

Date: 15 October 2020 **Ward:** Rawcliffe and Clifton Without
Team: West Area **Parish:** Clifton Without Parish Council

Reference: 20/00056/FULM
Application at: Industrial Property Investment Fund Unit C Auster Road York YO30 4XA
For: Erection of four storey building to form self-storage facility with associated access and landscaping (use class B8)
By: Mr Andy Wood
Application Type: Major Full Application
Target Date: 10 July 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of a four-storey, commercial building measuring approximately 42.5m x 30.5m x 10.8m, giving a total gross internal floorspace of approximately 4952sqm. The building would be made up of multiple self-storage units, for home or business use, ranging in size from approximately 3sqm to 32sqm.

1.2 20 car parking spaces would be provided plus bin store, covered cycle storage and landscaping. Access would be from Auster Road as existing. The building would be accessible 24 hours a day. The reception would be staffed from 8am to 6pm.

APPLICATION SITE

1.3 A cleared commercial plot of 0.26ha within Clifton Moor Industrial Estate. The southern elevation faces Clifton Moor Gate. The site access is from Auster Road. The adjacent uses are commercial.

2.0 POLICY CONTEXT

2.1 The National Planning Policy Framework (NPPF). 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 38). The NPPF sets out the presumption in favour of sustainable development in paragraph 11.

2.2 The Publication Draft Local Plan 2018 (the 'emerging plan') was submitted for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF the emerging 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 Relevant policies of the emerging plan are:

- DP2 Sustainable Development
- DP4 Approach to Development Management
- D1 Placemaking
- D2 Landscape and Setting
- ENV2 Managing Environmental Quality
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- CC1 Renewable and Low Carbon Energy
- CC2 Sustainable Design and Construction

2.4 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. It does not form part of the statutory development plan and its policies carry very limited weight.

3.0 CONSULTATIONS

INTERNAL

Highways Network Management

3.1 The access, site layout, car parking and revised cycle storage are acceptable. Add standard conditions regarding provision of car parking, turning areas, details of cycle storage and submission of a travel plan.

Public Protection

3.2 The conclusions of the submitted site appraisal requiring further site investigation works are accepted. No objection subject to standard conditions regarding land contamination, submission of a construction environmental management plan and electric vehicle recharging.

Flood Risk Management

3.3 A very basic drainage strategy has been submitted but no drainage details. Nor infiltration testing witnessed by FRMT or surveys to prove existing connected impermeable areas. Therefore FRMT will not be supporting the application.

EXTERNAL

Clifton Without Parish Council

3.4 No response.

Yorkshire Water

3.5 If planning permission is to be granted, add conditions requiring separate systems of drainage for foul and surface water and submission of drainage details, including 30% attenuation. The developer is proposing to discharge surface water to public sewer. Yorkshire Water promotes the surface water disposal hierarchy. The developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer.

Kyle and Upper Ouse Internal Drainage Board

3.6 If the surface water were to be disposed of via a soakaway system, percolation tests must be undertaken to establish if the ground conditions are suitable for it. If surface water is to be directed to a mains sewer system the water authority must be satisfied that the existing system will accept this additional flow. This should be made a condition of planning permission. If the surface water is to be discharged to any ordinary watercourse within the IDB's district consent from the IDB would be required in addition to planning permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff rate.

4.0 REPRESENTATIONS

4.1 None received.

5.0 APPRAISAL

MAIN ISSUES

- Principle of the development
- Local economy
- Character and appearance
- Landscaping
- Access and parking
- Impact on surrounding occupiers

- Drainage
- Climate Change

PRINCIPLE OF THE DEVELOPMENT

5.1 The site is in a well-established commercial area. The proposed uses are acceptable in principle subject to other material planning considerations.

LOCAL ECONOMY

5.2 The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development (paragraph 80). The proposal would increase the quantity and quality of commercial floorspace to the general benefit of the local economy and support the sustainable development policy DP2 of the emerging plan. The premises would sustain up to three permanent staff.

CHARACTER AND APPEARANCE

5.3 Paragraph 130 of the NPPF states that permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Main materials would comprise grey composite cladding panels laid horizontally with yellow feature panels and details. The scale, design, appearance and external materials are in keeping with the character of the area. They comply with policy D1 of the emerging plan and relevant paragraphs in section 12 of the NPPF. A condition should be attached requiring samples of the materials to be submitted for approval.

5.4 The principal elevation is towards Clifton Moor Gate, which is one of the main routes into and through the industrial estate. Redevelopment of some of the adjacent sites has eroded what had been a predominant building line, in particular an Audi car dealership opposite the application site and a BMW motorcycle dealership to the west of it. The application as submitted showed the proposed building positioned well forward on the site, in line with the front elevation of the BMW dealership. The large size of the proposed building, together with its unbroken façade would have made the building unduly prominent in the street scene and prevented sufficient landscaping to be provided between the building and the public highway. The application has since been amended by moving the building 5m further from the public highway thereby reducing its prominence and enabling more landscaping to be provided. The building would now be approximately 8.2m from the public verge and 11.5m from the carriageway. The revised position of the building within the site is now acceptable.

LANDSCAPING

5.5 The Clifton Moor Gate frontage has an earth bund (approximately 1m high) which, until recently, was surmounted by a row of unprotected trees and other landscaping. The proposals would sit behind the earth bund which would be removed or remodelled as part of the landscaping of the development. The application includes landscaping/planting proposals mainly comprising replacement tree planting along the Clifton Moor gate elevation and native hedge planting along the side boundaries. The repositioning of the building further from the highway verge would enable more-substantial landscaping to be provided along Clifton Moor Gate. Submission of landscaping details and their implementation should be made a condition of approval.

ACCESS AND PARKING

5.6 The access would remain as existing from Auster Road and is adequate for the proposed use. Turning and manoeuvring space for large vehicles would not be required due to the modest size of the individual storage units to be provided. 20 car parking spaces would be provided including one to disabled standard and two with vehicle recharging. The council's cycle parking standards require approximately 20 cycle parking spaces for the site but this is likely to be excessive due to the nature of the development. The 10 covered cycle spaces proposed by the applicant would be adequate. This should be made a condition of planning permission.

IMPACT ON SURROUNDING OCCUPIERS

5.7 Policy ENV2 states that development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts without effective mitigation. The site is in an industrial/commercial area with no residential dwellings in the vicinity. In order to protect the local environment Public Protection officers are recommending various conditions including submission of a construction environmental management plan (CEMP). Bearing in mind the area's commercial character, the scale of the proposed building, its relatively straightforward construction and/or the safeguards provided by existing public protection legislation, officers consider that submission of a CEMP would, in this case, be inappropriate and unnecessary. The other conditions proposed by Public Protection, namely those relating to land contamination and provision of an electric vehicle recharging point, are necessary and reasonable.

DRAINAGE

5.8 Paragraph 155 of the NPPF states that in determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Policy ENV4 of the emerging plan states that new development shall not be subject

to unacceptable flood risk and shall be designed and constructed in a way that mitigates against flood events. The site is in low-risk flood zone 1.

5.9 Although the site has already been developed the proposal would increase surface water run-off. Policy ENV5 requires developers to implement, where possible, sustainable drainage systems (SuDS) into all new development and redevelopment schemes. This means that surface water should be discharged to, in order of preference: (a) infiltration systems/soakaways (b) to a watercourse (c) to a public sewer. To date the applicant has not carried out ground infiltration testing to establish whether infiltration is feasible. Instead, the applicant proposes to re-use existing connections to the public sewer system. This is unacceptable unless, and until, more-sustainable solutions have been found to be unsuitable. The applicant is now organising ground surveys of the site. Members will be updated at the committee meeting.

CLIMATE CHANGE

5.10 Policy CC1 requires new buildings to achieve a reduction in carbon emissions of at least 28%. This should be achieved through the provision of renewable and low carbon technologies in the locality or through energy efficiency measures. The applicant has agreed to a planning condition to this effect.

5.11 Policy CC2 requires all new non-residential buildings with a floorspace greater than 100sqm to achieve a BREEAM rating of 'excellent'. This is normally secured by a planning condition. The applicant has submitted a BREEAM pre-assessment report which states that the development can only achieve a rating of 'very good' with a target score of 60.17%. Excellent requires a score of 70%. The applicant argues that excellent cannot be achieved in this case because certain actions that would have contributed to the BREEAM score were not carried out or evidenced when the building previously on the site was demolished. Furthermore, that a planning condition requiring a score of 60.17% would not be acceptable because it would require the attainment of credits that are considered by the applicant to be difficult and high risk. If planning permission is granted it should include a condition requiring the development to achieve a BREEAM rating of 'very good'.

6.0 CONCLUSION

6.1 The redevelopment would support the local economy by increasing employment floor space in a sustainable location and in keeping with the character of the area. The application complies with national planning policy as set out in the NPPF, and relevant policies of the emerging local plan apart from policy CC2 (BREEAM) of the emerging plan. Policy CC2 can be given moderate weight in the council's consideration of the application. In the planning balance, non-compliance with this one policy would not justify refusal of planning permission.

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 approved plans:

19005-C4P-AV-00-DR-A-0500_P12_Site Plan as Proposed
19005-C4P-AV-00-DR-A-2000_P2_GA Plan as Proposed (Level 00)
19005-C4P-AV-01-DR-A-2001_P2_GA Plan as Proposed (Level 01)
19005-C4P-AV-02-DR-A-2002_P2_GA Plan as Proposed (Level 02)
19005-C4P-AV-03-DR-A-2003_P2_GA Plan as Proposed (Level 03)
19005-C4P-AV-R1-DR-A-3300_P1_Roof Plan as Proposed
19005-C4P-AV-ZZ-DR-A-2100_P3_Elevations as Proposed (Sheet 1)
19005-C4P-AV-ZZ-DR-A-2101_P3_Elevations as Proposed (Sheet 2)
19005-C4P-AV-ZZ-DR-A-0201_P2_Site Section.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the local planning authority.

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

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.

4 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of at least 'very good'. A post-construction stage assessment shall be carried out and a post-construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building (or in the case of the certificate as soon as practical after occupation). Should the development fail to achieve a BREEAM standard of at least 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve the agreed standard. The approved remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Publication Draft Local Plan 2018.

5 No above ground works shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures when compared to the Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L2A of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 of the Publication Draft Local Plan 2018.

6 Prior to the development commencing 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.

7 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans. Thereafter these areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: In the interests of highway safety.

8 Within 6 months of first occupation of the development a travel plan shall be submitted to the council for approval in writing. The development shall subsequently be occupied in accordance with the aims, measures and outcomes of the travel plan as approved in writing by the local planning authority.

Reason: To ensure that the development complies with national and local transportation guidance and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site together with parking on site for these users.

9 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings shall be produced and submitted to the local planning authority for approval in writing. The report of the findings shall include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - o human health,
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be prepared and shall be subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11 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 shall be produced and submitted to the local planning authority for approval in writing.

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.

12 In the event that unexpected contamination is found at any time when carrying

out the approved development, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where remediation is necessary a remediation scheme shall be prepared and submitted to the local planning authority for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report shall be prepared and submitted to the local planning authority for approval in writing.

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.

13 Prior to first occupation of the development 1 electric vehicle recharging point shall be provided in a position and to a specification previously agreed in writing by the local planning authority. The charging point shall be located in a prominent position on the site and shall be for the exclusive use of zero emission vehicles.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes:

Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council. The location of charging points should be identified by parking bay marking and signage. All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.

14 Prior to commencement of the development details of foul and surface water drainage, including balancing/attenuation, shall be submitted to the Local Planning Authority for approval in writing, and thereafter implemented in accordance with the approved details.

Reason: In the interests of sustainable drainage.

15 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

16 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 building 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.

17 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.

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) and, in seeking solutions to problems identified during the processing of the application, the local planning authority negotiated changes to cycle parking provision and a wider landscaped strip along the Clifton Moor Gate frontage.

2. AINSTY INTERNAL DRAINAGE BOARD

Any surface water discharge into any watercourses in, on, under or near the site requires consent from the Drainage Board. For further guidance, pre-application advice & consent form visit: www.shiregroup-idbs.gov.uk, and select 'Kyle & Upper Ouse IDB'. For direct enquiries e-mail: planning@shiregroup-idbs.gov.uk. No obstructions within 7 metres of the edge of an ordinary watercourse are permitted without consent from the Internal Drainage Board. If surface water or works are planned adjacent to a Main River within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

Contact details:

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