states that the York Business Park site *"would [not] generate enough trip demand to make it sustainable. Given the*

business park location, the catchment has a low resident population which accounts for the low trip forecasts. However, a desktop assessment of the site and its use suggests that rail mode share would be expected to be low for the types of businesses at the business park and so trips attracted to the site (rather than originating from the site) would also be low."

4.18 The report then goes onto say:

"Although the current catchment population is low, the City of York SHLAA identifies the nearby British Sugar site as potential location for over 1,200 dwellings. This would boost catchment population within 800m of the station site by almost 3,000. If the Harrogate line was to benefit from enhanced levels of service (2tph to York), then the case for a station at Acomb [York Business Park] would be considerably stronger. It is recommended that a new station at Acomb [York Business Park] is linked to development and potential upgrade of Harrogate line."

4.19 The study concludes that it is recommended that these sites should be kept under review and considered in the future should any opportunities arise which might boost the trip demand potential.

4.20 If permitted, the siting of Unit 1 would remove the opportunity of being able to serve York Business Park by rail and would also prevent the Council's long term ambition to provide more sustainable access to York Business Park. However the provision of a rail halt in this location is not considered to be commercially viable at this time and is considered to be aspirational rather than a realistic proposition, certainly in the short to medium term. There is also the additional issue of whether sufficient developer funding could be secured in order guarantee its delivery. The proposals for residential development at the British Sugar site, which if carried out have the potential to increase the viability of a future rail halt, do not make any provision for a financial contribution towards a future rail halt. Thus the deliverability of such a facility, in financial terms, is by no means secure.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.21 In order to accommodate Unit 1 the earth bund to the front of the site would be removed together with a number of trees. For the site of Units 2, 3, and 4 the levels would be reduced to a similar level as Great North Way which is adjacent to the site. The removal of bunds and the reduction in land levels are not considered to result in harm to the character of the area, as replacement landscaping would be sought by condition.

4.22 The design of the proposed buildings is considered to be in keeping with the surrounding business units. The proposed fencing has been moved further into both into the site to allow for sufficient landscaping to be provided. The soft landscaping boundaries are typical of this business park. Further details were also requested

regarding the type of fencing. The agent has been advised that palisade fencing would not be appropriate. Whilst there are some examples of this fencing within the business park, it is not considered to be successful. As yet there appears to be little justification for this type of fencing when there are other means of enclosure which are visually more appropriate and still provide security. It is considered necessary to condition a landscaping plan to ensure sufficient soft landscaping boundaries are secured.

4.23 It is considered that further details of the cladding could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units. In addition the details of any proposed external lighting should also be conditioned.

4.24 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

RESIDENTIAL AMENITY

4.25 The NPPF states planning policies and decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts including noise, and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

4.26 Unit 1 would be constructed close to the dwellings on Severn Green to the east. The proposed unit would be 8.4 metres in height and would be 4.4 metres from boundary and 15.6 metres from the rear elevation of 64 Severn Green. The proposed building by being to the southeast of 64 Severn Green would result in some overshadowing during the late morning hours to the garden area however it is not considered to be so severe as to warrant refusal. The overshadowing of the garden areas 62 and 60 Severn Green would be slight, much of the light in the early morning hours already being blocked by the existing neighbouring industrial buildings.

4.27 The relationship of Unit 1 to the neighbouring gardens and dwellings is not considered to be unduly overbearing. Whilst it will result in a slight change in the outlook from the dwellings in Severn Green it does not change the nature of the outlook, which is already characterised by industrial buildings.

4.28 However given the close proximity of Unit 1 to the adjacent dwellings it is considered necessary to condition details of machinery and extraction equipment,

hours of work, hours of deliveries and despatch, waste removal and external illumination. It is also considered prudent to control the outside storage of materials by condition, as this could otherwise take place adjacent to the boundary with the neighbouring dwellings resulting in harm to residential amenity.

4.29 Units 2, 3, and 4 are set further away from the residential dwellings as such would not result in loss of light and overshadowing. However Unit 2 is still relatively close to the dwellings (approx 38 metres) and as such it is considered necessary to condition the hours of work and details of machinery in order to protect residential amenity. Public Protection considers that Units 3 and 4 would require fewer restrictions as they are further away from the residential dwellings.

IMPACT TO NEIGHBOURING BUSINESSES

4.30 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. Policy GP1 of the Development Control Local Plan (2005) and ENV2 of the Publication Draft Local Plan (2018) require that there should be no undue adverse impact from noise disturbance.

4.31 Paragraph 182 of the NPPF is relevant. It states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

4.32 A landscaped boundary has been retained together with some retaining walls between units 2, 3, and 4 and the units to the south. The neighbouring units all form part of the business park and within this area most of the units are within Class B uses. The proposed units are not considered to negatively impact on the neighbouring business uses and their operation.

HIGHWAYS

4.33 The NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative

impacts on the road network would be severe

4.34 Planning decisions should ensure:

- appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
- safe and suitable access to the site can be achieved for all users; and
- any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

4.35 The business park is not served by public transport, the nearest bus route (no. 10) operating approximately every 30 minutes. The nearest bus stop is approximately 900 metres from the proposed development. However the wider area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the units on the grounds of lack of access to public transport would be defended at appeal given the surrounding development.

4.36 It is considered sufficient cycle parking and vehicle parking provision has been provided.

4.37 As a result of the proposed development a segregated cycle path leading to the site of proposed Unit 1 from Severn Green would now be permanently redundant. Highway Network Management have requested that the applicant fund and complete highway works for the removal of the segregated cycle lanes, markings, and signs within Severn Green. At the time of writing the report Officers were waiting for the agreement of the applicant to fund and complete highway works.

AIR QUALITY

4.37 No facilities for the re-charging of electric vehicles have been incorporated. The requirement for electric vehicle recharging facilities is in line with guidance contained within the NPPF and the Councils low emission strategy. It is considered that they can be sought by condition.

DRAINAGE

4.38 The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.39 The proposed surface water runoff rate (5 l/sec), which would far exceed the CYC Flood Risk and Drainage Design Requirements of 2 l/sec. At the time of writing the applicant had been requested to revise their drainage design however no confirmation has been received. If the applicant agrees to 2 l/sec then a suitable drainage scheme can be sought via condition. Members will be updated on this issue at the committee meeting.

5.0 CONCLUSION

5.1 The proposed units are considered to be acceptable in this business park location and would not result in undue harm to the residential amenity of the occupants of the nearby dwellings subject to conditions. The proposed would be in character with the surrounding development. It is considered that there is no reasonable prospect of the rail halt coming forward on the site of Unit 1 in the short to medium term. Therefore, it is considered that subject to resolution of the outstanding issues that the proposed development can be recommended for approval.

5.2 It is recommended that the decision is delegated to officers to approve the following:

- the agreement of an acceptable surface water drainage disposal rate.
- the agreement of the applicant to fund and complete highway works for the removal of the segregated cycle lanes, markings, and signs within Severn Green
- any associated conditions required in respect of the aforementioned issues.

5.3 If these matters cannot be overcome in a positive manner the application will be returned to Committee for further consideration.

6.0 RECOMMENDATION: Delegated Authority to Approve to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject to agreement being reached in respect of surface water drainage, highway matters and any associated conditions that may be required in respect of these issues.

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:-

Drawing Number 1001 Revision B Proposed Levels' received 20 August 2018;

Drawing Number 1001 Revision C 'Site Plan' received 20 August 2018;

Drawing Number 1002 Revision A 'Unit 1 Plan & Elevations' received 20 August 2018;

Drawing Number 1003 Revision A 'Unit 2 Plan & Elevations' received 20 August

2018;

Drawing Number 1004 Revision A 'Unit 3 & 4 Plan & Elevations' received 20 August 2018;

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

3 VISQ8 Samples of exterior materials to be app

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 the first occupation and shall be provided in accordance with the approved details before the development is occupied.

INFORMATIVE: Palisade fencing is unlikely to be acceptable

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. Some of the proposed siting of fencing and gates shown on the plans are not acceptable, therefore further details and revisions to the siting are required to ensure acceptable development.

5 The development shall not be occupied until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

6 Details of all machinery, plant and equipment to be installed in or located on Units hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include maximum (L_{Amax} (f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written agreement of the Local Planning Authority. 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.

Reason: To Protect the amenity of nearby residents.

7 Details of any extraction plant or machinery and any filtration system required shall be submitted to and agreed in writing by the Local Planning Authority. This should also include details of the location in relation to the building, the make, model and its suitability for removing odours caused by any proposed use.

Reason: To Protect the amenity of nearby residents.

8 The hours of operation for Units 1 and 2 shall be restricted to the following hours:

Monday - Friday 08.00 hours to 18.00 hours

Saturday 09.00 hours to 13.00 hours

Sunday and Bank holidays - no work at all

Reason: To Protect the amenity of nearby residents.

9 Details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and operation on the site.

Reason: To protect the amenity of the nearby residential properties and to prevent light pollution.

10 No raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area.

11 HWAY18 Cycle parking details to be agreed

12 HWAY19 Car and cycle parking laid out

13 Prior to the commencement of the development hereby approved, details of surface water drainage including discharge rates shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with these approved details.

Reason: Further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise

the implementation of an acceptable drainage solution for the development.

Informative: Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort. If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to except surface water discharge, and to prevent flooding of the surrounding land and the site itself. City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods are proven to be unsuitable then in accordance with City of York Councils Strategic Flood Risk Assessment, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha connected impermeable areas). Storage volume calculations, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

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

14 One electric vehicle recharge point shall be provided with the parking area for each unit (a total 4 no. electric vehicle recharge points). The recharge point should be installed prior to first occupation of the unit to which it relates. The location and specification of the recharge point shall be approved in writing with the Local Planning Authority prior to installation.

INFORMATIVE: The installation of a freestanding PAYG solution is recommended. Optionally, a suitable 'IEC 62196' electrical socket (minimum rated output of 3.7kw /16A) can be provided in addition to a standard 13A 3 pin socket to allow 'Mode 3' charging of an electric vehicle. Mode 3 charging, using a suitable cable and charging point, allows faster charging of electric vehicles. Further advice can be provided by City of York Council's Public Protection team on request. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with

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the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

15 All deliveries and dispatch other than waste removal from the site for Unit 1 shall be restricted to the following hours:

Monday - Saturday 07.00hours to 19.00hours
No deliveries or dispatch on Sundays and Bank holidays

Reason: To Protect the amenity of nearby residents.

16. HWAY14 Accesses to be approved, details reqd

17. HWAY36 Servicing within sites, details reqd

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:

- Request additional information
- Request revised plans and drainage information
- Use of conditions

2. YORKSHIRE WATER INFORMATIVE

If the developer wishes to have the sewers included in a sewer adoption/diversion agreement with Yorkshire Water (under Sections 104 and 185 of the Water Industry Act 1991), they should contact Yorkshire Water Developer Services Team (tel 0345 120 84 82, email: technical.sewerage@yorkshirewater.co.uk) at the earliest opportunity. Sewers intended for adoption and diversion should be designed and constructed in accordance with the WRc publication 'Sewers for Adoption - a design and construction guide for developers' 6th Edition, as supplemented by Yorkshire Water's requirements.

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

4. DEMOLITION AND CONSTRUCTION INFORMATIVE

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

(iii) Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

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

(v) There shall be no bonfires on the site.

(vi) In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken and where remediation (clean-up) 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. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under

Part 2A of the Environmental Protection Act 1990.

5. NETWORK RAIL INFORMATIVE

Drainage - All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. All soakaways must be located so as to discharge away from the railway infrastructure.

Fail Safe Use of Crane and Plant - All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

Excavations/Earthworks - All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

Security of Mutual Boundary - Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

Method Statements/Fail Safe/Possessions - Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice

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period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.

OPE - Once planning permission has been granted and at least six weeks prior to works commencing on site the Asset Protection Project Manager (OPE) MUST be contacted, contact details as below. The OPE will require to see any method statements/drawings relating to any excavation, drainage, demolition, lighting and building work or any works to be carried out on site that may affect the safety, operation, integrity and access to the railway.

Vibro-impact Machinery - Where vibro-compaction machinery is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement

Scaffolding - Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.

ENCROACHMENT - The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

Trees/Shrubs/Landscaping - Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. A comprehensive list of permitted tree species is available upon request.

Lighting - Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Access to Railway - All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular, the railway access point off Great North Way should remain clear and unobstructed at all times during the construction and subsequent operation of units 2-4 of the site north of Evans Business Centre.

The method statement will need to be agreed with:

Asset Protection Project Manager
Network Rail (London North Eastern)
Floor 3B
George Stephenson House
Toft Green
York
Y01 6JT

Email: assetprotectionlneem@networkrail.co.uk

6. INFORMATIVE:

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 officer named:

Streetworks Special Permission - Steve Parry - streetworks@york.gov.uk

7. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

Contact details:

Author: Victoria Bell Development Management Officer
Tel No: 01904 551347