



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Bartlett, Blanchard, Cuthbertson, Hill, Horton, Hyman, Jamieson-Ball, Macdonald, Moore, Reid, Simpson-Laing, Smallwood, I Waudby and Wilde

Date: Monday, 18 December 2006

Time: 2.00 pm

Venue: The Guildhall, York

AGENDA

There will be no site visits for this meeting.

1. Declarations of Interest

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Planning Committee held on 23 November 2006.

3. Public Participation

It is at this point in the meeting that members of the public who have registered their wish to speak can do so. The deadline for registering is by 5pm the day before the meeting. Members of the public can speak on specific planning applications or on other agenda items or matters within the remit of the committee.

To register please contact the Democracy Officer for the meeting, on the details at the foot of this agenda.

4. Plans List

This item invites Members to determine the following planning application:

a) Plot 8a White Rose Way Nether Poppleton York 06/02118/REMM (Pages 5 - 14)

Major Reserved Matters Application for the erection of 8 two storey office workshop units. (Rural West York)

5. Any other business which the Chair considers urgent under the Local Government Act 1972.

Democracy Officer:

Name : Sarah Kingston

Contact Details:

- Telephone : 01904 552030
- E-mail : sarah.kingston@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	23 NOVEMBER 2006
PRESENT	COUNCILLORS R WATSON (CHAIR), BARTLETT, CUTHBERTSON, HILL, HORTON, HYMAN, JAMIESON-BALL, MOORE, REID, SIMPSON-LAING, SMALLWOOD, MERRETT (SUBSTITUTE), MORLEY (SUBSTITUTE), LIVESLEY (SUBSTITUTE) AND B WATSON (SUBSTITUTE)
APOLOGIES	COUNCILLORS BLANCHARD, MACDONALD, I WAUDBY AND WILDE

28. INSPECTION OF SITES

There were no site visits for this meeting.

29. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

30. MINUTES

RESOLVED: That the minutes of the meeting held on 26 October 2006 be approved and signed by the Chair as a correct record.

31. PUBLIC PARTICIPATION

It was reported that nobody had registered to speak, under the Council's Public Participation Scheme, in general issues within the remit of this committee.

32. PLANS LIST

Members considered a report of the Assistant Director, Planning and Sustainable Development, relating to the following planning application, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

32a. York Business Park Great North Way Nether Poppleton York YO26 6RB 06/01940/REMM

Members considered a major reserved matters application, submitted by Business Living Limited, for the erection of 19 business units (B1 class) pursuant to outline planning permission 05/02181/OUT granted 12 October 2005 (resubmission).

Officers updated the following:

- That the applicant believed that for this application it would be reasonable to achieve a “very good” BREEAM rating.
- That regarding drainage, York Consultancy had confirmed that the area was a Low Risk Flood Zone 1, and that a flood risk assessment had been carried out as part of the outline planning application.
- That drainage issues were covered by condition 5 of the outline planning application.
- That they recommended to Members to add height condition HT1 to the application.

The agent for the applicant was present at the meeting to respond to any questions Members may have.

Members discussed the fact that the drainage assessment was carried out as part of the outline application which was a significant time ago, and were given legal advice stating that they were bound by the terms of the original consent (at outline stage), and that only those matters not considered at outline stage could be considered.

Members discussed the issue of the BREEAM rating and the applicant stated that he felt that the BREEAM rating of “very good” was appropriate for this application. Members discussed amending the wording of condition 9 to reflect their discussions on the importance of considering sustainable development.

Members also requested a Green Travel Plan condition, and a condition regarding hours of construction.

RESOLVED:

That the application be approved subject to the conditions outlined in the report and subject to the following additional conditions:

(i) Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 9.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

(ii) All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development from noise.

(iii) No unit on the site shall be occupied until a Travel Plan, developed in accordance with national guidance and guidance published by City of York Council has been submitted to and approved in writing by the Local Planning Authority. The units shall thereafter be occupied in accordance with the aims, measures and outcomes of such Travel Plan.

Reason: To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, 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 provision of parking on site for these users.

And subject to the following amended condition 9 of the report:

9. The developer shall achieve a BREEAM “very good” or “excellent” assessment standard for the development unless otherwise agreed in writing with the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority prior to the commencement of construction of the development, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to.

33. DRAFT SUPPLEMENTARY PLANNING GUIDANCE : SUSTAINABLE DESIGN AND CONSTRUCTION

Members received a report which sought approval for the Draft Supplementary Planning Guidance (SPG) : Sustainable Design and Construction to be published for consultation. This was attached as Annex A to the report.

The SPG had been produced to support Policy GP4a (Sustainability) of the Local Plan. Policy GP4a seeks to ensure that all new development takes account of sustainability issues by requiring applicants to submit a sustainability statement to accompany their proposals. The SPG provides further guidance to applicants on what is expected from them as part of preparing a sustainability statement.

A report and earlier draft of the SPG was taken to the LDF Working Group on 24 August 2006 for consideration. The group concluded that the SPG needed to be strengthened to include specific targets. In addition, it was suggested that the SPG was too long and generally needed re-structuring. As a result of these comments Officers redrafted the SPG and returned to the LDF Working Group on 17 October 2006. In response to the comments raised at the LDF Working Group on 17 October 2006 a number of changes have been made to the SPG. These were detailed in Annex B to the report.

Members requested that they receive training on BREEAM before this Supplementary Planning Guidance comes forward for approval.

Members discussed the layout and design of the document and requested that there be a more consistent design, and were informed that Marketing & Communications would be involved in agreeing the document before publication. They requested that the layout be more user friendly and that the use of acronyms be avoided.

With regard to timescales for the consultation, Members were updated that the consultation was due to start in January for a period of three months.

RESOLVED:

That:

- 1) Subject to implementation of the comments above, the SPG be recommended for consultation;

Reason: To implement policy GP4a of the Draft Local Plan incorporating the fourth set of changes.

- 2) The making of any incidental changes or other changes to the document necessary as a result of the recommendations of this report, and the final formatting of the consultation document, are delegated to the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy.

Reason: So that the report can be published for public consultation.

COUNCILLOR R WATSON

Chair

The meeting started at 4.35 pm and finished at 5.35 pm.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Rural West York
Date: 18 December 2006 **Parish:** Nether Poppleton Parish Council

Reference: 06/02118/REMM
Application at: Plot 8a White Rose Way Nether Poppleton York
For: Erection of 8 no. two storey office workshop units
By: White Rose Development Enterprises Ltd
Application Type: Major Reserved Matters Application (13w)
Target Date: 28 December 2006

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 8 no. two storey office workshop units. The applicant seeks approval for siting/design, scale, external appearance and landscaping.

1.2 Application 99/01777/0UT "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 01/04/2003 established the principal of developing Plot 8A (along with 2C, 8B, 8C, 9, 6A and 15) for the aforementioned Use Classes. Access from the main arterial roads (approved by app. 95/01591/OUT) to the aforementioned plots were also approved as part of the approved outline.

1.3 The proposal compliments existing, approved and other proposed uses within the site.

1.4 The business units will be used solely for B1 "Business"

Relevant History

a) 6.116.164.Q.OUT (95/01591/OUT) - Outline Planning for Mixed Business, Commercial and Industrial Employment Park - Approved 27.02.96

b) 99/00238/OUT - Renewal of planning permission 6/116/164Q/OUT for a mixed business, commercial and industrial employment park.

Application 99/00238/OUT was considered to be invalid and resulted in an applicant appeal.

c) T/APP/C2741/A/99/1023645: Renewal of Outline Permission - "The appeal is allowed and planning permission granted in accordance with the terms of the application, and the plans submitted therewith, subject to the following conditions"

Condition ii of the above states "The permission hereby granted shall only be for development within Use Class B1, B2, B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order)

d) 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 1st April 2003

e) 06/00518/FUL - Variation of condition (i) of planning permission 99/01777/OUT (for proposed 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 20th October 2006

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYT4

Cycle parking standards

CYGP4A

Sustainability

CYGP1

Design

3.0 CONSULTATIONS

INTERNAL

3.1 York Consultancy (Drainage) - No Objections - Comments

* The proposed finished floor levels, relative to Ordnance Datum, should be provided to confirm that this development is above predicted flood levels.

3.2 City Development - No Objections

* "The Development Control Officer must be satisfied that the proposal meets the requirements of the aforementioned policies. Further comments should be sought on design, landscaping and from the highways department regarding access and parking standards."

3.3 Environmental Protection Unit - No Objections

3.4 Highway Network Management - No Objections (Conditions Included)

EXTERNAL

3.5 Environment Agency - No Objections

* "Subject to the finished floor levels being set above 11.8 m AOD (so being at least 600mm above the current predicted 1 in 100 year flood level in this vicinity)"

3.6 Nether Poppleton Parish Council - No Objections

4.0 APPRAISAL

KEY ISSUES

- * Policy Context
- * Design/Layout
- * Highway Issues
- * Landscaping
- * Sustainability
- * Drainage

4.1 Policy T4 - Cycle Parking Standards states in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E.

For B1 (business), A1 (shops), A2 (Financial and professional services) and A3 (food and drink) proposals in York City Centre, commuted payments will be required to make up for any shortfall in the provision of on-site cycle parking spaces.

4.2 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.3 GP4a - Sustainability: requires that proposals for development should have regard to the principles of sustainable development including accessibility of the development site by means other than the private car, contributing to the social needs of the community (including housing), high quality design, enhancing local character and making adequate provision for storage and collection of refuse.

DESIGN/LAYOUT

4.4 The proposed buildings are all two storey in design, the lower storey providing a minimum of 3m clear headroom appropriate for small scale workshop units. Units 1 and 8 will be detached with units 2, 3, 4, 5, 6,7 semi detached. Sloping roofs characterise the office/workshop units. Individual buildings show a variation in height between 8.3 and 7.7 metres significantly less than the hotel, leisure club and offices facing the ring road. Floor spaces vary considerably between units 932 sq m (Unit 1), 435 sq m (Unit 2), 289 sq m (Unit3), 465 sq m (Unit 4), 395 sq m (Unit 5), 372 sq m (Unit 6), 349 sq m (Unit 7), 652 sq m (Unit 8).

4.5 There has been established at York Business Park a pallet of subdued colours, the aforementioned pallet has been retained as part of the application. To avoid a uniformity in elevations conditions will be included; requesting the written approval of all external materials.

4.6 The site will be accessed from the south eastern exit of the roundabout already serving as a junction for White Rose Close and White Rose Way. An area of adoptable highway approx. 105 metres in length is to be created, with a junction for the application site created approx. 45 metres along its length. The application site will be accessed using a non adoptable road linking individual units. The site has been divided into 5 cul de sacs all of which can be accessed from the aforementioned junction.

4.7 The service and access facilities are variable in terms of layout and provision. Frontage vehicular parking dominates across the site, however the applicants' have included some additional parking opposite and to the side of individual units. 97 parking spaces have been provided along with 6 cycle stores providing 62 parking spaces (the design of which has yet to be agreed). A separate and designated cycle access (3 metres wide)has been provided into the site providing easy access to the proposed cycle stores. The cycleway will not be adopted and does not contribute to the wider cycle network.

HIGHWAY ISSUES

4.8 Issues relating to traffic generation have already been considered at the outline stage and therefore can not be considered as part of this application.

4.9 The internal layout in conjunction with the inclusion of relevant conditions meets the requirements of Highway Network Management.

LANDSCAPING

4.10 The application site is dominated by rough grassland and some immature self seeded shrub and tree species, none of which can be considered as significant landscape features, worthy of retention.

4.11 Landscape details and species specifications have been submitted as requested by the Local Planning Authority's Landscape Officer.

4.12 Standard Trees, Feathered Trees, Specimen Planting, Shrub/ground cover planting, Close Mown Grass and Areas of gravel, cobbles and boulders will be the predominant landscape features within the site. Individual specifications and quantities are set out in the "Plant Schedule" submitted in conjunction with Drawing No. 06-198-RL/01.

4.13 The site boundary running parallel to the railway will be sporadically planted with Feathered trees (40-200cm in height) creating a landscape buffer. Boundaries bordering the new and existing highways will be dominated by uniformly planted Standard Trees (425-600cm in height) and a patchwork of block shrub planting (20-60cm in height). Boundaries adjoining other plots will adopt a more natural and sporadic planting scheme, which will act as a landscaped buffer. These area will be planted with both Standard Trees (425-600cm) and Feathered trees (40-200cm in height).

4.14 Planting within the site is more ornamental and decorative in comparison to that around the periphery, however the range of planting mixes introduced combine to mitigate the visual impact of individual units and ancillary buildings.

4.15 The landscaping scheme is considered to be satisfactory in this instance, mirroring established and recently approved planting schemes.

SUSTAINABILITY

4.15 An overarching aim of the City of York Development Control Local Plan (2005), is to achieve sustainable design and construction. Policy GP4a requires all developments to regard the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM).

4.16 In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for Plot 8A was submitted in 1999 and granted approval in 2003, pre dating any policy requirements for the submission of BREEAM related documents.

4.17 GP4 "Sustainability" is however still relevant. Paragraphs D, E, G and I are all relevant in this instance and should be considered by the applicant, as part of the application.

d) be of high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;

e) minimise the use of non renewable resources, re-use materials already on the site, and seek to make use of grey water systems both during construction and throughout the use of development. Any waste generated through the development should be managed safely, recycled and/or reused. The 'whole life' costs of the materials should be considered;

g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;

l) make adequate provisions for the storage and collection of refuse and recycling.

4.18 To date the applicant has not submitted a sustainability statement, however a willingness to address some of the aforementioned issues is evident from an assessment of the plans. The lack of a sustainability statement has been brought to the applicants' attention.

DRAINAGE

4.19 The disposal of surface water, site drainage and compensation storage was previously dealt with under the Planning Application 6.116.164.Q.OUT (DCPEOUTZ 95/01591/OUT) approved 8th March 1996. The proposals were agreed with the Environment Agency and a scheme of works implemented in the summer of 1996.

4.20 The Environment Agency have been consulted regarding the applicants; proposals and have no objections subject to finished floor levels being set above +11.8m AOD (Ordnance Data). Plan 0975-23-200-B shows finished floor levels to be approx. +12.5 above Ordnance Data.

5.0 CONCLUSION

5.1 Cumulatively, the overall layout and design of this reserved matters application contributes to the workability and purposes of the York Business Park. Providing the applicant can demonstrate, a consideration for and a willingness to adopt sustainable practices as part of the development then the application is considered to meet Policies T4, GP1, GP4A and Appendix E "Car and Cycle Parking Standards" of the City of York Development Control Draft Local Plan.

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

20051160/07 - Section 104 Drainage Layout.
0975-23-211 - Section Sheet 1.
0975-23-210 - Units 8 Elevation.
0975-23-209 - Units 6 & 7 Elevations.
0975-23-208 - Units 4 & 5 Elevations.
0975-23-207 - Units 2 & 3 Elevations.
0975-23-206 - Unit 1 Elevation.
0975-23-205 - Unit 8 Floor Plan.
0975-23-204 - Units 6 & 7 Building Plans.
0975-23-203 - Units 4-5 Plan.
0975-23-202 - Units 2 & 3 Floor Plans.
0975-23-201 - Unit 1 Floor Plan.

0975-23-200 - Site Plan.

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

- 3 No development shall take place 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.

- 4 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 development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

- 5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

- 6 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to 08:00 to 18:00 Monday to Fridays, 09:00 to 13:00 Saturdays and no works at all shall be carried out on Sundays and Bank Holidays.

Reason: To protect the amenity of local residents during the construction of the development from noise.

- 7 No unit on the site shall be occupied until a Travel Plan has been submitted to and approved in writing by the LPA. The unit shall hereafter be occupied in accordance with the aims, measures and outcomes of such Travel Plan.

Reason: To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, 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 provision of parking on site for these users.

- 8 HWAY10 Vehicular areas surfaced, details reqd
- 9 HWAY14 Access to be approved, details reqd
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY21 Internal turning areas to be provided
- 12 HWAY31 No mud on highway during construction

7.0 INFORMATIVES: Notes to Applicant

1. 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:

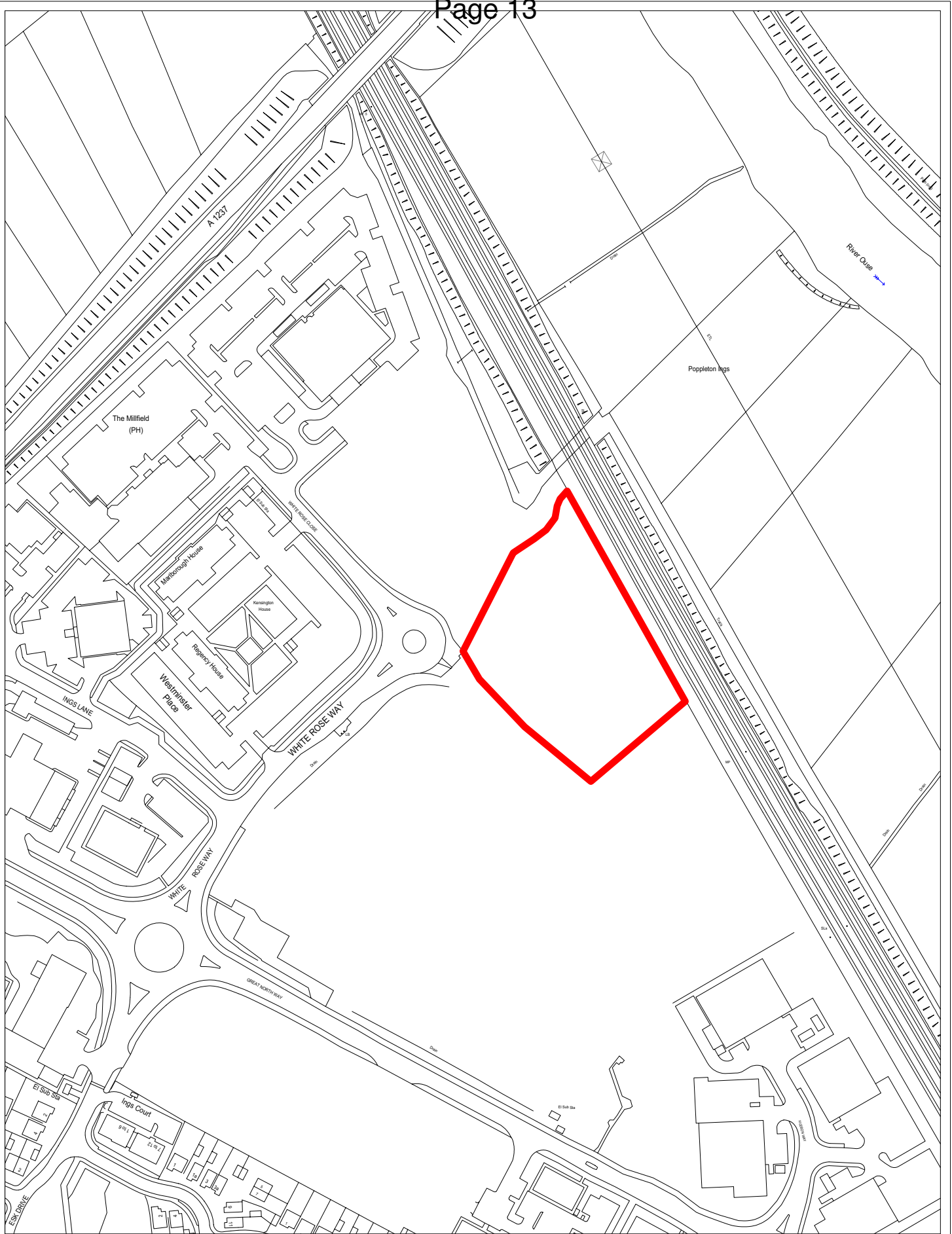
Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to visual amenity and highway issues. As such the proposal complies with Policies GP1, T4, GP4a of the City of York Development Control Draft Local Plan.

Contact details:

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CITY OF
YORK
COUNCIL

9, St. Leonards Place, York, YO1 2ET
Telephone: 01904 613161

Site Plan : Plot 8A White Rose Way York

06/02118/REMM

SCALE 1:2500

DRAWN BY JB

DATE 8/12/2006

Originating Group

Project

Drawing No.

Organisation

SK 1



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