

COMMITTEE REPORT

Date: 5 August 2020 **Ward:** Rawcliffe and Clifton
Without

Team: West Area **Parish:** Clifton Without Parish
Council

Reference: 20/00146/FULM
Application at: Corby (No.1) Unit Trust Sovereign House Unit 5 Kettlestring
Lane York YO30 4XF
For: Erection of building for light industry or general industry or
storage/distribution or storage/distribution with ancillary trade
counter use (use classes B1(c), B2, B8) and associated car
parking and landscaping
By: Mr George Cornwall-Legh
Application Type: Major Full Application
Target Date: 13 August 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 Erection of a single-storey, portal-framed, commercial building measuring approximately 52m x 37m giving a total floorspace of 1858sqm. The building would be 8m to the parapet and 9.2m to the ridge. The application seeks permission for a range of use options comprising light industry or general industry or storage/distribution or storage/distribution with ancillary trade counter use (use classes B1(c), B2, B8). The proposal includes car parking and landscaping. Access would remain as existing, from Kettlestring Lane.

APPLICATION SITE

1.2 A commercial plot of 0.4ha within Clifton Moor Industrial Estate. The site has been cleared in readiness for redevelopment. It was previously occupied by three inter-linked office buildings. Access is direct from Kettlestring Lane. The adjacent uses on all sides 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).

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 The evidence base underpinning the emerging plan is capable of being a material consideration in the determination of planning applications. 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

2.3 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

Forward Planning

3.1 Given the advanced stage of the emerging plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the consistency with the Framework, we would advise that the policy requirements of the relevant emerging plan policies should be applied with moderate weight. The application seeks to provide employment use on a vacant brownfield. The location of the development and the proposed use is supported, subject to the conditioning of

the trade counter not exceeding 10% of the net floorspace of the building and demonstration of the carbon reduction/sustainable design and construction measures to be used to meet policy requirements.

Highways Network Management

3.2 The access, site layout and car parking provision proposed are generally acceptable. Vehicle tracking shows that access and egress by large vehicles will require the on street parking currently available opposite the site entrance to be removed. This will require a change to the Traffic Regulation Order and the cost of this change should be borne by the applicant. The new location for the cycle parking is acceptable. Provision for 10 cycles as proposed is acceptable. This needs to be done according to the council's standards.

Public Protection

3.3 The submitted phase 1 geo-environmental appraisal is acceptable. A phase 2 site investigation should be carried out. If contamination is found remedial action will be required to ensure that the site is safe and suitable for its proposed use. No objection subject to standard conditions regarding land contamination, submission of a construction environmental management plan, electric vehicle recharging points and extraction equipment.

EXTERNAL

Clifton Without Parish Council

3.4 No response.

Kyle and Upper Ouse Internal Drainage Board

3.5 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.

5.2 The application specifically seeks approval for a trade counter, ancillary to the proposed storage/distribution use. Extensive trade counter use would reduce the employment floorspace (contrary to policy EC2 of the emerging plan) and could have a detrimental impact on existing centres (contrary to policy EC1 of the emerging plan). To avoid this harm the applicant has accepted a 20% limit on the amount of floorspace to be occupied by the trade counter. Although Forward Planning officers suggest that the trade counter occupy no more than 10% of the total floorspace the council has accepted up to 20% in comparable cases elsewhere. This higher maximum figure should be made a condition of approval.

LOCAL ECONOMY

5.3 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 amount of employment that the building would provide will depend on the end use and user, neither of which are known at present because the development is speculative. The applicant estimates that if the building were occupied by a B2 use it would create approximately 51 jobs. Current employment is zero because the previous building has been demolished.

CHARACTER AND APPEARANCE

5.4 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. The scale, design, appearance and external materials (mainly grey profiled metal cladding) 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 materials to be submitted for approval.

LANDSCAPING

5.5 The site has some landscaping along the perimeter, notably unprotected trees along the front and rear boundaries. A landscaping scheme has been provided as part of the application. The existing trees along the rear boundary are outside the site and would be retained. The existing trees and shrubs along Kettlestring Lane would be removed and planted with new trees and native species hedgerows. Implementation of the landscaping details should be made a condition of approval.

ACCESS AND PARKING

5.6 The access would remain largely as existing and is adequate. Vehicle tracking shows that ingress and egress by large vehicles would require the existing on-street parking opposite the site entrance to be removed. This would require a change to the Traffic Regulation Order and the cost of this change should be borne by the applicant. 25 car parking spaces would be provided including one to disabled standard and three with vehicle recharging. Cycle parking provision (for ten cycles) complies with council standards. The proposals comply with policy T1 of the emerging local plan.

IMPACT ON SURROUNDING OCCUPIERS

5.7 Policy ENV2 (Managing Environmental Quality) 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, namely those relating to extraction equipment, land contamination and provision of electric vehicle recharging points, 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 (Flood Risk) 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. Development will only be permitted when flood risk within the catchment will be successfully managed and there are details of proposed necessary mitigation measures. The site is in low-risk flood zone 1. Although the site has already been developed the proposal would increase surface water run-off. The ground is not suitable for soakaways therefore the applicant proposes to provide attenuation on site and to discharge to public sewers. The application includes drainage calculations, attenuation and a schematic drainage layout. A condition should be attached requiring the submission of drainage details of their proposals, including attenuation, to be submitted for approval.

CLIMATE CHANGE

5.9 In accordance with policies CC1 and CC2 of the emerging Local Plan the applicant has agreed to conditions requiring compliance with BREEAM Excellent and a 28% reduction in carbon emissions.

6.0 CONCLUSION

6.1 The redevelopment would support the local economy by providing employment floor space in keeping with the character of the area and in a sustainable location. The application complies with national planning policy in the NPPF and relevant policies of the emerging local plan.

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:

- Location Plan 1862 PL 100
- Proposed Site Plan: 1862 PL 102P
- Proposed Ground Floor Plan and Roof Plan: 1862 PL 105D
- Proposed Elevations: 1862 PL 106C
- Proposed Cycle Storage: 1862 PL 107A
- Landscape Plan: 803/1/LA1A

- Bed Planting Plans: 803/1/LA2A

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 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 as amended or any order amending, revoking or re-enacting that Order, or the description of development associated with this permission, no more than 20% of the net floor space of the unit(s) hereby created shall be devoted to a 'trade counter' use.

Reason: To safeguard the vitality and viability of York City Centre and the defined District Centres and to secure compliance with Policy R4 of the Publication Draft City of York Local Plan (2018).

5 The development shall be carried out to a BRE Environmental Assessment Method (BREEAM) standard of 'Excellent'. 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). Where it can reasonably be demonstrated that an excellent is not feasible, full justification for the lower rating shall be submitted to and agreed by the Local Planning Authority prior to occupation. Should the development fail to achieve a BREEAM standard of 'excellent' or the agreed alternative rating, 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.

6 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.

7 Prior to first occupation of the development hereby approved secure, covered cycle parking for a minimum of 10 cycles shall be provided in accordance with the approved plans unless otherwise previously approved in writing by the local planning authority.

Reason: In the interests of sustainable transport.

8 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.

9 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.

10 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same: To remove on-street parking opposite the site access.

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

11 The trees shown on the approved plans as being retained shall be protected during construction in accordance with the tree protection measures set out in the submitted Arboricultural Impact Assessment and Tree Survey dated December 2019 by Brooks Ecological.

Reason: In the interests of the character and appearance of the area.

12 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:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(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.

13 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.

14 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.

15 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.

16 Prior to first occupation of the development 2 Electric Vehicle Recharging Points shall be provided in a position and to a specification previously agreed in writing by the local planning authority.. In addition, a minimum of 2 additional parking bays shall be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays shall be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Recharging Points in the future, if required. The locations of these additional bays shall be agreed in writing by the local planning authority. All charging points 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.

17 Details of any extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval in writing. This shall 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.

18 Prior to commencement of development details of foul and surface water drainage, including 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.

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 agreed the proportion of trade counter use, negotiated changes to cycle parking provision and discussed appropriate planning conditions, particularly regarding low carbon/renewable energy.

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:

Case Officer: Kevin O'Connell **Tel No:**

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