

COMMITTEE REPORT

Date: 12 January 2023 **Ward:** Huntington/New Earswick

Team: East Area **Parish:** Huntington Parish Council

Reference: 22/01161/FULM
Application at: Site To The West Of MX Park Monks Cross Drive Huntington York
For: Erection of two units for light industry (class E) or general industry (class B2) or storage/distribution (class B8) or storage/distribution with ancillary trade counter use; and associated car parking and landscaping.
By: The Tonsley York Trust
Application Type: Major Full Application
Target Date: 25 January 2023
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for 2 no. detached industrial units to the north of Monks Cross Drive. The site is currently covered with vegetation, trees, and ponds. As part of the development the site the land levels would be reduced. Access to the site would be from a shared access with the recently constructed industrial units to the east.

1.2 To the east of the site are a number of recently constructed units and a storage facility, to the south is the Monks Cross retail park. To the west is a hotel and restaurant/drive through. To the north is a field that is part of housing allocation site ST8 for which outline planning permission was recently approved by the Secretary of State. The area is predominately commercial in character.

1.3 The proposed development does not comprise 'Schedule 1' development for which EIA is mandatory. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed site is not within or adjacent to an environmentally sensitive area (as specified in the regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact, the proposed development would not result in significant

environmental effects and therefore an Environmental Impact Assessment is not required.

1.4 RELEVANT PLANNING HISTORY

- 10/01006/FULM - Erection of office units (Application to extend time period for implementation of outline permission 07/01006/OUTM) – Approved
- 07/01006/OUTM - Outline application for the erection of three storey and two storey B1 office units with associated landscaping and car and cycle parking (approval sought for scale and access) - Approved
- 03/02690/FUL - Variation of condition 2 of planning permission 01/02528/FUL for temporary offices to allow retention of car park for further temporary 9 month period - Approved
- 01/02528/FUL - Change of use of farmland to office use with siting of temporary portable office structure - Approved

2.0 POLICY CONTEXT

2.1 The Huntington Neighbourhood Plan was adopted in July 2021.

H4 Design Principles

H17 Biodiversity

H18 Flooding and Water Management

H20 Car Parking

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

GP1 Design

GP4a Sustainability

GP15a Development and Flood Risk

NE2 River and Stream Corridors, Ponds and Wetland Habitats

NE6 Species Protected by Law

NE7 Habitat Protection and Creation

T4 Cycle Parking Standards

2.3 The Publication Draft York Local Plan (2018)

D1 Placemaking

D2 Landscape and Setting

GI1 Green Infrastructure

GI2 Biodiversity and Access to Nature

GI3 Green Infrastructure Network

GI4 Trees and Hedgerows

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development
ENV1 Air Quality
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
WM1 Sustainable Waste Management
T1 Sustainable Access

3.0 CONSULTATIONS

INTERNAL

HIGHWAY NETWORK MANAGEMENT

3.1 No objections subject to conditions: vehicle areas to be surfaced; cycle parking details to be submitted; car and cycle parking to be laid out; internal turning areas to be provided; and Method of Works.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGIST)

3.2 the applicant has sought to provide ecological enhancements where possible. Given the limited amount of space available for soft landscaping, native hedges and flowering lawns will provide appropriate and useful habitats for the existing ecology. As such, based on the information provided have no objections to the application, subject to the following conditions: amphibian friendly drainage structures; biodiversity Construction and Environmental Management Plan; lighting plan; timing of works to protect nesting birds

LEAD LOCAL FLOOD AUTHORITY

3.3 No objections.

PUBLIC PROTECTION

3.4 Request following conditions: Construction and environmental management plans, and hours of construction, deliveries and despatch; electric vehicles recharging facilities; unexpected contamination condition

3.5 The service yard areas for 2 of the units will be close to a hotel. There are no hours of use detailed within the application. Request following condition: details of all machinery, plant, and equipment which is audible outside of the premises to be submitted

3.6 Due to the close proximity of hotel accommodation to the service yards any external lighting will have to be installed to ensure that light does not cause any disturbance to neighbouring premises. Request following condition restricting the timing of the lighting and full lighting impact assessment

EXTERNAL CONSULTATIONS

HUNTINGTON PARISH COUNCIL

3.7 No comments received

YORKSHIRE WATER

3.8 Request following conditions: sperate systems of drainage for foul and surface water, no piped discharge of surface water; requirement of interceptor

FOSS INTERNAL DRAINAGE BOARD

3.9 The Board has assets in the wider area in the form of Pigeon Cote Dyke. This watercourse is known to be subject to high flows during storm events. The Board notes that the discharge rate of 1 litre per second has been agreed by CYC as the LLFA and the Board will also be willing to accept this discharge rate on this occasion. The Board notes that the applicant is proposing a Cellular Storage Tank. This appears to accommodate a 1:100 year storm event plus 30% for climate change. Request condition: drainage works are constructed in accordance with submitted details.

YORKSHIRE WILDLIFE

3.10 No comments received

NATURAL ENGLAND

3.11 No comments received

CARBON REDUCTION TEAM

3.12 Supporting information outlines that a carbon emissions reduction will be made this is in line with Building Regulations Part L 2022. At least a 28% carbon emissions reduction will need to be met and evidenced through valid documentation.

3.13 The 'Statement to confirm why BREEAM Excellent is not appropriate for this project' document sets out the reasons why BREEAM Excellent is not expected to be met for this site. Should comply Policy CC2 - the development needs to work to try to achieve this and evidenced through valid documentation.

4.0 REPRESENTATIONS

4.1 No representations received

5.0 APPRAISAL

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. An adopted Neighbourhood Plan forms part of the statutory Development Plan for the City of York. The site is not considered to be within the general extent of the York Green Belt.

HUNTINGTON NEIGHBOURHOOD PLAN

5.2 The Huntington Neighbourhood Plan (HNP) was adopted in 2021. Full weight can be given to the policies contained within the HNP; which is the Development Plan for this application. Policy H4 (Design Principles), H17 (Biodiversity), H18 (Flooding and Water Management) and H20 (Car Parking) are considered to be relevant to this application.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

5.3 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. Phase 2 of the hearings concluded in May 2022. Phase 3 of the hearings took place in July 2022 and Phase 4 took place in September 2022. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

DEVELOPMENT CONTROL LOCAL PLAN (2005)

5.4 The Development Control 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, the weight that can be afforded to them is very limited.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

5.5 The planning policies of the National Planning Policy Framework as published are a material consideration in the determination of planning applications. The presumption in favour of sustainable development set out at paragraph 11 of the NPPF does not apply when the application of policies relating to irreplaceable habitats indicate that permission should be refused.

BIODIVERSITY

5.6 Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of the functions, to the purpose of conserving biodiversity. Para 180 of the NPPF sets out that when determining planning applications, local planning authorities should apply the following: if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

5.7 Para 182 sets out that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

5.8 Multiple applications for Great crested newt (GCN) European Protected Species mitigation licences have been made within the Monks Cross development. The application site has previously been used as a mitigation area for great crested newts as part of licenced works for adjacent developments. Correspondently, it is known that significant populations of GCN are present in the area.

5.9 Great crested newts are a European protected species. District level licensing is an approach for planning applications to develop sites which could affect great crested newts. District level licensing aims to increase the number of great crested newts by providing new or better habitats in targeted areas to benefit their wider population. The site is subject to the District Level Licensing Scheme. The planning application includes an impact assessment and conservation payment certificate (IACPC) the IACPC has been signed on behalf of Natural England. The boundaries of site plan submitted with the certificate match those of the planning application.

The IACPC confirms that the development is suitable for district licensing and meets the 'favourable conservation status' test in the Habitats Regulations 2019 and there will be compensation for any impacts on great crested newts by a conservation payment. The above sets out that the harm to biodiversity/newts can be adequately mitigated by the District level Licensing Scheme.

5.10 The "derogation tests" which must be applied for an activity which would harm a European Protected Species are contained within the species protection provisions of the Habitats Directive, as implemented by the Conservation of Habitats and Species Regulations 2017. Notwithstanding the licensing regime, the LPA must also address its mind to these tests when deciding whether to grant planning permission for a development which could harm a European protected species: the guidance advises only the first two derogation tests need to take place if there is a signed impact assessment and conservation payment certificate as in this case, the tests are as follows:

That there is no satisfactory alternative

The application site is surrounded on three sides by commercial development and to the north is an allocated housing site. Once the housing site to the north is developed the application site would become isolated and less attractive to newts. The relocation of the newts would be to a site that would provide better habitat than that on the application site.

That the action is for the purpose of imperative reasons of overriding public interest including those of a social or economic nature:

This judgement requires the public interest served by a proposal to be weighed against the harm to the protected species that will be put at risk and in this case taking into account the impacts from other developments outlined above. The units are small to medium sized and would add to the variety of accommodation within the Monks Cross and the wider York area. The development would provide two industrial units which would contribute to the economic prosperity of the city, and thus in the public interest.

5.13 Paragraph 174 of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by, inter alia, minimising impacts on and providing net gains for biodiversity. Policy H17 (Biodiversity) of the Huntington Neighbourhood Plan requires net gains in biodiversity on new developments. By moving the newts to another area, together with the design of the development, and the small scale of the site there is little possibly of providing on-site net gain to biodiversity. The development is part of the District Licensing Scheme, and the developer would pay towards providing terrestrial and pond habitat that would

provide a better newt habitat elsewhere and as such is considered to result in biodiversity net gain.

5.14 Although the GCN within the application site will be mitigated for through the District Level Licensing Scheme, this does not account for the general population of Great Crested Newts within the area. It is therefore recommended that newts and other amphibians are safeguarded post construction, through sensitive drainage design, this can be sought via condition. Details of a sensitive lighting scheme (to prevent disturbance to ecology) can be conditioned.

VISUAL AMENITY AND CHARACTER

5.15 Chapter 12 of the NPPF gives advice on design, placing great importance to that design of the built environment. In particular, paragraph 130 of the NPPF states that planning decisions should ensure that development, inter alia, will add to the overall quality of the area, be visually attractive, sympathetic to local character and history and have a high standard of amenity for existing and future users. Policy H4 of the Neighbourhood Plan states that development proposals should respect the character of their local environment having regard to scale, density, massing, height, landscape, layout materials and access, as appropriate to their nature and location.

5.16 The land levels would be reduced to a similar level as those 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.

5.17 The Proposed smaller unit (12) would measure 16 metres by 30 metres (8.2 metres in height max). Proposed larger unit (13) building 2 would measure 20 metres by 45 metres (8.4 metres in height max). The walls and roof would be metal cladding. The grey, silver and blue cladding to be used is specified in the plans, it is the same that has been used on the recently constructed units to the east and it's considered to be acceptable in this location. The design of the proposed buildings is considered to be in keeping with the surrounding business units. Details of any proposed external lighting should be conditioned. The plans indicate that paladin fencing is proposed. It is considered necessary to condition a landscaping plan to ensure sufficient soft landscaping boundaries are secured.

IMPACT ON NEIGHBOURING BUSINESSES

5.18 The NPPF states that planning decisions should aim to avoid noise giving rise to significant adverse impacts on health and quality of life. Neighbourhood Plan policy H4 states that development proposals should also take into account the amenity of neighbouring occupiers. Policy ENV2 of the Publication Draft Local Plan (2018) require that there should be no undue adverse impact from noise disturbance.

5.19 Paragraph 186 of the NPPF 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 in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

5.20 The closest dwellings are 420 metres from the application site, however there is a hotel immediately adjacent to the west of the application site. Conditions for the submission of details of machinery that is audible outside the premises together with any mitigation, and details of lighting to ensure adequate amenity of hotel occupants and limiting the impact to bats are considered to be necessary and will provide suitable mitigation.

HIGHWAYS

5.21 The NPPF encourages development that is sustainably located and accessible. Paragraph 110 requires that all development achieves safe and suitable access for all users. It advises at paragraph 111 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Further, paragraph 112 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive thereby minimising the scope for conflicts between pedestrians, cyclists and vehicles. Neighbourhood Plan policy H20 states that development proposals should incorporate sufficient, safe and convenient car parking provision in accordance with the most up to date City of York Council standards. Policy T1 of the 2018 emerging Local Plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.22 The area is served by regular public transport. The nearest bus stops are approximately 52 metres and 175 metres from the proposed development. The bus routes are 9,13, 20, and 55. Sufficient cycle parking (12 spaces) and vehicle parking provision (21 spaces) would be provided.

DRAINAGE

5.23 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Policy H18 of the Huntington Neighbourhood Plan sets out the development should not exacerbate existing drainage problems. The management of surface water run-off from new development should incorporate sustainable drainage techniques and should be

designed to deliver wildlife benefits, where possible. Publication Draft York Local Plan (2018) Policy ENV5 (Sustainable Drainage) 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.

5.24 An acceptable drainage scheme has been submitted; it is considered necessary to condition that the development would be constructed in full accordance with the submitted plans. The drainage scheme includes an oil interceptor.

SUSTAINABILITY

5.25 Policy CC1 'Renewable and Low Carbon Energy Generation and Storage' requires that all new buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. The revised Building Regulations that came into force in June 2022 (with a transition period) exceed Policy CC1 requirements for reduction in carbon emissions. It is noted that an application for building regulations consent has not been made. As such the proposed building would be considered under the more stringent 2022 Building regulations as such it is not considered necessary to condition the 28% reduction in carbon emissions.

5.26 Policy CC2 'Sustainable Design and Construction of New Development' states that developments which demonstrate high standards of sustainable design and construction will be encouraged. Development proposals will be required to demonstrate energy and carbon dioxide savings in accordance with the energy hierarchy and water efficiency. The policy requires that all new non-residential buildings with a total internal floor area of 100m² or greater should achieve BREEAM 'Excellent' (or equivalent). The submitted information sets out that the development can achieve BREEAM 'very good'. The agent advises that achieving some of the credits would result in a disproportionately increased cost. Given the proposed modifications to Local Plan Policy CC2 that have yet to be consulted upon, the policy is considered to have very limited weight. It is not considered that the application could be refused on this basis. A condition seeking a rating of 'very good' could be applied.

6.0 CONCLUSION

6.1 The development would provide employment buildings within an existing commercial area. In the planning balance biodiversity, environmental and highway impacts are acceptable and can be mitigated where necessary by planning condition. The proposal would accord with the NPPF, the Huntingdon Neighbourhood Plan (2021), the Draft Local Plan (2005) and the Draft Local Plan (2018).

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Number 1561 (0)01 P4 'Plan and Section Unit 12' received 17 October 2022;

Drawing Number 1561 (0)02 P2 'Elevations Unit 12' received 17 June 2022;

Drawing Number 1561 (0)03 P3 'Plan and Section Unit 13' received 17 October 2022;

Drawing Number 1561 (0)04 P1 'Elevations Unit 13' received 01 June 2022;

Drawing Number 1561 S02 P4 'Proposed Site Layout' received 22 June 2022;

Drawing Number 1561 S04 P2 'Proposed Landscaping Plan' received 17 October 2022;

Drawing Number 305633-HAH-XX-00-DR-C-00200 Revision C 'Drainage Layout' received 25 November 2022;

Location Plan received 22 June 2022;

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

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

Monday to Friday 0800 to 1800 hours

Saturday 0900 to 1300 hours

Not at all on Sundays and Bank Holidays

4 A written strategy for the provision of Electric Vehicle charging facilities on the site shall be approved in writing by the local planning authority prior to commencement of the construction of the development. Active EV charge point provision shall meet minimum requirements as laid out in the council's Low Emission Planning Guidance. The strategy shall include details of numbers, locations and full specifications for the charge points alongside details of the management and servicing arrangements for a period of 10 years. The strategy shall be implemented in accordance with the agreed strategy prior to first occupation and the apparatus shall be retained for the lifetime of the development.

Reason: To ensure provision of EV charging facilities in line with current Building Regulations (Approved Document S), the National Planning Policy Framework (NPPF) and CYC's Low Emission Strategy / Low Emission Planning Guidance

INFORMATIVE

- A minimum of 5% of the total parking provision on a site should include active EV charge points. Developments should additionally satisfy the minimum requirements as set out in Approved Document S: Infrastructure for the charging of electric vehicles (2021) in terms of both active EV charge points and passive provision / cable routes.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission capable vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation.
- The EV charging strategy should provide confirmation that the charge point(s) will be serviced and maintained in line with the manufacturer's recommendations for a minimum period of 10 years. It should also address what would happen in the event of a fault with the charge point and explain how this will be reported and rectified. The plan should also confirm what will happen in the event that a non-EV parks in an EV-only parking space and how this will be managed.

5 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

6 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall first be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment as approved and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed

in accordance with BS4142: 2014, inclusive of any acoustic feature corrections associated with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

7 The development shall be carried out in full accordance with Drawing Number: 305633-HAH-XX-00_DR-C-00200 Revision C (dated and submitted 24th November 2022) unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In the interest of satisfactory and sustainable drainage

8 Unless otherwise first approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

9 Any drainage structures such as gully pots and kerbing associated with the development shall be constructed so as to be 'amphibian-friendly'. Details shall be submitted to and approved in writing by the local planning authority prior to their construction. Thereafter the development shall be constructed in full accordance with the approved details.

Reason: In order to comply with legislation relating to European protected species and with Paragraph 175 of the National Planning Policy Framework.

10 Prior to the installation of any new external lighting, a 'lighting design plan' shall be submitted to and approved in writing by the local planning authority. The lighting shall be constructed in full accordance with the approved details.

The plan shall:

- Demonstrate that required external lighting has been selected in-line with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229&focal=none>
- Demonstrate how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications), clearly demonstrated where light spill will occur.

Reason: To protect the habitats European Protected Species where there might be

changes on site in accordance with Section 15 of the National Planning Policy Framework. To protect amenity of the occupants and users of the neighbouring buildings.

11 No vegetation removal shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation and structures for active birds' nests immediately before the works and written confirmation from the ecologist has been submitted to the local planning authority that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. y.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

Informative: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Suitable habitat is likely to contain nesting birds between 1st March and 31st August inclusive. As such habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

12 No development shall take place (including ground works and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The development shall be constructed in full accordance with the approved CEMP: Biodiversity .

The CEMP: Biodiversity shall include the following:

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

similarly competent person

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

Reason: To facilitate the protection of notable/sensitive ecological features and habitats on the application site and within the local area in line with Policy GI2 in the Publication Draft Local Plan (2018).

13 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with the approved plans.

Reason: To prevent the egress of water and loose material onto the public highway.

14 Prior to the first occupation of the development 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.

15 The buildings 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.

16 No part of the site shall come into use until the turning 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.

17 A detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The development shall be constructed in full accordance with the approved details. The statement shall include at least the following information:

- measures to prevent the egress of mud and other detritus onto the adjacent public highway;
- a dilapidation survey jointly undertaken with the local highway authority;
- the routing for construction traffic that will be promoted;
- a scheme for signing the promoted construction traffic routing;
- where contractors will park; and
- where materials will be stored within the site.

Reason: To ensure that the development can be carried out in a manner that will not be to the detriment of amenity of local residents, free flow of traffic or safety of highway users.

18 Prior to first occupation details of the refuse bin enclosures shall be submitted to and approved in writing by the local Planning Authority. Prior to first occupation the refuse bins enclosures as approved shall be constructed and ready for use. Thereafter the refuse bin enclosures shall be retained for such use at all times.

Reason: In the interests of good design in accordance with section 12 of the NPPF. To ensure there is suitable refuse storage areas for the life of the development. To achieve a visually cohesive appearance.

19 The development hereby approved shall be constructed to a BREEAM standard of 'Very Good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority within 12 months of first use of the building (unless otherwise agreed).

Reason: In the interests of achieving a sustainable development in accordance with the requirements of the NPPF

8.0 INFORMATIVES: Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

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

2. INFORMATIVE:

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

3. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

4. Informative - Up-dated information:

Although up-to-date survey data has been provided with this submission, it should be noted that ecology surveys may need repeating where delays to project commencement are incurred.

5. DRAINAGE INFORMATIVE:

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

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

The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming

the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

Contact details:

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