



Notice of meeting of

Planning Committee

To: Councillors R Watson (Chair), Simpson-Laing (Vice-Chair), Cregan, Crisp, D'Agorne, Firth, Sue Galloway, Galvin, Horton, Hudson, Jamieson-Ball, King, Moore, Reid and B Watson

Date: Thursday, 26 July 2007

Time: 4.30 pm

Venue: The Guildhall, York

AGENDA

THERE ARE 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 3 - 10)

To approve and sign the minutes of the meeting of the Planning Committee held on 26 June 2007.

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 working 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 applications:

a) Electrical Service Supplies 16 Chessingham Park Dunnington York YO19 5SE (07/01204/FULM) (Pages 11 - 24)

Extension and alterations to 3 existing B1/B8 Business units to create 7 no. B1 Business units and 9 no. B2/B8 industrial units, erection of new building to create 5 B1 Business units and associated parking, access, landscaping and amenity area adjacent to Hassacarr nature area (resubmission).

b) Os Field 7928 Towthorpe Moor Lane Strensall York (07/00908/FULM) (Pages 25 - 32)

Use of land for a Maize Maze with car parking and mobile toilet

c) Plot B Airfield Industrial Estate Halifax Way Elvington York (06/02578/FULM) (Pages 33 - 46)

Erection of 8 no. business units comprising B1, B2 and B8 uses

d) Plot 5 Monks Cross Drive Huntington York (07/01006/OUTM) (Pages 47 - 60)

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)

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
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The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

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City of York Council

Minutes

MEETING	PLANNING COMMITTEE
DATE	26 JUNE 2007
PRESENT	COUNCILLORS R WATSON (CHAIR), SIMPSON-LAING (VICE-CHAIR), BENNETT, CRISP, FIRTH, GALVIN, HORTON, HUDSON, KING, MOORE, REID, B WATSON, MORLEY (SUBSTITUTE), ORRELL (SUBSTITUTE), PIERCE (SUBSTITUTE) AND TAYLOR (SUBSTITUTE)
APOLOGIES	COUNCILLORS CREGAN, D'AGORNE, SUE GALLOWAY AND JAMIESON-BALL

6. SITE VISITS

The following sites were inspected before the meeting:

Site	Reason for Visit	Members Attended
Time Office Building Terrys	Due to objections received and for Members to familiarise themselves with the site	Cllrs R Watson, Reid, Horton, King, Galvin, Hudson, and Bennett
RMBl Connaught Court	Due to objections received and for Members to familiarise themselves with the site	Cllrs R Watson, Reid, Horton, King, Galvin, and Bennett
York College	Due to objections received and for Members to familiarise themselves with the site	Cllrs R Watson, Reid, Horton, King, Galvin, Hudson, and Bennett

7. 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.

Cllr Moore declared a personal and prejudicial interest in Agenda Item 4h (York College of Further and Higher Education) minute 9h refers, as a volunteer of St Leonards Hospice, and in Agenda Item 4g (Royal Masonic Benevolent Institute Homes Connaught Court) minute 9g refers, as his wife's business adjoins the site, and left the room and took no part in the discussion or the decision thereon for both items.

Cllr Hudson declared a personal and prejudicial interest in Agenda Item 4g (Royal Masonic Benevolent Institute Homes Connaught Court) minute 9g refers, as his firm had advised on this in the past, and left the room and took no part in the discussion or the decision thereon.

Cllr Morley declared a personal and prejudicial interest in the same agenda item, as he had acted for the applicant in the past, and left the room and took no part in the discussion or the decision thereon.

8. MINUTES

RESOLVED : That the minutes of the meetings of the Planning Committee held on 26 April 2007 and 31 May 2007 be approved and signed by the Chair as a correct record.

9. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak, under the Council's Public Participation Scheme, in general issues within the remit of this committee.

10. PLANS LIST

Members considered reports of the Assistant Director, Planning & Sustainable Development, relating to the following planning applications, outlining the proposals and relevant considerations and setting out the views and advice of consultees and officers.

10a Factory Bishopthorpe Road York YO23 1NA (07/00540/FUL)

Members considered a full application, submitted by GHT Developments LLP, for the change of use to B1 offices and external alterations to the former time office building, including extension to existing car park.

Representations were received from the applicant on this and applications 07/00541/LBC, 07/00538/FUL, and 07/00539/LBC, stating that the proposals would bring back into use the York based development. He stated that there was immediate demand for the accommodation, which would provide flexible high quality employment space. The roof extension proposals would provide more space and the proposals would provide a distinctive entrance to the site, and English Heritage had been consulted on the proposals.

Representations were received from Bishopthorpe Parish Council on this application and applications 07/00541/LBC, 07/00538/FUL, and 07/00539/LBC, stating that whilst they recognised the need for redevelopment of the site, they had concerns regarding the impact on Bishopthorpe from the point of view of increased traffic. He stated that there was a need for a traffic impact assessment to look at the issues.

Members discussed traffic issues, the type of business requiring the accommodation, car parking, English Heritage comments, sustainable development, and the need for any conditions applied to be compatible with others applied for the site.

RESOLVED: That the application be approved subject to the conditions and informatives outlined in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies GP1, HE2, HE3, P4(a), GP11, T4, T5, E3b and E4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG19.

10b Factory Bishopthorpe Road York YO23 1NA (07/00541/LBC)

Members considered a listed building consent application, submitted by GHT Developments LLP, for the change of use to B1 offices and external alterations to the former time office building, including extension to existing car park.

RESOLVED : That the application be approved subject to the conditions outlined in the report.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the Former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal complies with policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies HE2, HE3 and HE4, of the City of York Local Plan Deposit Draft, also national planning policy guidance PPG15.

10c Factory Bishopthorpe Road York YO23 1NA (07/00976/FUL)

Members considered a full application, submitted by GHT Developments LLP, for the erection of two-storey temporary office accommodation (460m²) to former Time Office Building.

This application was withdrawn by the applicant.

10d Factory Bishopthorpe Road York YO23 1NA (07/00977/LBC)

Members considered a listed building consent application, submitted by GHT Developments LLP, for the erection of 2 storey temporary office accommodation (460 m²) to former Time Office Building.

This application was withdrawn by the applicant.

10e Factory Bishopthorpe Road York YO23 1NA (07/00538/FUL)

Members considered a full application, submitted by GHT Developments LLP, for the change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof.

RESOLVED : That the application be refused.

REASON : The proposed scheme would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal fails to satisfy policies HE2 and HE3 of the City of York Local Plan Deposit Draft, also PPS1.

10f Factory Bishopthorpe Road York YO23 1NA (07/00539/LBC)

Members considered a listed building consent application, submitted by GHT Developments LLP, for the change of use to B1 offices and external alterations to the former time office building, including extension to existing car park and glazed extension to roof.

RESOLVED : That the application be refused.

REASON: The proposed scheme would cause undue harm to interests of acknowledged importance, with particular reference to the former Time Office Building which is a listed building and the Racecourse and Terry's Conservation Area. As such this proposal fails to satisfy policies HE2, HE3 and HE4 of the City of York Local Plan Deposit Draft, also PPS1 and PPG15.

10g Royal Masonic Benevolent Institute Homes Connaught Court St Oswalds Road York YO10 4QA (05/00022/OUTM)

Members considered a major outline application, submitted by the Royal Masonic Benevolent Institute, for the erection of extra care sheltered accommodation, extension to Elderly Mentally Frail Unit, residential development, relocation of existing bowling green and provision of new access road and car parking (revised scheme).

Officers updated the following:

- A letter from the applicants agent dated 21 June 2007
- A letter and brochure from the applicants agent
- Two letters from Hon Secretary of the Connaught Court Masonic Bowling Club
- Letter on behalf of Fulford Friends
- Letter from Fulford Parish Council dated 25 June 2007
- Letter from York Green Party dated 26 June 2007

Representations were received in objection to the proposals from a nearby resident regarding car parking and the removal of a hedge, and he stated that the proposed bowling green would be unsuitable.

Representations were received in objection to the proposal from the chair of Fulford Parish Council. She stated that the proposal would mean a loss of unique parkland, which forms an integral part of the conservation area, the proposal infringes PPG 15, the impact on the A19 and the river, impact on views, and the proposal being an inappropriate urban development.

Representations were received in objection to the proposals from a representative of Fulford Friends regarding the conservation area. She stated that there was wide support from the community to refuse the application, and that the proposed development failed to meet statutory guidelines. The views both in and out of the conservation area would be affected.

Representations were received in objection to the proposals from a resident of Fulford Park regarding the impact on Connaught Court residents. He stated that the proposal would mean that views would be spoilt and privacy compromised, the security of residents may be affected, and there would be an increase in noise and pollution which would lead to a reduction in quality and privacy for residents.

Representations were received from a representative of Fulford Friends regarding the threat to the long term survival of trees from the proposal, and referred to the comments of the CYC Conservation Officer. She also stated that the proposal was contrary to Local Plan policies.

Representations were received from the applicants agent. He stated that the RMBI was a national charity, and that the proposal would supplement the facilities available and promote independent living. The proposal was for 45 family houses, enhanced and new care facilities, play area and open spaces, and trees would be retained and new trees planted, Section 106 agreements would be attached to the application regarding open space and education provision and road junction improvement.

Cllr Aspden spoke as Ward Councillor. He stated that residents had concerns regarding the proposal and the local community do not feel that it would be a benefit. He stated that the proposal does not consider the conservation area, or the historic character of the area, and that the proposal would lead to an increase in traffic and a reduced quality of life for residents.

Cllr Scott spoke regarding issues related to affordable housing, density, St Oswalds Road access, safety, leisure, loss of community, and the conservation area.

Members discussed flooding, affordable housing, lettings policy, the proposed play area, protection of trees, parking and traffic and other highway issues, the bowling green, the conservation area, and loss of amenity to the area.

RESOLVED : That the application be refused.

REASON:

1 The proposed relocated bowling green is not considered to be of a commensurate standard compared to the existing bowling green on the site. It is considered it would not be equivalent in terms of usefulness and quality in the absence of a footpath around the entire perimeter of the green and because of the proximity of tree(s) to the relocated bowling green would be likely to cause leaf fall and shading. This is considered contrary to advice in PPG17: Sport and Recreation.

2 The proposal would pose a high risk to the protected Lime tree (T15/271), that has a high public amenity value, as a result of the development around it including the construction of the bowling green and associated parking spaces and an increased risk to other trees on site from development as a whole. It is therefore contrary to Policy NE1 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005) and BS guidelines 5837.

3 The combined effect of the introduction of the access road with consequential loss of boundary enclosure, the scale of built development closer to Main Street and the loss of the informality of the parkland area adjacent to Main Street by the introduction of formal playspace, bowling green and potential loss of the lime tree, would erode the open setting of this part of the Fulford Conservation Area. This provides a visual break in the ribbon development along Main Street/Fulford Road, which helps to define the identity of Fulford village and separates it from the main urban area of York. As a result, the proposal would harm the character and appearance of the Fulford Conservation Area. It is therefore contrary to advice in Planning Policy Guidance Note 15: Planning and the Historic Environment, Policy E4 of the North Yorkshire County Structure Plan and Policy HE2 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

4 The proposal would result in the loss of general amenity to the local community. It would detract from the setting of an area of open parkland, which, although private, has public views of it and into it that contribute to the character and identity of the area and quality of the local environment. The proposal would therefore not respect or enhance the local environment and as such is contrary to national advice in Planning Policy Statement 1: Delivering Sustainable Principles and Policy GP1 of the City of York Draft Local Plan (incorporating fourth set of changes, April 2005).

**10h York College Of Further And Higher Education Tadcaster Road
Dringhouses York YO24 1UA (07/00752/REMM)**

Members considered a major reserved matters application, submitted by George Wimpey Ltd, Shepherd Homes Ltd and Magna Holding Ltd, for a residential development comprising 360 dwellings after demolition of existing college (resubmission).

Officers updated on amended and proposed additional conditions if Members were minded to approve the application, relating to Highways, Sustainability, and Public Open Space. Officers also updated that seven additional letters from adjacent occupiers had been received, and updated on tree planting, house type, drainage plan, dilapidation survey and the memorial stone.

Representations were received from a resident of Middlethorpe Drive regarding the proposed three storey houses on the boundary of Middlethorpe Drive. She stated that although they were shown on the plans as being 2 ½ storey houses they were in reality three storey houses which were too close to the boundary line. She also stated that there would be very little room for trees and landscaping.

Representations were received from a resident of Lycett Grove who spoke of his concerns regarding flooding, height of dwellings, a reduction in privacy, the raising of ground levels, and the density, layout and mass of the proposed development.

Representations were received in support of the application from the agent for the applicant. She stated that the separation distances on the storey heights were above the standard requirements.

Representations were received from a representative of Dringhouses & Woodthorpe Planning Panel. He stated that the proposal of 360 dwellings would create an isolated village community, with no central focal point in the development. He stated that if Members were minded to approve the application he would want a condition that three small retail outlets would be included and a village hall. He also stated that there would be no medical care within the community and he had doubts whether the local schools, and dental and health centre facilities would have the capacity to accommodate the proposed residential development. He also referred to an ongoing boundary dispute and the proposed development backing on to Lycett Grove.

Cllr Holvey spoke as a Ward Councillor. He stated that he supported the speakers who had spoken in objection to the proposals, and that the application should be refused as there were a number of unresolved issues including flooding, and stated that the raising of ground levels would not solve this. He also raised issues regarding the bad design, comments of the Police Architectural Liaison Officer, and the height of the 2 ½ storey houses. He stated that if Members were minded to approve the application he would request three conditions regarding the gating of alleyways, the ownership and maintenance of drainage ditches, and the retention of the wall on Middlethorpe Drive and Lycett Grove.

Members discussed the outstanding boundary dispute, drainage issues, height, scale and massing of the proposed dwellings, parking spaces, affordable housing, air quality and highways issues, floor levels, landscaping, and cycle and bin storage. Members raised conditions they would like to be included in the application relating to the wall dispute, height, drainage and the locking of gates.

RESOLVED : That the application be deferred.

REASONS: For the following issues to be considered by the developer:

- The siting, massing and height of the proposed dwellings on the northern boundary
- Flooding
- Maintenance and ownership of the ditches
- Height of the proposed dwellings
- Cycle and bin storage
- Issues relating to gating alleyways, and the ownership of gates
- The civil dispute regarding the wall
- Affordable Housing issue is still in negotiation
- Tree planting on the northern boundary
- Car Club

COUNCILLOR R WATSON

CHAIR

The meeting started at 4.30 pm and finished at 9.30 pm.

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Derwent
Date: 26 July 2007 **Parish:** Dunnington Parish Council

Reference: 07/01204/FULM
Application at: Electrical Service Supplies 16 Chessingham Park Dunnington
 York YO19 5SE
For: Extension and alterations to 3 existing B1/B8 Business units to
 create 7 no. B1 Business units and 9 no. B2/B8 industrial units,
 Erection of new building to create 5 B1 Business units and
 associated parking, access, landscaping and amenity area
 adjacent to Hassacarr nature area (resubmission)
By: Simpson (York) Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 20 August 2007

1.0 PROPOSAL

1.1 This full planning application is for the redevelopment of an existing industrial site within the industrial area of Chessingham Park, Dunnington. The site is approximately 1.2ha and is located around 1 mile from Dunnington village centre. It is currently vacant having being last occupied by Genus (animal feeds). This company retains a small industrial unit on the east Side of the site.

1.2 The site has a frontage to Chessingham Park of 90 metres and a depth of 145 metres. Within the site are three existing buildings together with hard surfaced parking areas. To the east and west of the land is a mix of industrial, warehouse and office units and to the rear is Hassacarr nature reserve and a small wooded area. The site includes a finger of land measuring 13 metres by 85 metres that runs adjacent to the nature reserve. The total site area is 1.23 Ha.

1.3 Permission was granted in November 2006 for the formation of a new vehicular access to serve the site from Chessingham Park Road. A previous application for the same proposals as the current application was withdrawn earlier this year when greater crested newts were known to be within Hassacarr Pond. The application was withdrawn to allow a survey of the newts to be undertaken to see if the Newts have migrated in to the site.

1.4 This application is for the refurbishment and extension of the existing buildings and the construction of new buildings to provide office accommodation for the applicants, who have out grown there existing site at Osbaldwick, and speculative development of B1/B2/B8 business units. The applicant has been advised by Andrew Healey of Blacks property that there is a need for the types of units proposed.

1.5 The development proposals can be summed up as follows:-

- Subdivision of existing single storey building into 9 B2/B8 units and 1 no. B1 office unit each measuring 142 square metres (sq. m.) including cosmetic external refurbishment. (Unit B)

- Extension to increase roof height, alteration and refurbishment of existing single storey building to create 2 two storey B1 units 1442sq. m. and 589 sq. m. (UnitC)

- Alterations, mezzanine and refurbishment of existing building to create 4 no. 177 sq. m. B1 units on one and half storeys (Unit D)

- Erection of new building to create 5 no. two storey B1 units of 148 sq.m. each. (Unit E)

- The formation of compensatory habitat for greater crested newts to be achieved by the creation of hibernacula (The place in which an animal hibernates or overwinters), improved foraging ground and new pond within the finger of land referred to in paragraph 1.2 above

1.6 The development also includes the siting of a Bio mass boiler which will be fuelled from the wood chips from the applicants adjacent joiners yard, parking and cycling provision, landscaping and outside amenity areas.

1.7 The application is supported by a number of reports. A design and access statement, a tree survey, a sustainability statement, survey work and method statement related to the existence of greater crested newts within the area and a flood risk assessment, which is submitted in the form of a plan and calculation rather than a report.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYGP1
Design

CYGP11
Accessibility

CYL1C
Provision of New Open Space in Development

CYNE6

Species protected by law

3.0 CONSULTATIONS

3.1 INTERNAL

Highways Network Management

No objections have been raised to the principle of the development however there are concerns about the positions of the cycle parking. Cycle parking is not considered to relate well to the units they are intended to serve or in the case of unit C tucked away behind the building out of site. It is considered that this is unlikely to encourage cycle usage in line with local/national policy.

An amended plan has been received which satisfies highways concerns about the siting of the cycle parking. Conditions are proposed to ensure that the development is carried out in accordance with the scheme and to ensure that the travel plan is implemented

Landscape Architect

The proposals would result in the loss of all of the trees within the northern end of the site. In order to compensate for this, it is important that the replacement planting will establish and thrive and have a significant impact in the future. It is also imperative that adequate protection is given to the remaining high category trees adjacent to the northern boundary, namely the Ash and Oak (tree survey ref: 49 and 50, both category A).

Initially the landscape architect was concerned that the siting of the access road and the car parking in the vicinity of the oak and ash tree would compromise the survival of these trees (The oak and ash are outside the site but spread into the site area), The plans have been amended to the satisfaction of the Landscape architect. Conditions are requested to ensure the landscaping is maintained and to protect existing trees during the construction period

Countryside Officer

With regard to the Great Crested Newt issue on the site, the mitigation plan submitted with the application and amended design plans provide more than adequate cover for the development, although it does make use of enhancement on a site that is already of use to Great Crested Newts. This is not always acceptable under the Mitigation Guidelines established by English Nature (now Natural England). However, as the primary loss within the development area is from possible hibernacula in a relatively small area, this has been adequately covered by inclusion elsewhere. I do not therefore consider that this will create a problem, particularly as the newt population appears to have moved across to the adjacent area.

I note that part of the newt mitigation plan is to provide permanent exclusion fencing along the northern boundary in order to safeguard the development site. This is fine but the fencing must be maintained and must be extensive enough if this is to be successful.

On the basis of the Survey and Great Crested Newt Mitigation Plan attached to the report therefore the Countryside Officer is happy to proceed on the basis of conditions being attached to any consent ensuring that the mitigation plan submitted with the application is followed.

Sustainability Officer

Whilst considering the sustainability statement to be comprehensive for the development, the sustainability officer originally raised concerns about the lack of a BREEAM assessment. Having had further information from the applicant the sustainability officer now fully understand the site and appreciates the situation the applicant is in (dealing with an existing site in a rural location). Clearly the development will score into the 'very good' standard on the areas mentioned in the sustainability statement but others they have little or no control over will pull the overall assessment below a 'very good'. In light of this explanation and the fact that the SPG is not yet approved (Sept.) The officer is happy with this recommendation for approval and suggest a BREEAM condition is not appropriate. However a condition to ensure the applicant implements the measures in the sustainability statement should be used.

3.2 EXTERNAL

Parish Council

No opposition to the plans but heavy vehicles must be directed when exiting the site to drive via Common Road/A1079 and not through Dunnington village

Internal drainage board

The internal drainage board originally raised concerns about the surface water drainage disposal, having discussed this issue with the applicant they are satisfied that there will be a technical solution to dealing with the amount of flow of surface water from the site into the mains system. The board require conditions to ensure adequate surface water drainage is implemented as part of the scheme.

Environment Agency

No objections subject to conditions relating to the disposal of surface water

4.0 APPRAISAL

4.1 Key Issues

- Policy background
- Consideration of the principle of the development
- Design and landscape considerations
- Traffic, highway and access issues
- Greater Crested Newts
- Open space provision
- Sustainability
- Drainage

Policy Background

4.2 The application relates to the redevelopment of an industrial site that includes new buildings and refurbished and extended buildings. The major part of the site is excluded from the green belt as defined on the city of York Draft Local Plan proposals map, however the finger of land on which mitigation measures for greater crested newts are to be provided is located within green belt . The North Yorkshire Structure Plan is the statutory development plan for the area. Policy I6 says that

industrial and commercial development will normally be permitted within existing industrial estates/areas. policy E3(b) of the Draft City of York local Plan requires that current or previous employment sites be retained within their current use class.

4.3 In relation to the area of land located within the green belt upon which mitigation measures are proposed; Government advice in PPG2 says the definition of development includes engineering and other operations and the making of any material change of use of land. The carrying out of such operations and the making of material changes of use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land within the green belt. Policy GB1 of the Draft Local Plan takes a similar stance as PPG2.

4.4 Other relevant Local Plan policies include GP1 (design),which states that development proposals will be expected to respect or enhance the local environment, be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area, using appropriate building materials and avoiding the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment. Policy GP4a requires new development to have regard to the principles of sustainable development as set out in the policy.

4.5 Policy GP9 states that where appropriate, development proposals will be required to incorporate a suitable landscaping scheme which must be planned as an integral part of the proposals, include an appropriate range of indigenous species, reflect the character of the locality and surrounding development, and form a long term edge to developments adjoining or in open countryside. GP11 requires planning applications to demonstrate that suitable provision will be made for access and facilities for people with disabilities, including parking facilities and pedestrian routes to and from those parking facilities

4.6 Policy L1(c) requires the provision of informal amenity open space in all employment site above 2500 sq metres gross floor space. Policy NE6 says that where a proposal may have a significant effect on protected species or habitats applicants' will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures.

Consideration of the Principle of the Development

4.7 Policy E3(b) is supportive of the retention of employment sites and it can only be beneficial that it is proposed to intensify the use of the site to provide further employment on an existing employment site. The site provides a range of uses covering all the industrial use classes in the same way as the existing site did before the last occupants vacated it. The principle of this development is considered to be acceptable.

4.8 In terms of the area of the site that lies within green belt on which the mitigation measures are to be provided for the protection of the greater crested newts within the area. The main element of the mitigation measures is the provision of a pond. The formation of the pond is an engineering operation that ,in the context of advice within PPG2, is inappropriate development unless openness is maintained. In

officers opinion the works proposed, which are located among a well treed area adjacent to a nature reserve, will not be visually significant and will not impact on the openness of green belt. The works are not considered to be inappropriate development in the context of PPG2.

Design and Landscaping

4.9 The main new building (Unit E) to be located on the front of this site will measure 30 metres by 10 metres, accommodation will be on two floors and the building will have an eaves height of 5.5 metres and a ridge height of 6.8 metres. All the buildings are to be clad in a similar manner using blue and grey profiled sheeting. The building to the rear of the site (Unit C) is to be remodelled, including an extension over the lower part of the building so that the building has a uniform height and can provide two levels of accommodation throughout. The total height of this building will be 7.2 metres to the eaves and 9.6 metres to the ridge. The existing building on the west of the site will be remodelled and a mezzanine floor introduced to provide two levels of accommodation. The unit on the east of the site (Unit E) will have small areas of demolition to the front and side and then will be reclad in the same way as the other buildings. The external areas will be laid out for marked car parking turning areas landscaping amenity and cycle parking areas. Having regard to the industrial context of the site the buildings are well designed and sited and in officers view meet the objectives of GP1 of the draft local plan

4.10 The application requires the removal 11 trees at the rear of the site to facilitate the development. These trees are located within a mound and are self seeded but there visual significance is not to be underestimated. The application includes a full landscaping scheme which shows significant tree planting as well as a new hedge to the front of the site and the north- eastern boundary. This scheme is considered to be acceptable. The landscape Architect says that the western boundary would benefit from a scheme of climbing plants to provide a softer edge to the development. This additional planting can be achieved through a condition.

4.11 It is considered that the new development would have an acceptable appearance in the landscape and would not be harmful to the appearance of the area.

Traffic, highway and access issues

4.12 The new access to this site from Chessingham Park Road has been approved as part of a previous application. Highways networks management, following an amended plan being submitted to show cycle parking resited, are happy with the details of the scheme. Conditions are proposed to ensure that the scheme is carried out in accordance with the submitted plans and to ensure that the details of the travel plan are implemented.

Greater Crested Newts

4.13 The presence of Greater Crested Newts in ponds located within 500metres radius of the proposed development has been established. Greater Crested Newts are a protected specie under the wildlife and countryside act. The applicant has

undertaken survey work and produced a method statement to minimise the potential for harm to greater crested newts. The document concludes that a very small population of greater crested newts of possible local significance has been identified within a radius of 500m from the works area. The scale and extent of terrestrial habitat loss for this population will be minimal and no breeding habitat will be affected. The mitigation measures outlined should ensure that greater crested newts are not killed or injured during the site clearance or works operation. The compensation measures submitted will not only ensure the current favourable conservation status of the species but will actually improve the situation byway of creating the possibility of a network of ponds and therefore enhancing the chances of a meta-population developing.

4.14 The pond and hibernacula proposed at the back of the site are in accordance with the requirements of Natural England's mitigation guidelines (August 2001). The merits of the mitigation measures in a policy context are considered in paragraph 4.8 above.

4.15 The countryside officer is satisfied that the measure proposed are adequate to protect the greater crested newt population in the area. The details of the proposal are considered to be in accordance with policy NE6 of the draft city of York Local Plan.

Open space

4.16 In accordance with policy L1(c) the applicant has provided four separate areas within the scheme as informal amenity open space. Each area has been provided with picnic benches. The area to the rear of the site where the mitigation works for the greater crested newts is to be provided is also available for employees to use. The informal amenity space provided is considered to be acceptable.

Sustainability

4.17 The sustainability statement shows an intention to use sustainable measures within the development, although these are most extensive within unit c, the unit the applicant proposes to occupy, there are also measures that are extended to unit D and E. Measures include solar thermal panels, photovoltaic panels, rainwater harvesting systems for toilets, a bio mass boiler fuelled by wood from the adjacent joiners shop and reuse of existing materials on the site. The travel plan supporting the application, which essentially relates to the applicants occupation of the site in unit C rather than the speculative elements of the proposal, indicates the applicants understanding of the need to minimise car trips by facilitating car sharing, cycle use and walk to work options.

4.18 The Sustainability Officer was originally concerned that the application was not supported by a breeam assessment however, having received additional information from the applicant that shows because of the rural location of the site and the reuse of the existing buildings a breeam of very good could not be achieved, the Sustainability Officer is not raising objections to the application because of the extensive measures proposed within the buildings. A condition is proposed to ensure the sustainability measures shown in the sustainability statement are implemented.

Drainage

4.19 The site is within flood zone 1 (low risk) and as such is not at risk from river flooding. However, as the total area of the site exceeds 1 ha, a flood risk assessment (FRA) is required. The FRA focuses on the management of surface water run-off in order to ensure that the risk of flooding either on site or elsewhere within the catchment is not increased. The Environment Agency does not raise objections to the proposal subject to conditions related to surface water drainage. The internal drainage board have confirmed that there is a technical solution to dealing with surface water on the site and are not raising objections to the application.

Other issues

4.20 The development would be located in the midst of other similar uses and is not considered to raise any significant amenity issues for these uses. The site is located a significant distance away from the nearest residential properties. It is not considered there would be any planning merit in conditioning a particular use class.

5.0 CONCLUSION

This existing industrial site is to be redeveloped to provide increased employment opportunities and enhance its visual appearance. The principle of the development accords with government guidance and local plan policies.

Greater Crested Newts present within Hassacarr pond can be safeguarded through mitigation measures and the countryside officer is satisfied with the details provided. The mitigation measures are not considered to be visually significant within an area of green belt and are therefore not inappropriate development in the context of advice in planning policy guidance no. 2.

The details of the development are considered to be acceptable.

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 VISQ8
- 3 Prior to the commencement of the development details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, which once implemented shall be thus maintained.
Reason: To prevent light pollution in an area close to a non statutory nature conservation site
- 4 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

Reason : To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 5 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor
Reason: To prevent pollution of the water environment

- 6 Protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained (and neighbouring trees where they may also be affected).
Before the commencement of development including site clearance, demolition, building, or other operations, including the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing to be shown on a plan; phasing of works; type of construction machinery/vehicles to be used; locations for storage of materials; location of site cabin and marketing cabin as appropriate.
The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development.

- 7 Prior to the development hereby permitted being brought into use the mitigation measures relating to greater crested newts set out in the method statement dated 15th May 2007 shall be implemented to the satisfaction of the Local Planning Authority and thereafter maintained.

Reason: To take account of a protected species

- 8 Prior to the development hereby permitted being brought into use the measures referred to in the sustainability statement (Appendix 3 design and access statement dated 16th May 2007) and shown on the approved drawings shall be implemented to the satisfaction of the Local planning Authority and thereafter maintained.

Reason: To ensure that the development is sustainable and accords with Policy GP4A of the draft Plan.

- 9 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

B:AL_20_001 (Unit B Proposed Ground Floor Plan)
B:AE_20_001 (Unit B Proposed Elevations)
C:AL_20_001 (Unit C Proposed Ground Floor Plan)
C:AL_20_002 (Unit C Proposed First Floor Plan)
C:AE_20_001 (Unit C Proposed Elevations)
D:AL_20_001 (Unit D Proposed Ground and First Floor Plan)
D:AE_20_001 (Unit D Proposed Elevations)
E:AL_20_001 (Unit E Proposed Ground and First Floor Plan)
E:AE_20_001 (Unit E Proposed Elevations)
06153 SK01 (Biomass Boiler Plant Room)
AL_94_002 Revision C (Proposed Site Plan)
1081-6/DR1 (SCA Surface Water Drainage Proposals)
Design and Access Statement dated 16.05.2007 (includes Appendices - Tree Survey, Sustainability Statement, Travel Plan, Tree Compensation and Mitigation Measures)
Method Statement dated 15.05.2007 regarding Great Crested Newts
Site Investigation Report dated September 2006

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.

- 10 Prior to the commencement of development, a method statement shall be submitted to and agreed by the local planning authority regarding the investigation of ground and water beneath the fuel tanks at the site. This method statement shall describe:

how contamination in these areas will be investigated

how any contaminated soils and / or waters will be remediated

how successful implementation of any required remediation will be validated.

This method statement shall be fully adhered to, and evidence shall be submitted to the local planning authority showing its successful implementation.

Reason: for the protection of human health and the wider environment.

- 11 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation

measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of surrounding occupants.

12 HWAY9

13 HWAY18

14 HWAY19

15 HWAY21

16 HWAY31

17 The site shall be occupied in accordance with the aims, measures and outcomes of the travel plan (Appendix 4 to the design and access statement dated 16th May 2007) to the satisfaction of the Local Planning Authority.

Reason: To ensure the development complies with advice contained in PPG13(Transport), and in policy T20 of the City of York deposit Draft Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users.

18 The landscaping scheme shown on the layout planAL-94-002 rev C and explained within Appendix 2 and 7 of the design and access statement dated 16th May 2007 shall be carried out to the complete satisfaction of the Local Planning Authority 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.

19 In addition to the landscaping scheme required by condition 18 details of landscaping for the western boundary of the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. The approved scheme shall be carried out to the complete satisfaction of the Local Planning Authority 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.

7.0 INFORMATIVES: Notes to Applicant

1. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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:

- design and landscape considerations
- traffic, highway and access issues
- sustainability
- drainage
- impact on protected species

As such the proposal complies with Policies E3(b) GP1, GP4a, L1(c), NE6, GP9 and GP11 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657



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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Strensall
Date: 26 July 2007 **Parish:** Stockton-on-the-Forest
Parish Council

Reference: 07/00908/FULM
Application at: Os Field 7928 Towthorpe Moor Lane Strensall York
For: Use of land for a Maize Maze with car parking and mobile toilet
By: A L Beattie
Application Type: Major Full Application (13 weeks)
Target Date: 7 August 2007

1.0 PROPOSAL

1.1 This application is to create a maize maze in an agricultural field off Towthorpe Lane, Strensall. The area in question is 4.6 hectares in size with a width of approx. 143 metres and a depth of approx. 308 metres. It is currently laid with a maize crop. There is an existing vehicular field entrance off Towthorpe Lane in the South East corner of the field and part of the proposals would see this widened to 7 metres. The site is rectangular in shape and is surrounded by other fields to the side and rear and Towthorpe Lane to the south.

1.2 A parking area is shown on the southern flank of the site closest to the road. This is shown to be 0.75 hectares in size and is rectangular in shape. A small wooden pay booth approx. 2m x 2m is shown close to the proposed entrance and 2 portable portaloos will be placed on the site whilst the site is in use. This car parking area will be laid to grass with hardcore around the entrance area. There are no permanent structures proposed although 2 low-lying temporary timber bridges would be placed within the maze. There are small ponds on the corners of both adjacent fields.

1.3 The junction of Towthorpe Lane with the A64 is approx. 150 metres away to the east.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

2.2 Policies:

CYGB1
Development within the Green Belt

CYGB13
Sports facilities outside settlements

CYGP4A
Sustainability

CYV1

Criteria for visitor related devt

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Highway Network Management.

The application site is currently an agricultural field with no formally constructed verge crossing. It appears likely, however, that an acceptable access in terms of construction and sight lines could be created to serve the proposed development.

It is estimated that the venue will be visited by upto 200 cars per day and a car park for 100 is proposed but there are no details of the site car park

The site is rural, at least a mile from any centres of population and approx 5 miles from the city centre. There is a nominally half hourly bus service approximately 250m from the site but no footway network between the site and the nearest bus stop. It is considered probable therefore that the majority of visitors will be car borne and whilst the use of the land may be considered "sustainable", the need to visit it by car is not!

The site is approximately 150m from the A64 (T) and it is considered probably that the majority of visitors to the site would arrive/depart via the junction of Towthorpe Moor Lane with the A64. The junction forms a simple crossroad junction with Warthill Common Lane, being a continuation of the C92. The A64 at this point is a trunk road, the highway authority of which is the Highways Agency, but it is appreciated that the junction is currently very busy at times with vehicles needing to queue to enter or leave the trunk road.

In the response from the Highways Agency it is noted that there is a request for additional information amounting to a Transport Assessment.

It is therefore requested that a Transport Assessment be submitted to accompany this application, paying particular regard to the impact on the neighbouring A64 junction. The applicant should be advised, however, that the submission of such an assessment does not necessarily infer highway support of the proposals. The applicant should be further advised that if the scheme were to be acceptable to the highway authority then it is thought probable that a number of conditions, relating to site access and parking particularly, would be requested to be attached to any permission granted.

3.3 Environmental Protection Unit.

No objections.

3.4 EXTERNAL

3.5 Stockton on the Forest Parish Council.

The Parish Council are concerned about the access and egress onto the A64

3.6 Highways Agency

Cannot support the application due to the limited information submitted by the applicant. Therefore unable to offer its full comments at this time. The application refers to the provision of 100 car parking spaces and we would request that the applicant provide further information in terms of the impact on the Strategic Road Network (SRN) in accordance with 'Guidance on Transport Assessment' (GTA) and Circular 02/2007 'Planning and the Strategic Network' both issued by the DfT in March 2007.

Clarification of this should be sought prior to any final decision on the application.

3.7. Third Parties.

One letter of objection received from the occupier of Newstead Farm on Towthorpe Lane.

i) Site is in the Green Belt and is currently an agricultural field. It is surrounded by open farmland and close to neighbouring rural properties. The impact of such a venture would be visually and environmentally enormous. It would be a further erosion of the Green Belt.

ii) Highway Safety - Towthorpe Lane is a narrow country road and is a short distance to the junction with the A64 at the Strensall / Stockton on the Forest crossroads. The A64 is very busy particularly during the school holidays and this crossroads is particularly dangerous and has been the scene of numerous very serious accidents and fatalities. The majority of the visitors would use this route either by car or coach as there is no direct bus link to the site and no footpath. Extra traffic would bring added pollution, congestion and danger, especially for young children. There is a bus stop on the A64 but this is on the opposite side of the A64 from the crossroads and people would have to cross the A64 and walk along the road. This would be dangerous for both drivers and pedestrians. Traffic would queue in both directions to access to and from the site and this would be dangerous both on Towthorpe Lane and the A64.

iii) Additional noise and congestion in a rural environment.

iv) Visual impact in an open, agricultural area and the visual impact would be very difficult to reduce.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Green belt
- Highway safety.
- Sustainability.

Green Belt.

4.2 The site is in the Green Belt where there is a general presumption against new development unless it is in connection with uses defined in PPG2 (Green Belts). One of the purposes of the Green Belt is to provide opportunities for outdoor sport and recreation near urban areas and the type of use here would fall under this category. However, such development is considered inappropriate unless it maintains openness and do not conflict with the purposes of including land within it. Any new buildings proposed would have to be essential facilities in connection with the proposed use and which preserve the openness of the Green Belt.

4.3 In this case the proposed use is for a maize maze and so largely involves a leisure based development that takes place within an agricultural crop, being grown for agricultural purposes. Other than the pay booth, portaloos and bridges within the maze, there are no new buildings being erected and even these are temporary to the life cycle of the maize crop (approx. 8 weeks) and will be removed once the use has seized. Therefore the use of the land and the limited scope of new buildings proposed means that they are unlikely to be harmful to the openness of the Green Belt.

4.4 However, the ancillary impacts of the development also have to be considered and in this case the use is likely to attract high visitor numbers and given its location, a high number of car borne visitors. This in turn will result in a significant number of cars parked on the site and this does have the potential to harm the openness of the Green Belt. However, the use is limited to a few weeks in the summer months and the hours of opening are limited to daytime only and could be controlled accordingly by condition. The application states that the parking area will be laid to grass and the site is screened from the road by a mature hawthorn hedge. Whilst the cars would be visible above this, this will offer a level of screening which would help soften the appearance and reduce the visual impact of the car park and consequently the openness of the Green Belt. Given the above and the relatively modest area of car parking identified on the plans, officers do not consider that in this particular case the impact on the openness of the Green Belt to be unduly harmful. However, if this parking area was to be extended from that shown here (the plans do not show a proper layout and therefore it has not been proven whether the area allocated is acceptable for the proposed 100 cars to park or not) then this issue may need to be re-assessed.

Highway Safety.

4.5 The application was accompanied by little information in the way of expected visitor numbers although the applicant has estimated this to be approx. 200 cars per day of the application form. Other than a plan indicating approx. the extent of the parking area, no detailed site / parking layout has ben provided. The comments of both the Council's highway officers and the Highways Agency appear at para's 3.2 and 3.6 of this report and Members will note that both make reference to a lack of information supplied by the applicant. Despite the applicant purporting otherwise, the site is wholly unsustainable with a significant reliance on the private car in order to get to the site and this will have a particular impact on the junction with the A64 which is approx. 150 metres to the east. This is a busy junction and the Highways Agency are responsible for the A64 as it has trunk road status. The Agency were unable to support the application and have requested further information, the content

of which effectively amounts to a Transport Assessment. This stance is supported by the Council's Highway officers who are concerned at the lack of information and detail submitted with the application which makes it almost impossible for the Council to make a proper and detailed assessment of this issue. This is particularly important given the nature of the uncontrolled junction (a crossroads) between the A64 and Towthorpe Lane and it is considered vital that this issue is properly considered given the safety concerns associated with this junction.

4.6 Furthermore the applicant has estimated that approx. 200 cars a day will visit the site but has estimated that the car park will have a capacity for 100 cars (although no layout has been provided to support this). Therefore, whilst it is acknowledged that there will likely to be some crossing over of visitors, some parking on Towthorpe Lane is likely. There is no public footpath from which to get to the site and excessive parking on Towthorpe Lane is not acceptable. Again further information is required with regard to likely visitor numbers and the subsequent capacity of the car park to cope with this including a more detailed site layout plan.

Sustainability.

4.7 The site is not served by public transport and the nearest bus service is approx. 250 metres from the site with no public footpath to the site. Therefore it is likely that the vast majority of the visitors to the site will be car borne and therefore whilst the attraction itself (in terms of the use of the maize crop) is a sustainable use of the land, the need to visit the site by car is not. The use therefore encourages car borne travel and this is contrary to National and local policy which seeks to reduce the dependency on the use of the car. However, the season of a maize maze is limited to the cycle of the crop which in this case would be limited to approx. 6-8 weeks. The venture promotes a form of farm and economic diversification which government guidance and local policy encourages. It is a sustainable use of land and therefore the only issue would be environmental sustainability from traffic and this is difficult to accurately predict given that the numbers of visitors is only estimated. The public use may reduce any possible spraying of the crop and this would offset the environmental issues raised by the short term increase in car journeys to and from the site. Therefore, given the above, in particular the likely short term use of the site officers consider that the proposal is acceptable in sustainability terms.

5.0 CONCLUSION

5.1 The use of the land constitutes an appropriate form of development in the Green Belt and any likely structures associated with the proposal are unlikely to harm the openness of the Green Belt. The use is limited to the extent of the maize growing season and therefore the visual harm caused by the parking of cars will be short term although this would be dependant on more information as to the adequacy of the size of the car park shown.

5.2 However, the application generally is poorly presented with little in the way of detailed plans. There are no layout plans for the car park and so it is impossible to properly assess whether this will be adequate for the parking of 100 vehicles as

suggested. The use is likely to be a high vehicle generator and therefore highway safety is an important material consideration. The site is very close to a busy crossroads with the A64 and many visitors are likely to arrive and leave the site via this junction. The A64 is controlled by the Highways Agency and they have stated that the limited information submitted means they cannot properly consider the implications of the use on this junction and have requested further information in the form of a Transport Assessment. This is supported by the Council's own highway officers. Therefore, officers are of the view that the application be refused until this has been prepared and properly assessed.

6.0 RECOMMENDATION: Refuse

- 1 In the opinion of the Local Planning Authority the proposal has been submitted with insufficient information in order to properly assess in detail the impact on the Strategic Road Network and on local highway safety, in particular at the junction of Towthorpe Lane and the A64 (T) given the additional number of vehicles likely to be visiting the site in connection with the proposed use. A full Transport Assessment is therefore required in order to properly assess this in detail. This is in line with Government Guidance contained within PPG13 (Transport) and Circular 02/2007 'Planning and the Strategic Network', March 2007.
- 2 The plans submitted offer insufficient information or detail on the size or layout of the proposed car park. It has not been proven that the car park can accommodate 100 cars as indicated and consequently the extent of the car park area cannot be assessed as adequate in order to prevent off-site parking on the public highway which could constitute a highway safety danger.

7.0 INFORMATIVES:

Contact details:

Author: Matthew Parkinson Development Control Officer

Tel No: 01904 552405



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MAIZE MAZE, TOWTHORPE LANE

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Originating Group

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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Wheldrake
Date: 26 July 2007 **Parish:** Elvington Parish Council

Reference: 06/02578/FULM
Application at: Plot B Airfield Industrial Estate Halifax Way Elvington York
For: Erection of 8 no. business units comprising B1, B2 and B8 uses
By: William Birch And Sons Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 10 April 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of 8no. business units on part of the Elvington Airfield Industrial Estate. This would comprise a mixture of B1 (light industrial and offices) , B2 (General Industrial) and B8 (storage and warehousing) uses. The site is known as Plot B and is one of the last undeveloped sites in the estate and is situated on the southern boundary off Hunter Drive. Access would be from two access points on Hunter Drive.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYE3A
Standard Employment Allocations

CYE3B
Existing and Proposed Employment Sites

CYGP1
Design

CYT20
Planning agreements

CYGP4A
Sustainability

CYE4

Employment devt on unallocated land

CYNE6

Species protected by law

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No highway objections in principle but concerned initially at the size of the development and in particular at the speculative nature of the proposal in terms of end users. It is a recommendation of this Council that where developments above a certain size for specific uses are exceeded then that application should be accompanied by a Transport Assessment (TA) or / and a Travel Plan and the normal trigger point for B2 and B8 uses is 6000sqm and for a Travel Plan the trigger point is 50+ employees; this application has a combined Ground Floor area of 4708sqm. Was concerned that the applicant is pursuing B1, B2 and B8 uses. The criteria above which a Transport Assessment is required for B1 uses is 2500sqm and noted that as the size of the units are relatively small they could be more attractive for B1 use rather than industrial/storage use; if therefore there was to be a high uptake of B1 use then both a TA and a Travel Plan would be appropriate. Also expressed concern at the level of parking within the site as it would fall below the level required if the uses were predominantly B1. In this relatively isolated location that is poorly served by public transport and is considered impractical for cyclists other than perhaps for Elvington village itself, it is likely that a large percentage of the workforce would use private cars. It is therefore important that car parking numbers should approach the maximum recommended figure in order to prevent overspill parking onto the public highway network; a phenomenon found elsewhere within the estate.

In response to the above comments the applicant submitted further information which stipulated that based on early tentative enquiries for the site and based on previous experience the emphasis will be on B2 type users for the majority of the units with B8 users for Units 6 and 7. Any use within the B1 category would be restricted to parts b and c only which refer to the Research and Development of products and processes and (c) light industry. This would exclude part 'a' of B1 which refers to all offices other than those falling within Class A2 (Financial and Professional Services) and which is consequently the main traffic generator within the B1 Use Class.

As a consequence of this additional information the highway officer has commented as follows:

The extra data indicates that due to the likely mix of users, it is improbable that more than 50 people will be employed as a direct result of this phase of the development of the airfield industrial estate. The estate overall presently employs considerably more than 50 persons in a variety of businesses but due to the nature of its piecemeal expansion over a number of years, individual applications have either not

triggered requests for Travel Plans or Transport assessments, or policies were not in place that required such considerations at the time of the respective applications. This current application, if considered in isolation, similarly would not necessarily warrant TP's/TA's being submitted due to the overall size of the development and since accurate estimates for traffic and employment are not available due to its speculative nature. The net result is that the site, being remotely situated, is not well served by public transport and is impractical for general cycling access as the only centre of population within comfortable cycling distance of the site is Elvington itself. It is therefore recommended that the application still be subject to a travel plan. Layout should also be amended to improve 'lorry turning' and car parking. 5 conditions are recommended.

3.3 City Development.

Elvington Industrial Estate is allocated within Schedule 2 of Policy E3a in the City of York Draft Local Plan for B2 and B8 use however, the proposed site is only partially allocated as a standard employment allocation, however the majority of the site is not allocated. Policy E4 (Employment Development on unallocated land) supports the use of the land for employment, however in order for it to comply with Policy E3a, some of the land must consist of B2 and B8 uses. The proposal should also meet with the policy requirements of Policy GP4a (sustainability).

3.4 Environmental Protection Unit.

The application is speculative with no definite end user and as such the applicant wishes that the site may operate 24 hours, 7 days a week. This is not of concern to EPU as residential receptors are sufficiently far away from the site to ensure that they are not disturbed by the use. The only area of concern is that of potential contaminated land both due to the previous use of the site itself as part of the military airfield and the impact of the nearby active landfill site. Conditions and informatives should be added to address these points.

3.5 Landscape Officer.

The plant schedule utilises a very appropriate range of species. However the tree and shrub quantities could be increased three-fold, especially given the relatively small stock sizes. As submitted it will not provide sufficient visual impact for the scale of development.

A revised scheme has been submitted and the comments of the Landscape officer are awaited on this.

3.6 Ecology Officer.

This site is immediately adjacent to a known and major Great Crested Newt breeding pond and this has been surveyed on a number of occasions. On the last occasion, 2006, this site was also surveyed by the applicant in conjunction with another development nearby. This survey should be appended to this application however the Council are acquainted with the findings and consider that there is sufficient information to determine the application. Overall the findings indicate that the land is only of marginal interest for Great Crested Newts containing some limited over-wintering hibernacula. Because the area is of such limited value there is considered to be no requirement for mitigation, however, because of the potential for hibernation and movement through the area in order to reach a breeding pond, there is need for

measures to be put in place to protect this species during the construction phase. A condition therefore needs to be appended to any consent requiring a contingency plan to be drawn up.

3.7 EXTERNAL.

3.8 Elvington Parish Council.

No objections but the application should be subject to a review of the available parking spaces in comparison to the anticipated traffic level.

3.9 Yorkshire Water.

No objections subject to 4 conditions relating to surface and foul water drainage.

3.10 Ouse and Derwent Internal Drainage Board.

The site lies within an area that currently has a flow regulation system to protect the watercourses in the area from the development site as a whole. Messrs Birch have provided information to show that this area was within the envelope of the original design for the storage ponds etc but that these ponds were being constructed/ enlarged when the new development came on-stream. Elvington itself has problems with the surface water discharge, as is well known. Therefore as the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

3.11 Third Parties. Objections received by the nearby occupiers of Brinkworth Hall and Brinkworth Park House. Reasons as follows:

- application is for 24/7 working hours and the working hours within adjacent plots a and c are restricted to 7.00am to 6.00pm Mon - Fri and 7.00am to 12.00pm on Saturdays. Under Policy E3a, the Business Park appears to have been reclassified as a potential B2 and B8 site but all the existing units on Plot C and Plot A are all restricted to B1 and B8 due to their proximity to residential property.
- No comment made as to ambient noise levels and the application does not offer any noise restrictions. Due to the above restrictions these houses currently experience little disturbance from the business units. Given this request that the development proposed here take equal consideration of its proximity to residential property and therefore request that planning permission is limited to the times and categories outlined above in line with all other existing development on the park.
- An application for a B2 facility was previously unsuccessful on Plot C.
- Noise restrictions should be maintained within the low levels of the existing ambient noise levels experienced from the Industrial Estate, especially at night and weekends.
- Concerned about the extra volume of traffic as Halifax Way is already heavily used, with no speed restrictions and this emerges onto what is essentially a country road. This should be kept in mind.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Highways and Parking.
- Scale and design of the units.
- Impact on neighbours.

4.2 The whole site is within the area shown to be within the boundaries of the Elvington Industrial Estate although only part of it is an allocated standard employment site. The remainder of it is unallocated because much of the site was previously developed with former buildings, most of which have been demolished. The implications of this are that part of the site area is covered by Policy E3b of the draft local plan, therefore the development must consist of some B2 and B8 uses. Land unallocated would fall within Policy E4 which supports the general use of the land for employment without stipulating specific use classes. However, all the site is within the Elvington Industrial site boundaries where historically development has consisted mainly of B2 and B8 development. The applicant has applied for B1, B2 and B8 uses and but with the B1 uses restricted to subsections b and c. This would exclude all office type accommodation and restrict the use to light industry and the research of industrial processes. Although, on the whole the application remains largely speculative with no end user identified the general principle of industrial units on this site is acceptable, subject to details and standard Development Control issues.

Highways and Parking.

4.3 The detailed comments of Council Highway Officers are at Section 3.2 of this report. Officers had initial concerns based on the set of plans and information originally submitted with the application and given the somewhat speculative nature of the proposal. The highways officer identified issues of concern particularly if there was a high takeup of B1 uses and which consequently may have required a full Transport assessment to be carried out. However, the applicant has confirmed that the majority of the end users will be within Classes B2 and B8 (in accordance with Policy E3b) and confirmed that subsection 'a - offices' of Class B1 is not being sought here. Therefore what would potentially be the highest generator of traffic is excluded from the proposal. It is recommended that this be conditioned so the Local Authority can exercise control over this use in the future. This also means that the extent of the car parking provided would be in accordance with the Council criteria for parking as the uses will be restricted to those which will generate fewer staff and visitor numbers to the site. The additional information suggests that fewer than 50 people will be employed as a direct result of this phase of the development and 71 spaces are provided. This should ensure that there are sufficient spaces for staff and visitors to park within the site without resultant excessive parking on the public highway - a problem that does exist elsewhere within the industrial park, partly due to the unsustainable nature of the site. It is important to control this here as House of James Transport, a Transport Haulier, has premises beyond both proposed entrances to this site.

Scale and design.

4.5 The somewhat speculative nature of the proposal is confounded by the fact that the development is high density with little free space, however in land use planning

terms this is not necessarily an issue here. Officers had initially expressed some concern that the proposal represented an over-development of the site although the proportion of buildings to site area is approx. 50% and this is not unreasonable and is in accordance with other areas of the business park. The units are fairly standard industrial units and are similar in size and appearance to the units recently built close to the entrance off Elvington Lane opposite the entrance to the Air Museum. The site represents the final large parcel of land undeveloped and it is on the southern edge of the site off the road down to Brinkworth Rush. Green Belt land flanks it to its southern and western flanks. Therefore officers have tried to ensure that the site is well landscaped so as to provide some link between the two areas of land. However, this has to be balanced against the fact that this site is within a designated Industrial Park and it is not visible from wider public views. In economic terms it is obviously important to maximise the site's potential. Members will note the comments of the Council's Landscape officer at para. 3.5 which requested improved tree and shrub planting and which will provide sufficient visual impact for the scale of the development proposed. This has been submitted following discussions with officers and the formal comments of the Landscape officer are awaited.

4.6 Impact on neighbours.

A 24 hours unrestricted use is sought and members will have noted the objections from nearby residents in the Brinkworth Hall Estate. This site is approx. 200 metres from the nearest house in the Brinkworth Hall Estate and there are other existing warehouse and industrial buildings between these houses and the application site, two of which have an unrestricted hours use in place. The business park as a whole does have a number of units upon which a restricted hours of operation exists although these are generally along the side boundary with the Brinkworth Hall Estate although one of the largest units along this boundary is unrestricted. Environmental Protection Officers have considered the application and have raised no objections to a possible 24 hr operation from these units due to the distance to the nearest residential houses, even given the low background levels of what is essentially a rural location. It is acknowledged that B2 (General Industrial) is the likeliest generator of noise but even a B2 use at this distance is considered acceptable. Any user would still be bound by legislation in the Environmental Protection Act and would have to adhere with the noise regulations contained therein. This would be enforced by the Environmental Protection Team. The applicant has indicated that based on the experience of the rest of the site it is unlikely that 24 hour operation will be utilised as few firms occupying units of this size operate 24 hours a day. However the application has to be considered on the basis that the opportunity for 24 hour operation will be there. The objectors have also stated that the uses be restricted to those within the B1 and B8 Use Classes but given the comments of the Environmental Protection Officer and the allocation of half the site under Policy E3b which requires some B2 use, officers do not consider this to be appropriate in this case.

Sustainability.

4.7 The location of the site is unsustainable with poor public transport links and so there is an historic reliance on the private car to access this site. However, it is allocated as an industrial park in the local plan and has therefore been identified as a

suitable location for such a use. This is the penultimate phase of the development with only the smaller plot E to be developed close to the Air Museum. There is a standard BREEAM assessment test for speculative industrial buildings (where no end user has been identified) and the applicant is aware of this and at the time of writing this report is undergoing this in order to assess compliance with this rating. They are committed to making the development as sustainable as possible within the BREEAM rating system.

5.0 CONCLUSION

5.1 The site is an allocated site for industrial use in the draft local plan and the uses proposed comply with this. Main issues included highway concerns and neighbour amenity but officers have raised no objections to this. The use within the B1 category will be restricted to sub-sections b and c so precluding office use. Officers are awaiting the final comments of the landscape officer regarding the amended landscaping scheme and some minor alterations to the parking and turning layout suggested by the Highways officer. Subject to this there are no objections to the proposal and officers recommend approval.

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 PLANS1
- 3 VISQ8
- 4 Prior to the first occupation of the site, a heads of terms agreement to be included in a future company travel plans shall have been submitted and approved in writing by the Local Planning Authority. The heads of terms agreement shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site.

Within 6 months of occupation of the site full company travel plans developed and implemented with national guidance and guidance currently published by the City of York Council shall have been submitted and approved in writing by the Local Planning Authority.

Within 12 months of the occupation of the site a first year staff travel survey shall have been submitted and approved in writing by the Local Planning Authority. Results of the yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason. To ensure the development complies with advice contained in PPG13 - 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.

5 HWAY10

6 HWAY19

7 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the City of York Highway Design Guide and specification shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any unit which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

8 HWAY31

9 LAND1

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2 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.

11 No development shall commence on site until the full details of a Great Crested Newt contingency plan and mitigation scheme to offset the possible impact of development have been submitted to and approved in writing by the Local Planning Authority. The plan should include:

- i) A contingency plan of what measures are to be employed to ensure development work does not affect Great Crested Newt.
- ii) The timing of all operations.

All works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason. To take account of and enhance the habitat for a protected for a protected species.

- 12 The use of the buildings hereby permitted shall be restricted to uses within Classes B1 (sub sections b and c), B2 and B8 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or as in any further amended order.

Reason. In order to comply with the draft local plan allocation for this site and no other use is considered appropriate in land use planning terms or in terms of traffic generation.

- 13 If planning permission is to be granted, the following conditions should be attached in order to protect the local environment and YW infrastructure:

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

Reason: In the interest of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

- 16 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 17 1. a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

- 18 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents

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 allocated industrial land, highway safety,

ecology , design and appearance and sustainability. As such the proposal complies with Policies E3Ba, E3B, E4, GP1, GP4A and NE6 of the City of York Draft Local Plan incorporating the 4th set changes approved April 2005.

2. Demolition and Construction - Informative

The developer's attention should be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

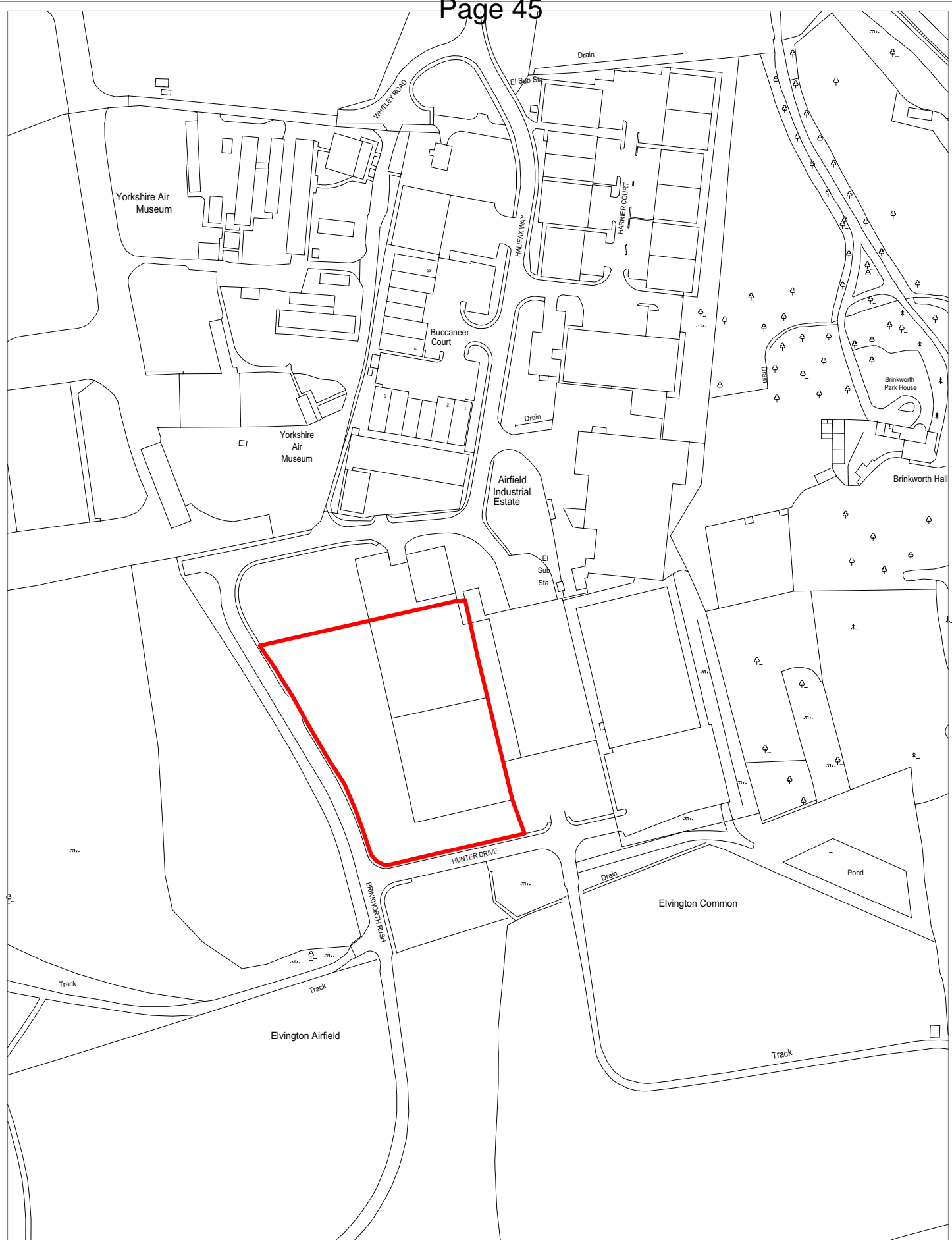
5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

Contact details:

Author: Matthew Parkinson Development Control Officer
Tel No: 01904 552405

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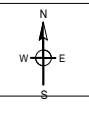
CITY OF
YORK
COUNCIL

ELVINGTON INDUSTRIAL ESTATE

SCALE 1:2500
Originating Group

DRAWN BY PSL
Project

DATE 17/7/2007
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COMMITTEE REPORT

Committee: Planning Committee **Ward:** Huntington/New Earswick
Date: 26 July 2007 **Parish:** Huntington Parish Council

Reference: 07/01006/OUTM
Application at: Plot 5 Monks Cross Drive Huntington York
For: 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)
By: Monks Cross Partnership
Application Type: Major Outline Application (13 weeks)
Target Date: 30 July 2007

1.0 PROPOSAL

1.1 This is an outline planning application for 2 and 3 storey office development within use class B1 on land adjoining Monks Cross Drive. Details of scale and access to be approved at this stage, details of layout, appearance and landscaping.

1.2 An indicative layout has been provided. This has been amended since the application was first submitted provide an area for on site mitigation against the impact on Great Crested Newts.

1.3 The site measures 2.16 Hectares and is sited to the north of Monks Cross Shopping Park, between existing offices at Triune Court and the cement works. To the north the site adjoins open farmland. The site is currently open and includes areas of bunding, hard standing (used for car parking) and a hedge line with ditch. There were areas of standing water at the time of officers site visit.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

E1A Premier Employment

2.2 Policies:

GP1 - Design

GP4A - Sustainability

T4 - Cycle parking standards

T13 - Car park standards in York CC/District C

SP8 - Reducing dependence on the car

GP9 - Landscaping

SP9 - Action Areas

NE2 - Rivers and Stream Corridors, Ponds and Wetland Habitats

NE5B - Designated Nature Conservation Sites

NE6 - Species protected by law
NE7 - Habitat protection and creation
E1A - Premier Employment Sites
E4 - Employment development on unallocated land

3.0 CONSULTATIONS

INTERNAL

3.1 CITY DEVELOPMENT: The site subject to this planning application is part of the North of Monks Premier Employment Allocation, as designated in Schedule 1 in the City of York Local Plan (4th Set of Changes, April 2005). Policy E1a (Premier Employment Sites) protects such sites for companies in the Science City York sector of the economy - knowledge based activities which support or complement firms that are clearly knowledge based. The policy states that other B1 uses that fall outside these guidelines would only be acceptable where they are of an acceptably high quality, such as companies in the professional and financial sectors or headquarter functions and it can be demonstrated that no other suitable highly accessible sites could be found, firstly within the City Centre, secondly in the York Central area and then thirdly within the rest of the urban area.

3.2 The proposed application is for speculative B1 office units which are not specifically for knowledge based uses, so would not fit in with the premier employment use, so the criteria stated in the paragraph above would need to be considered when determining the application. The DC officer would need to make a judgement as to whether the proposed development is of a high enough quality (in terms of the proposed end user and in terms of design, layout etc). Additionally, the DC officer would also need to consider the proposal against the sequential test of alternative sites, which the applicants have included as supporting information. This would also need to address the issues set out in policy SP7 (The Sequential Approach to Development). If the DC Officer is satisfied that the above issues have been adequately addressed in policy terms, then no policy objection to this aspect of the planning application would be raised.

3.3 In terms of the other aspects of the application, the DC officer would need to consider the application against policy GP1 (Design), especially in relation to layout and scale, for which the applicants are seeking approval at this stage.

3.4 Given that the proposed development is for 9,580m² floor space, then open space in accordance with policy L1c (Provision of New Open Space in Development) would need to be considered.

3.5 All developments are required to take account of the principles of sustainability, as outlined in policy GP4a (Sustainability). If the DC officer is satisfied that the development accords with the policies stated above, then no policy objection will be raised.

3.6 HIGHWAYS NETWORK MANAGEMENT: The application does not require a Transport Assessment as all traffic generation issues were considered as part of the

Monks Cross Masterplan. Contributions towards the Monks Cross Masterplan are sought through Section 106 Agreements. The contribution in this site is £85k. Details of cycle parking and vehicle swept paths for a refuse vehicle/fire tender should be provided.

3.7 UDC - LANDSCAPE ARCHITECT: The proposed loss of the existing established hedgerow and trees is regrettable. However the scheme potentially (depending on planting details) provides adequate replacement within a broad landscape infrastructure.

3.8 Should this outline application be approved, it would be appropriate for a detailed landscape scheme to be submitted as part of the reserved matters application in accordance with policy GP1 d and GP9 (as opposed to leaving all the detail to condition LAND 1). The species, locations, and stock sizes of trees, hedges, and areas of native shrub should be provided. The perimeter landscape infrastructure should include new native hedgerows and utilise a range of tree sizes, which should also be of native species, such as Oak, Ash, Field maple, and Crab apple and should include an evergreen content. The inner courtyards and roadside planting may be of a more ornamental nature, but should nonetheless provide seasonal colour and a food source for wildlife. The landscape scheme should include a suggested list of ornamental species; the exact arrangement and numbers can be left to condition. The volume of space that is afforded by the courtyards should be exploited with the planting of large-species specimen trees. These will also provide welcome shade in the summer months.

3.9 As this is only an outline application I would like the widths of illustrated planted margins to be secured by condition, i.e. an absolute minimum width of 7m along the northern perimeter, 13m along the eastern perimeter, 14m along Monks Cross Drive, and 4m along the existing access road. This width shall not include paving or cycle storage or other hard surfacing. The applicant should also provide proposed service runs with the reserved matters application to ensure that no services go under the critical landscape infrastructure so that tree planting is not potentially undermined in the future [see condition 10].

3.10 ENVIRONMENTAL PROTECTION UNIT: no objections, in principle, to the outline application for the erection of 2 three storey and 7 two storey B1 office units with associated landscaping and car and cycle parking (approval sought for layout, scale and access).

3.11 The site of the proposed development is situated between existing office blocks and the former site of Pigeon Cote Farm which is currently occupied by a concrete batching plant. On the opposite side of the road is the out of town shopping centre of Monks Cross.

3.12 We are recommending the following conditions be attached to prevent a loss of amenity to those people occupying premises nearby. As it is common to attached air conditioning equipment to large office blocks, I have also recommended a condition to ensure any potential noise from such units do not affect the occupants of the buildings. In addition my colleagues in the Air Quality section have provided the comments on air quality to be attached.

3.13 Recommended Conditions: Details of plant and machinery (attached as condition 15). The following should be included as informatives: Contaminated material - Informative (attached as condition 14), Demolition and construction - Informative (attached as informative 2).

3.14 Air Quality. The proposed development site is not included within City of York Council's Air Quality Management Area (AQMA). The introduction of further office space at this location will not result in any requirement to extend the AQMA beyond its current boundary since in the context of Local Air Quality Management, a 'relevant location' is defined as a non-occupational location (i.e. excludes places of work). It is understood that a TA was not specifically required for this development as this site falls within the Monks Cross Transport Master Plan area. As such, it is assumed that traffic movements have been agreed with City of York Council's Highways department. However, it is recommended that parking facilities associated with the development of this site should reflect the Council's minimum parking standard.

3.15 UDC - COUNTRYSIDE OFFICER: Comments on revised plans pending.

EXTERNAL

3.16 FOSS IDB: No comments received.

3.17 HUNTINGTON PARISH COUNCIL: No objections.

3.18 PUBLICITY: The application has been advertised by site notice, press notice and neighbour letter. No public response has been received.

4.0 APPRAISAL

4.1 The site is allocated in the Draft City of York local Plan (policy E1a) as a premier employment site, this designation extending across a wider area including currently undeveloped areas to the north of Monks Cross. An application for outline planning consent for that area (ref. 03/02829/OUT) was refused consent by the Secretary of State following call in. Policy E3 of the Regional Spatial Strategy (RSS) supports the designation of 12 Premium sites in the region within the size range of 15-40 hectares. However, given the decision on the land north of Monks Cross the Draft Local Plan designation is effectively reduced to an area much smaller than that which is supported by the RSS and is also fragmented. For this reason no objection is raised to the application regarding the premier employment designation in the Local Plan and the application is considered to be properly tested against the policies for B1 uses (i.e. the sequential test for location as set out in PPS6 and reflected by policy S7a of the Draft City of York Local Plan).

4.2 The applicant has submitted a sequential test to demonstrate no locationally preferable sites (city centre and edge of centre) suitable for the size and characteristics of the development proposed are available within a reasonable timescale. The proposed B1 development of the application site, which is within the urban area and bounded by developed land and land designated for development in

the Draft Local Plan, is therefore considered acceptable in principle in accordance with the aims of PPS6 and policy S7a of the Draft City of York Local Plan.

TRANSPORT

4.3 Access to the site is of an adequate standard and the transport implications of development of the site have been considered in the adoption of the Monks Cross Transport Masterplan. The applicant has agreed a contribution of £85000 towards the Monks Cross Transport Masterplan. Condition 16 and Informative 3 are recommended to be attached to any consent to secure this payment. The Monks Cross Transport Masterplan includes off road cycle lane to Monks Cross Drive. The layout proposed provides adequately for vehicle, cycle and pedestrian access to the site. Details of car and cycle parking can be secured by condition (suggested conditions 8 and 9 attached). Showers can be provided in each unit details of which would be presented at reserved matters stage. A travel plan has been submitted with the application and occupation of the permitted buildings can be secured to be in accordance with that Travel Plan or any subsequently approved (see suggested condition 6). As such the proposals are considered to accord with Policies SP8, T13 and T4 of the Draft City of York Local Plan and the aims of PPS1 and PPG13.

DRAINAGE

4.4 Suggested condition 11 would requires approval of a detailed drainage scheme is recommended to be attached to any consent so as the issues raised through the design of drainage system for the site can be satisfactorily addressed.

AMENITY.

4.5 Pigeoncote Farm stands adjacent to the site to the east and whilst currently not used as a residential building the amenity of possible future residential occupiers is raised by the Environmental Protection Unit. The use hereby proposed is B1 and as such defined as a use that is acceptable as a neighbour use to residential uses. For this reason it is not considered reasonable or necessary to restrict the hours of operation of the B1 use.

The key issues are considered to be the scale of buildings, landscaping, and ecology.

SCALE AND LANDSCAPING

4.6 The site lies immediately north of the Monks Cross Shopping Park and west of the three storey Norwich Union Building. Permission was recently granted for development of 'Plot 6b' east of this site (ref. 05/02541/FULM) for three storey buildings fronting Monks Cross Drive. To the west is a two storey office development. Pigeoncote Farm and the cement works adjoin the site immediately to the east.

4.7 The scale and massing of the proposed buildings, by dropping to two storeys on the northern side of the site relate well in scale to neighbouring buildings. Given the height of existing development to the east and south the scale of proposed three

storey elements fronting Monks Cross Drive the scale of the buildings proposed here are considered acceptable.

4.9 The development provides a landscaped path through the site, and through the central amenity spaces, to Monks Cross Drive on the southern edge of the site. Whilst the interior of the scheme incorporates a high proportion of built development and hard standing to green space the scheme is not dissimilar in this respect to other office developments in the area and significant buffer landscaping is provided to the site edges. Sufficient open space is proposed to be provided in courtyards settings within the site in accordance with aims of draft Policy L1c. The implementation of a landscape scheme including native tree species will soften longer range views of the site. The layout of the site incorporates spaces for landscape planting a detailed scheme of which can be secured by condition. The Landscape Architects comments regards planting are noted.

4.10 As such the proposals are considered to accord with the Policies GP1 of the Draft City of York Local Plan and the aims of PPS1. Provided that recommended condition 10 is attached to any consent to secure a detailed landscaping scheme it is considered that the proposals accord with Policy GP9 of the Draft City of York Local Plan.

ECOLOGY

4.11 The comments of the Countryside Officer are noted. Survey and assessment work carried out indicate that Great Crested Newts will be present on this site. However any population would become isolated in the future and hence off-site rather than on-site mitigation would be desirable. However at this stage land is not available within the control of the Council or the applicant. Hence, the layout has been amended since the application was first submitted to reserve a portion of the site for the creation of compensatory habitat, and includes retention of a part of the existing hedge and ditch. A condition requiring further detailed survey work to inform an on-site mitigation strategy (including the creation of compensatory aquatic habitat) is considered to acceptably address the issues raised by the presence of the protected species identified by the survey work carried out thus far. As such the proposals are considered to accord with Policies NE2, NE6 and NE7 of the Draft City of York Local Plan and the aims of PPS1 and PPS9.

SUSTAINABILITY

4.12 The applicant has submitted a Sustainability Statement in accordance with Policy GP4a of the Draft Local Plan and has confirmed a willingness to achieve a BREEAM rating of at least 'Very Good'. This can be secured by condition 13.

5.0 CONCLUSION

5.1 It is considered that the proposal, subject to the conditions listed below, would not cause undue harm to interests of acknowledged importance, with particular reference to protect species, the operation of the transport network, residential amenity, the character and appearance of the area or the proper drainage of the

area. As such the proposal complies with Policies GP1, GP4A, T4, T13, SP8, GP9, SP9, NE2, NE6, NE7, E1A and E4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6, PPS9, PPG13, PPG24 and PPS25 and is hence recommended for approval subject to the conditions listed below.

6.0 RECOMMENDATION: Approve

- 1 Application for approval of all reserved matters (layout, appearance and landscaping) shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

- 2 Fully detailed drawings illustrating all of the following details (the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: layout, appearance, landscaping of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

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

Block Plan received 30 April 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

- 4 The buildings erected on this site shall be no more than two storeys high in the area indicated for such buildings on the zoned site plan received 17 July 2007 and no more than three storeys on the in the relevant appropriate area also indicated on that plan. The eaves height of two storey buildings shall not exceed 7.50 metres and the overall height of two storey buildings (including any roof mounted plant) shall not exceed 9.45 metres. The eaves height of three storey buildings shall not exceed 11.25 metres and the overall height of

three storey buildings (including any roof mounted plant) shall not exceed 13.20 metres. 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.

- 5 The development hereby permitted shall not exceed 9,580 square metres gross internal floorspace.

Reason: For the avoidance of doubt.

- 6 The site shall hereafter be occupied in accordance with the aims, measures and outcomes of a Travel Plan which shall be submitted to and approved in writing by the LPA.

Reason: To ensure the development complies with advice contained in PPG13(Transport) and in policy T20 of the City of York Local Plan, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site together with parking on site for these users.

- 7 HWAY18

- 8 HWAY19

- 9 VISQ8

- 10 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 occupation of the development. Any trees or plants which within a period of five years from the occupation 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. Landscape buffers around the site (minimum 7 metres wide on the north boundary, 13 metres on the east, 14 metres on the south and 4 metres on the west) as shown on the block plan shall be provided on site and maintained clear of service runs, hard standing or buildings.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 11 Details of systems for foul and surface water drainage shall be submitted to and approved in writing by the local planning authority before any development hereby approved is carried out on site. The approved drainage systems shall be implemented on site before the buildings hereby approved are first brought into use.

Reason: In the interests of the proper and sustainable drainage of the site.

- 12 No development shall commence on site until a scheme of mitigation for the effects of the development on great crested newts has been submitted to and approved in writing by the local planning authority. The scheme of mitigation shall include a timetable for the implementation of the mitigation measures. The scheme of mitigation shall be informed by the results of a full great crested newt survey carried out during April and May following the most recent survey guidelines (English Nature Great Crested Newt Mitigation Guidelines).

Reason: In the interests of nature conservation and the protection of the habitat and population of a Protected Species.

- 13 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of 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. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good' standard.

Reason. To ensure that the development is sustainable and accords with Policy GP4A of the draft City of York Local Plan.

- 14 Any contamination detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of any proposed underground services

- 15 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning

authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of the proposed premises and those of nearby buildings.

- 16 No development shall commence unless and until a scheme to ensure the provision of adequate transport improvement and mitigation measures has been submitted to and approved by the local planning authority.

Reason: To protect the safe and proper operation of the highway network.

7.0 INFORMATIVES:

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 protect species, the operation of the transport network, residential amenity, the character and appearance of the area or the proper drainage of the area. As such the proposal complies with Policies GP1, GP4A, T4, T13, SP8, GP9, SP9, NE2, NE5B, NE6, NE7, E1A and E4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6, PPS9, PPG13, PPG24 and PPS25.

2 DEMOLITIONAND CONSTRUCTION INFORMATIVE

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

3. TRANSPORT INFORMATIVE:

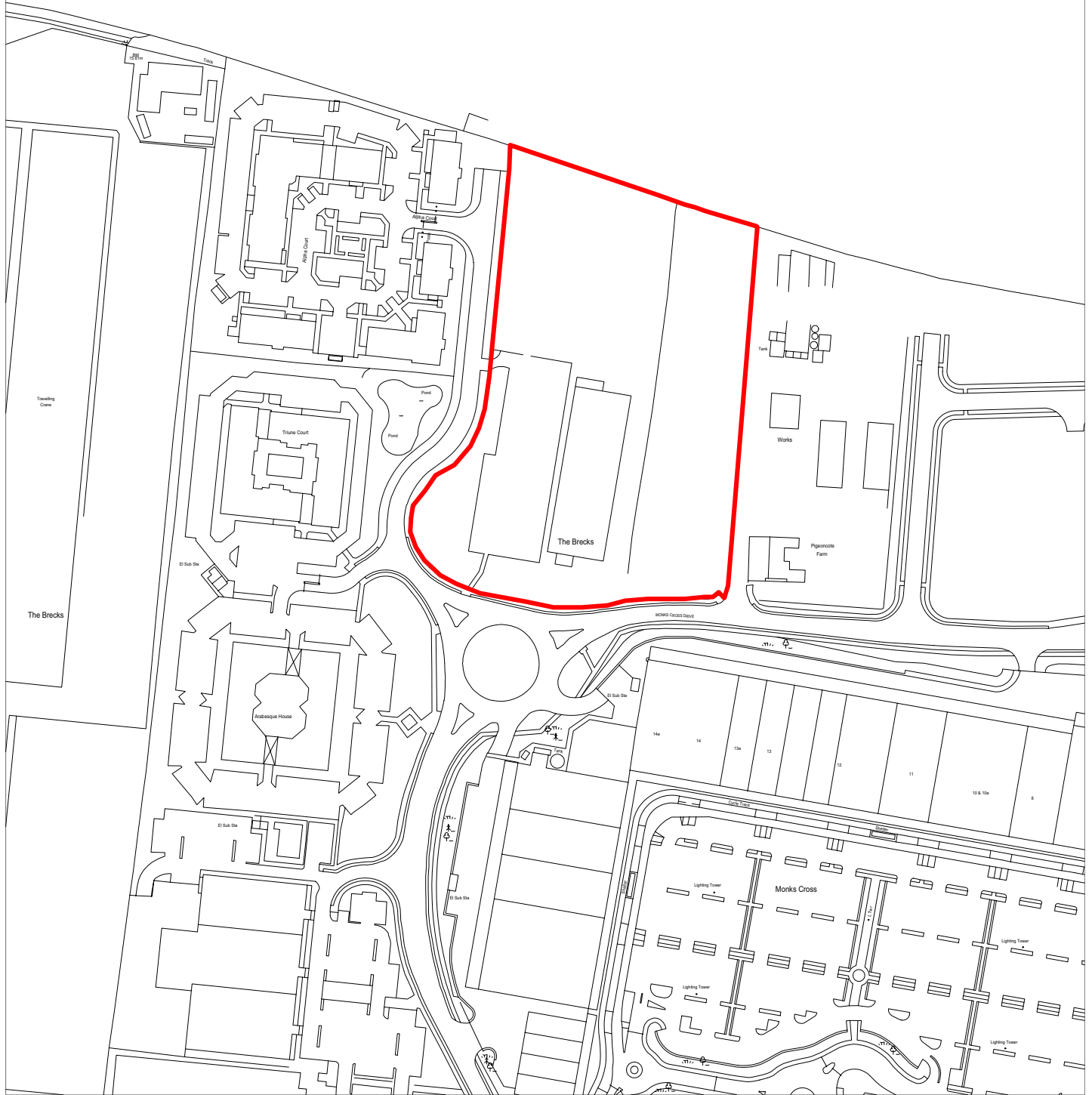
The provisions condition 11 could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, The obligation should provide for a financial contribution calculated at £85,000. The basis for this calculation is contained within adopted Monks Cross Transport masterplan. No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

Contact details:

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CITY OF
YORK
COUNCIL

UNIT 5, MONKS CROSS DRIVE



SCALE 1:2500
Originating Group

DRAWN BY PSL
Project

DATE 17/7/2007
Drawing No.

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