

COMMITTEE REPORT

Date: 10 January 2013 **Ward:** Acomb
Team: Major and **Parish:** Acomb Planning Panel
Commercial Team

Reference: 12/02991/REMM
Application at: Plot 15 Great North Way Nether Poppleton York
For: Reserved matters application for approval of access, appearance, landscaping, layout and scale of development of light industrial/storage and distribution units (B1, B2, and B8 Use Class) following previous approval of outline application 06/00518/FUL on 23.10.2006
By: Mr Garry Barker
Application Type: Major Reserved Matters Application (13weeks)
Target Date: 16 January 2013
Recommendation: Approve

1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 8 no. light industrial/storage and distribution units (B1, B2 and B8 Uses). The applicant seeks approval for siting, access, appearance, landscaping, layout, and scale. Units 1 to 6 form an L shaped building, and Units 7 and 8 will be detached. The units' size varies from 113sqm to 285sqm. The proposed units would be 8 metres in height (7.3 metres to the eaves). Units 1 to 6 would be 43.2 metres along the north elevation and 42.5 metres along the east elevation. Units 7 and 8 would be detached and would measure 11metres by 15.7 metres and 11 by 12.7 metres respectively. The roof and exterior finish to the walls would be profiled cladding. Each unit would have a pedestrian access with canopy, and a vehicle/goods entrance. The existing bunding will be removed and the proposed land levels and height of the proposed units will be similar to the neighbouring units.

1.2 The outline application 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", was approved 01.04.2003. This planning permission established the principle of developing Plot 15 (along with 2C, 8B, 8C, 9, 6A and 8A) for the aforementioned Use Classes. The time limit of the outline application was extended to 01/04/2013 by 06/00518/FUL.

1.3 Plot 15 is one of the few remaining vacant plots within York Business Park. Plot 15 is sited adjacent to the Harrogate railway line and set back from the East Coast rail line.

There is an electricity pylon adjacent to the proposed site and the overhead cables would be over the site. National Grid has confirmed that there are electricity cables running under the site, to the rear of proposed units 7 and 8.

1.4 Revised plans have been submitted revised the landscaping scheme to take account of the comments by National Grid, the Landscape Architect, and the Ecology Officer. In addition vehicle swept paths for each unit have also been submitted.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYGP9 Landscaping

CYNE7 Habitat protection and creation

CYE3B Existing and Proposed Employment Sites

CYT4 Cycle parking standards

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections

Ecology Officer

(original scheme; any further comments will be reported at the committee meeting)

3.2 The location of this site is of importance within this area, and it is situated in between two particularly important sites for invertebrates (the Bee Bank to the south east, and Poppleton Ings to the north east, where wildflower enhancement work has recently been carried out). It is important therefore that enhancement is carried out on this site to benefit invertebrates, especially bees, and that linkages and connectivity between sites are created or maintained.

It is important that nectar rich species are used, particularly autumn and spring flowering species, to provide a good food source for the local invertebrate population.

Landscape Architect

(original scheme; any further comments will be reported at the Committee meeting)

3.3 The landscaping plan should have a greater number of trees and flowering shrubs.

Environmental Protection Unit

3.4 No objections. Noted that considerable time and effort has been spent on site investigation works including gas sampling. Although no contamination has been found that would require remediation for the end users of the site, request that the gas sampling is completed and the results submitted to the council.

3.5 Request condition require gas sampling results be submitted and an informative advising of procedure if contamination is found during construction

York North West Team

3.6 No comments received

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Nether Poppleton Parish Council

3.7 No objections

Acomb Planning Panel

3.8 No comments received

Police Architectural Liaison Officer

3.9 No objections

National Grid

(original scheme; any further comments will be reported at the committee meeting)

3.9 Object. Some of the trees being planted are over the top of an electricity cable as ultimately the roots may grow to cause damage to the cable.

Network Rail

3.10 No objections. Request conditions: for the surface water drainage, boundary fencing and external lighting. The safe use of crane and plant, excavations and earthwork, and access to railway can be dealt with via an informative.

4.0 APPRAISAL

RELEVANT SITE HISTORY

06/01688/REMM - Erection of 2 no. light industrial/storage and distribution units (B2 and B8 Uses) - Approved

KEY ISSUES

- Design/Layout/Scale
- Landscaping
- Highway Issues
- Sustainability
- Drainage

ASSESSMENT

PLANNING POLICY

4.1 The National Planning Policy Framework sets out the presumption in favour of sustainable development. Significant weight should be placed on the need to support economic growth.

4.2 Policy GP1 'Design' of the City of York Council Development Control Local Plan 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 Policy GP9 'Landscaping' states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside.

4.4 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.5 Policy E3b 'Existing and Proposed Employment Sites' states that the standard employment sites identified in schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class.

DESIGN, LAYOUT, AND SCALE

4.6 The principle of the use of the site for B1, B2, and B8 use has been granted in the previous outline permissions. The proposed units are not in close proximity to any current residential development. The surrounding development is industrial in character and appearance.

4.7 The proposed units are very similar in design to the units neighbouring the site. The elevations have indicated that the cladding would be different colours but has not provided any further details. It is considered that further details could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units.

4.8 Units 1, 2, 5, and 6 would be set around a service yard/turning area and parking area. The road would be slightly extended to give access to units 3 and 4. Units 7 and 8 are proposed to the other side of Rose Avenue, these units would be detached. The parking would be set to the front as well as behind the units. The layout of Units 7 and 8 appears a little awkward by virtue of the layout and this could potentially impact on the type of vehicles that can visit the site and the possible users of the site, although the type of users would be limited by the size of the unit. The layout is constrained by the shape of the plot, and the appearance is not considered to result in harm to the character of the area. It is considered prudent to condition that there should be no outside storage of materials by virtue of the siting of the units close to a transport route into York and to protect the visual amenity of this transport corridor. In addition the details of any proposed external lighting should also be conditioned.

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

LANDSCAPING

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

4.11 The development would be surrounding by a 2.4 metre high palisade fence to provide security to the units, some of the adjacent units are also surrounding by this type of fencing. There would be shrub and tree planting to the outside of the fencing to soften the appearance. Feedback with regards to the revised landscaping scheme is awaited from the Landscape Architect, the Ecology Officer, and the National Grid, the comments will be reported to at the committee meeting. From the initial response from National Grid, they requested that the planting in the vicinity of the underground cables be removed and this would remove their objection, the revised plans show only hardstanding and grass where the underground cables are sited. It is considered that if there are still concerns regarding the landscaping scheme that this could be overcome by a suitably worded condition, which if required will be proposed at the committee meeting.

HIGHWAYS

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

4.13 The access to Units 1, 2, 5, 6, 7, and 8 already exists. The extension of Rose Avenue and the access to Units 3 and 4 will be gated. The layout of the road would result in access being retained to the site to the east, to allow future development of the neighbouring site.

4.14 Lorry swept paths have been submitted and the Highways Network Management team are satisfied with these details.

4.15 Policy T4 ' Cycle Parking Standards' states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. The plans show cycle parking within the units but also covered cycle parking outside the units which is considered to comply with Policy T4

SUSTAINABILITY

4.16 The outline application for Plot 15 was submitted in 1999 and granted approval in 2003, pre-dating any policy requirements for the submission of BREEAM related documents.

No relevant conditions were attached as part of the outline approval requiring the applicant to submit a BREEAM assessment or provide for on-site renewable energy, as such this issue cannot lawfully be considered at reserved matters stage.

DRAINAGE

4.17 The site is a flood zone 1. Network Rail has requested that a condition be placed on the planning permission requiring additional details of the drainage of the site. The foul and surface water drainage of the site was dealt with during the outline application. No conditions were placed on the outline approval requesting further drainage details, and as such drainage conditions can not be reasonably added to this reserved matters application

OTHER ISSUES

4.18 Network Rail have requested a number of conditions as this is a reserved mattered application it is not considered that it is reasonable nor lawful to add most of these conditions. However they have been listed as informative so the applicant is aware of their concerns.

4.19 EPU has requested details of gas sampling via condition. As this information was not conditioned as part of the outline application, and the reserved matters application is not assessing this issue it would be unreasonable and unlawful to condition this.

5.0 CONCLUSION

5.1. The principle of the use of the land for a B1, B2, and B8 use has been agreed and outline planning permission granted. For the above reasons the proposed development is considered to be acceptable subject to the following conditions.

6.0 RECOMMENDATION: Approve

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

Drawing Number: Proposed Site Plan PP03A received 17 December 2012

Drawing Number: Landscaping Plan PP07A received 17 December 2012

Drawing Number: Elevations Units 1-6 PP05 received 10 October 2012

Drawing Number: Units 7-8 PP06A received 17 December 2012;

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

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials, including colour scheme, 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.

3 HWAY19 Car and cycle parking laid out -

4 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

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

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

6 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and to maintain a sufficient boundary with the railway.

8 Prior to the commencement of development a plan showing details of the proposed finished ground, slab and roof ridge levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason: to ensure that ground levels are lower than existing and ensure the proposed buildings are of a similar height to the adjacent.

7.0 INFORMATIVES:

Notes to Applicant

1. 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 siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, T4, GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

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

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome.

Requested revised landscaping plans to overcome the concerns by consultees. Requested re-siting of the goods entrance to Unit 9 to ensure the unit was viable, requested further details including swept paths and colour scheme of the proposed buildings.

3. INFORMATIVE: Control of Pollution Act 1974

4. ENVIRONMENTAL PROTECTION UNIT INFORMATIVE: Contaminated Land

5. INFORMATIVE: Statutory Undertakers equipment

6. NETWORK RAIL INFORMATIVE : Drainage, Fail Safe Use of Crane and Plant, Excavations/Earthworks, Security of Mutual Boundary, Lighting and Access to Railway.

7. NATIONAL GRID INFORMATIVE:

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