



Notice of a public meeting of Planning Committee

- To:** Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Williams
- Date:** Thursday, 21 November 2013
- Time:** 4.30 pm
- Venue:** The George Hudson Board Room - 1st Floor West Offices (F045)

AGENDA

Would Members please note that the minibus for the Site Visits for this meeting will depart Memorial Gardens at 12.30 on Tuesday 19th November 2013.

1. Declarations of Interest

At this point in the meeting, Members are asked to declare:

- any personal interests not included on the Register of Interests
- any prejudicial interests or
- any disclosable pecuniary interests

which they may have in respect of business on this agenda.

2. Minutes

To approve and sign the minutes of the meeting of the Planning Committee held on 24th October 2013.

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 on Wednesday 20th November 2013.**

4. Plans List

This item invites Members to determine the following planning applications:

a) **Former Our Lady's Primary School, Windsor Garth, York, YO24 4QW (13/02892/FULM).** (Pages 5 - 22)

A major full application for the erection of 56 new two storey dwellings and associated works. [Westfield Ward] [*Site Visit*]

b) **Land to the West of Redwood House, Northminster Business Park, Upper Poppleton, York (13/03170/FULM)** (Pages 23 - 36)

A major full application for the erection of a two storey building accommodating research, development and production laboratories and offices (use class B1), ancillary car parking and landscaping works. [Rural West York Ward] [*Site Visit*].

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

Democracy Officer:

Name: Laura Bootland

Contact Details:

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PLANNING COMMITTEE

SITE VISITS

Tuesday 19th November 2013.

TIME	SITE	ITEM
12:30	Coach leaves Memorial Gardens.	
12:45	Former Our Lady's Primary School, Windsor Garth.	4a
13:25	Northminster Business Park.	4b

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City of York Council

Committee Minutes

Meeting	Planning Committee
Date	24 October 2013
Present	Councillors Horton (Chair), Galvin (Vice-Chair), Ayre, Boyce, Burton, Crisp, D'Agorne, Doughty, Firth, King, McIlveen, Reid, Riches, Simpson-Laing, Watt and Looker (Sub For Cllr Williams)
In Attendance	Councillors Orrell, Steward and Warters
Apologies	Councillor Williams

20. Site Visits

Site	Reason for Visit	Members Attended
Travellers Caravan Site, Outgang Lane, Osbaldwick	To enable Members to view the existing site pitches and proposed extension area with reference to its impact on the green belt.	Cllrs Boyce, Doughty, Firth, Galvin, Horton, McIlveen and Reid.
Sessions of York, Huntington Road, York	To enable Members to view the site, adjacent to a listed building and its surroundings in view of objections received.	Cllrs Boyce, Doughty, Firth, Galvin, Horton, McIlveen, Orrell and Reid.

21. Declarations of Interest

At this point in the meeting, Members were asked to declare any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda.

Councillor Simpson-Laing declared a personal and prejudicial interest in relation to Plans item 4a) -Travellers Caravan Site, Outgang Lane, Osbaldwick (Planning Application 13/02704/GRG3) in her role as Cabinet Member for Health,

Housing and Adult Social Services, involved in the bid to the Homes and Communities Agency to acquire funding for the site. She confirmed that she would not be taking part, as a Member of the Planning Committee in the discussion or voting thereon.

22. Minutes

Resolved: That the minutes of the last meeting of the Planning Committee held on 19 September 2013 be approved and signed by the Chair as a correct record.

23. Public Participation

Cllr Warters, spoke in relation to the general remit of the Committee, firstly in relation to the Section 106 payment attached to the Derwenthorpe scheme, expressing concerns that the obligations were not being enforced. Secondly regarding a letter sent to the authority in November 2012, from the Meadlands Residents Association, raising reserved matters concerns relating to surface water drainage and the water table on the Derwenthorpe site which still remained unanswered

24. Plans List

Members then considered two reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, which outlined the proposals and relevant planning considerations and set out the views of the consultees and officers.

25. Travellers Caravan Site, Outgang Lane, Osbaldwick, York. (13/02704/Grg3).

Consideration was given to a general regulations application (Reg3), submitted by Ms Kate Grandfield, for an extension to the existing travellers site to accommodate 6 No. additional pitches with associated amenity buildings, amenity space with a 2 metre high fence surround, grazing areas and shelters for horses. In addition the provision of additional land to the south of the existing site to allow for expansion of the existing pitches and space for a future portakabin site office.

Officers provided an update to confirm that the applicant had submitted a drainage layout which included the means of attenuation. The list of plans for approval had been updated to include this addition.

Members went on to question a number of points raised at the earlier site meeting including:

- Details of the fence line and type on the strip of land between pitches 1 to 4. Details to be confirmed.
- Information re the shortfall in pitches.
- Details of modifications to the existing amenity building.
- Reference to Outgang Lane as a Public Right of Way (PROW), requested assessment of reduction in usage following blockage.

David Shaw, a local farmer, raised objections to the proposed expansion of the site, particularly as the present site appeared to have had little management until recently. Reference was made to holes in the existing fences which allowed travellers horses to graze on his land, damaging crops and hedges and often straying on to nearby roads. He asked Members to support the replacement of the fence with a high wall to overcome existing problems.

Denise Rothwell, made representations on behalf of Murton Parish Council to the expansion of the site, referring to anti social behaviour, trespass and damage to crops by site residents, many of which went unreported. A request was made for better site management and site improvements prior to the granting of planning permission.

Peter Broadley, spoke on behalf of Holtby Parish Council, raising objections to the application and confirming his support for earlier speakers comments. Although a small village comprising 50 dwellings and 10 farms Holtby residents also suffered criminal damage to land and property. It was felt that an expansion of the site would exacerbate current problems. A request was made for a protocol or policies to deal with traveller's horses.

Cllr Warters, made reference to earlier speaker's comments and the recent site visit pointing out that, the current problems relating to the site had arisen as a result of negligible management on site. Particular reference was made to overcrowding, previous conditions imposed which had required

the provision of a site office and warden, to intimidation of users of the adjacent PROW and he circulated photographs of site conditions prior to a recent clean up. Figures provided in the Local Plan for future pitch requirements were questioned and suggested for independent examination. He requested Members to refuse the application in view of these issues.

In answer to a number of questions, Kate Grandfield, the applicant, and the Planning Officers made the following points:

- Existing pitches were overcrowded as they needed to accommodate, extended families including elderly relatives and families with children.
- A current waiting list of approximately 24 people were seeking a York traveller's site pitch.
- An overall site review would be undertaken to ensure a robust management structure to assist the wider community.
- The recently agreed protocol for the management of horses was now out to tender. This included a horse bailiff who would have the authority to remove horses from private land.
- The protocol also required the provision of grazing land around the city for traveller's horses, for which a charge would be made. A traveller who had been banned from keeping horses would not be given permission to graze a horse on CYC land.
- Confirmation that, if permission were granted for the additional pitches, this would allow for better management of the site.
- The future site office was required to make space available to deal with the complex needs of residents in an informal, confidential environment.
- Reference to animal welfare issues on the existing site were confirmed as not relevant planning issues.
- Request for confirmation that any unauthorised structures would be removed and existing fencing secured. Confirmed that a review would be undertaken of all the existing pitches and discussions undertaken regarding the removal of any unauthorised structures, provision of stock proof/robust fencing which would be repaired if damaged. It was confirmed that the Fire Officer had also undertaken an examination of the site and provided advice to residents.

- Location of future site office shown as part of the application however further details of any permanent structure would be required by the local planning authority.

Councillor Simpson-Laing, spoke in her capacity as Cabinet Member for Health, Housing and Adult Social Services referring to a number of points raised, earlier in the meeting, which were not, in her opinion, planning matters and should not therefore be taken into consideration. She referred to the visible on site need for the expansion as travellers families were living longer but had poorer health outcomes. On balance, she felt that the case had been made for very special circumstances which outweighed harm to the green belt as outlined by Officers.

The legal representative then set out details of what would not be considered lawful planning considerations, material to this application. These included current management of activity at the site and animal welfare and Members were reminded to consider the application on its merits, having considered all the planning issues and whether special circumstances had been proven to allow development in the green belt.

Following further lengthy discussion upon the application and potential concerns relating to the management of the site, Cllr King moved and Cllr Crisp seconded, in an attempt to alleviate those concerns, a motion to approve the officer recommendation in support of the application, subject to the addition of an informative to request that any future request for a portakabin/site office be referred back to the Committee for approval.

Cllr Galvin then moved and Cllr Firth seconded an amendment requesting deferral of the application for the provision of further clarification and justification for the proposals including details of the site management plan. On being put to the vote the amendment was LOST on the Chair's casting vote.

The original motion to approve, subject to an informative, was then put to the vote and LOST.

Cllr Ayre then moved and Cllr Reid seconded a motion to refuse the application. On being put to the vote this was LOST.

After considerable further discussion in relation to an updated site management plan, site office requirements and the

reasonableness of any condition imposed, the Chair then moved and Cllr King seconded approval of the application with further detailed conditions relating to *the provision of an updated site management plan incorporating facilities for a site office, prior to occupation or as soon as practicable thereafter*, to address the remaining site concerns.

Cllr D'Agorne then moved and Cllr Reid seconded an amendment to the above motion to remove the words '*as soon as practicable thereafter*'. . On being put to the vote the amendment was LOST.

The motion to approve, in the names of Councillors Horton and King above was then put to the vote and it was

Resolved: That the application be approved subject to the imposition of the conditions listed in the Officers report, the provision of an updated site management plan, incorporating facilities for a site office, prior to occupation of the extension or as soon as practicable thereafter.

Reason: In officers' view the shortfall in the number of currently available pitches, the requirement to identify suitable sites and the difficulty in finding suitable sites within the settlement limit constitute very special circumstances that outweigh harm to the green belt. Extending the site as proposed accords with national and local planning policy and is considered acceptable.

25b Sessions of York, Huntington Road, York, YO31 9HS. (13/02724/FULM).

Consideration was given to a major full application, submitted by Ben Bailey Homes and Stirling Scotfield (Ebor) LLP, for the erection of 59 dwellings with associated works, following demolitions of existing buildings (resubmission).

Officers provided an update in which they requested revisions to Conditions 8, 9, 23 and 33 for further clarity. A copy of the full wording of the revised conditions, circulated at the meeting, have been added to the online agenda for information.

Following a request, Officers confirmed that the requirement for a lighting scheme would allow the authority to ensure that wildlife would not be unduly affected by the lighting proposals. The Chair also confirmed that the proposed conditions covered the removal of the chicanes on Huntington Road and their replacement with permanent traffic calming measures.

Tom Cook, spoke in support of the scheme as the applicants agent, referring to consultation undertaken and extensive pre application discussion with Officers prior to submission of the application. It was pointed out that the site was in a sustainable location, close to public transport routes and made good use of a vacant site.

Cllr Orrell, as a Ward Member, confirmed details of the developer's community involvement prior to submission of the application this had included both Ward Members, residents and the Parish Council which had worked well. He expressed support for the proposals but raised some concerns regarding the flat roofs proposed on some properties and the lack of details relating to the new traffic calming measures.

Following further discussion it was

Resolved: That the application be approved subject to a Section 106 agreement, the imposition of the conditions contained in the Officers report, together with the following amended conditions and informative:

Condition 8 - Prior to the occupation of the dwellings a full lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting. The development shall be carried out in accordance with the approved lighting scheme.

Condition 9 - Prior to occupation of the dwellings a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs shall be submitted and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which

within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Condition 23 - Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA, all works on site shall be undertaken in accordance with the approved statement. Such a statement shall include at least the following information;

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- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

Condition 33 - Prior to the occupation of the dwellings on Plots 10, 11, 12, and 13 the acoustic fence shown in Drawing Number 4135/01 Revision K (received 7 October 2013) shall be in place and retained.

Additional Informative relating to green roofs over the flat roofed properties – Consideration should be given to the incorporation of 'green' roofs for Plots 13,14,15,16 and 17. Further details should be submitted as part of Condition 3. If green roofs for these units does not prove to be practicable, justification should be submitted to the Planning Authority.

Reason: The proposed development would provide a mix of market and affordable housing in line with current guidance. The development has been designed to modern highway standards to reduce vehicle speeds and encourage pedestrian movement. The proposal would introduce a mixed residential scheme in a sustainable location.

26. Appeals Performance Update Report

Members considered a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1 July to 30 September 2013. Details of the salient points from the appeals were also reported.

It was noted that in order to regain previous performance levels Officers had continued to impose high standards of design and visual treatment in the assessment of applications and where significant planning issues were identified revisions were sought at an early stage.

Resolved: That the Council's appeals performance during this period be noted.

Reason: To inform Members of the current position in relation to planning appeals against the Council's decisions as determined by the Planning Inspectorate, over the last 6 months and year.

Cllr D Horton, Chair
[The meeting started at 4.30 pm and finished at 7.40 pm].

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COMMITTEE REPORT

Date: 21 November 2013 **Ward:** Westfield
Team: Major and **Parish:** No Parish
 Commercial Team

Reference: 13/02892/FULM
Application at: Our Ladys R C Primary School Windsor Garth York YO24 4QW
For: Erection of 56 no. two storey dwellings and associated works
By: Mr Joel Owen
Application Type: Major Full Application (13 weeks)
Target Date: 26 November 2013
Recommendation: Approve subject to Section 106 Agreement

1.0 PROPOSAL

1.1 Our Lady's School Hob Moor comprises a low rise brick built complex dating from the 1950s, occupying an island site within the Hob Moor Stray, an urban common protected by Private Act of Parliament. The complex is now derelict following on from a replacement school being erected to more modern standards a short distance away. Planning permission is sought for the erection of 56 houses on the cleared site, 46 for social rent or discounted sale and 15 for open market sale. They would be a mix of 29 two and 27 three bedroom properties. The application details have been amended since submission to create an easement around a trunk sewer crossing the site at its western edge and also to deal with concerns in terms of the impact of the proposal upon the eastern boundary of the site with Hob Moor Stray.

1.2 As a consequence of the complicated nature of the site the proposal attracts a requirement for commuted payments in respect of the provision of school places at £167,779, highway works at £10,960 and the provision of off site open space at £82,576 giving a total requirement for £261, 315. This would be secured via a Section 106 Agreement together with the provision of arrangements for securing the affordable housing to remain affordable in perpetuity along with the maintenance of the landscaped boundary of the site with Hob Moor.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

Schools GMS Constraints: Our Lady's RC Primary 0213

2.2 Policies:

CYGP1 -Design

CGP15A - Development and Flood Risk

CYGP4A - Sustainability

CYH4A - Housing Windfalls

CYNE8 - Green corridors

CYNE6 - Species protected by law

CYL1C - Provision of New Open Space in Development

CYED4 - Developer contributions towards Educational facilities

3.0 CONSULTATIONS

INTERNAL:-

3.1 Environmental Protection Unit raise no objection to the proposal subject to any permission being conditioned to require remediation of any land found to be contaminated and to protect the amenity of neighbouring properties during the construction process.

3.2 Lifelong Learning and Leisure raise no objection to the proposal subject to commuted sums being paid in lieu of the provision of off-site open space.

3.3 Design, Conservation and Sustainable Development express concerns in respect of the proposed landscape treatment of the site boundaries and its impact upon the setting of Hob Moor.

3.4 Highway Network Management raise no objection to the layout of the proposal as amended subject to the payment of commuted sums in respect of Sustainable Transport Measures and amendments to off-site Traffic Regulation Orders.

3.5 Housing Services raise no objection to the proposal subject to measures being put in place to ensure that the affordable element of the scheme remains so in perpetuity.

3.6 Strategic Flood Risk Management express concern in respect of the level of information submitted with the scheme in terms of surface water drainage. A detailed drainage scheme has subsequently been submitted with the proposal

3.7 Education Services raise no objection in principle to the proposal subject to the payment of a commuted sum in lieu of the provision of primary school places at Hob Moor Primary which is over subscribed.

EXTERNAL:-

3.8 The Ainsty Internal Drainage Board raise no objection in principle to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.9 Yorkshire Water Services Limited raise no objection to the proposal but express concern in relation to the level of information provided in terms of surface water drainage.

3.10 The Safer York Partnership raise no objection to the proposal.

3.11 The York Natural Environment Panel express concerns in respect of the over-development of the site and the impact upon the setting of Hob Moor.

3.12 The Friends of Hob Moor object to the proposal on the grounds that it would seriously erode the setting of Hob Moor as well as causing serious harm to the nearby locally designated nature reserve by altering the pattern of surface water drainage and introducing domestic pets who will harm small mammals and ground nesting birds.

3.13 The Kingsway Area Residents Association object to the proposal on the grounds that it would result in over-development of the site, cause an unacceptable impact in terms of traffic upon adjoining side roads, give rise to unacceptable pressure upon nearby schools and other services, would be unsustainable in transport terms and would cause unacceptable harm to the setting of Hob Moor.

3.14 Eleven letters of objection have been received from neighbouring residents. The following is a summary of their contents:-

* Concern in respect of the impact of construction noise and traffic on adjoining properties;

- * Concern in respect of the impact of the proposal upon neighbouring services such as schools;
- * Concern that the proposal would amount to over-development of the site;
- * Concern that the proposal would lead to a harmful impact upon the setting of Hob Moor;
- * Concern that the proposal would lead to an increase in crime and anti-social behaviour in the locality;
- * Concern that the proposal would lead to a harmful impact upon wildlife in the adjoining nature reserve.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE:-

- * Impact upon the setting of Hob Moor;
- * Impact upon the locally designated nature reserve;
- * Over development of the site;
- * Impact upon the local surface water drainage network;
- * Impact upon the safety and convenience of local highway users;
- * Section 106 Issues;
- * Sustainability.

STATUS OF THE DRAFT LOCAL PLAN:-

4.2 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in arriving at Development Management decisions although it is considered their weight is limited except where in accordance with the National Planning Policy Framework.

PLANNING POLICY CONTEXT:-

4.3 Central Government Planning Policy as outlined in paragraph 49 of the NPPF urges that Local Planning Authorities consider all applications for residential development in the context of the presumption in favour of sustainable development. Planning for new housing development is outlined in paragraph 50 of the NPPF should at the same time be based upon the size, type, tenure and range indicated by local needs. At the same time paragraph 118 cautions against approving developments that would result in the loss of important wildlife habitat.

IMPACT UPON THE SETTING OF HOB MOOR:-

4.4 Policy H4a) of the York Development Control Local Plan sets a firm policy presumption in favour of new residential development which is within the urban area and is currently derelict, vacant or under-used, the development is of an appropriate scale and density to surrounding development and it would not have a detrimental impact on existing landscape features. The application site comprises a former primary school that was constructed in the 1950s on site virtually surrounded by Hob Moor. There is a substantial degree of mature landscaping surrounding site both within and outside of the site boundary. The proposal for the erection of 56 houses would significantly change the character of and extent of built form on the site over and above that existing, although it would be characteristic of the pattern of development of the residential area to the north and north west. The overall height of development would not however exceed that existing and the pattern of scale and massing would reflect that of the nearby residential properties to the north west.

4.5 Hob Moor comprises an urban common protected by Private Act of Parliament incorporating a locally designated Nature Reserve seeking to protect ground nesting birds. An important element of its character are the long sweeping views to the north and north east across the grassland towards the City Centre. The application site with its mature landscape fringes is of significant importance in securing those views and the setting of the Moor. The proposed development would potentially have a significant visual impact, and in order to minimise that impact the existing boundary treatment would need to be secured and reinforced where possible. The applicant has agreed to in part undertake this by replacing the existing steel security fence surrounding the site with a more acceptable green powder-coated fence. At the same time the proposed dwellings have been pulled in some 2-3 metres from the eastern boundary which is the most critical in terms of impact. Subject to the submission of a detailed landscape scheme reinforcing the boundary treatment and the inclusion within the Section 106 Agreement for provisions for the holistic maintenance of the existing boundary treatment then the impact of the development upon the setting of Hob Moor is on balance felt to be acceptable.

IMPACT UPON THE LOCALLY DESIGNATED NATURE RESERVE:-

4.6 Policy NE5a) of the York Development Control Local Plan sets a firm policy presumption that development that would have an adverse effect upon a Local Nature Reserve will only be permitted where the reasons for development clearly outweigh the substantive nature conservation value of the site. Hob Moor contains an area of habitat for ground nesting birds and comprises damp grassland managed by periodic seasonal grazing of cattle. Concern has been expressed in regarding the impact of the proposal in two respects; the potential for alteration to the pattern of surface water drainage and also the introduction of increased numbers of domestic animals in to the area.

The provision of an additional 41 affordable units would have a significant impact upon the wider need in the City for Affordable Housing. In terms of drainage any impact can be minimised by conditioning any permission to require attenuation of flows from the new properties before it enters the existing surface water sewer network. In addition, it is not felt that the consequent increase in domestic animals would have a significant impact upon the local wildlife habitat. Therefore when balance against the wider benefits of the scheme, Policy NE5a) of the Draft Local Plan can therefore be complied with.

OVER-DEVELOPMENT OF THE SITE:-

4.7 Concern has been expressed in terms of the proposed 56 properties being an over-development of the site with consequent impacts upon the level of amenity space available for potential occupiers along with the visual amenity of the wider street scene. Central Government Planning Policy in paragraph 17 of the NPPF "Core Planning Principles" does indeed call for the provision of an acceptable standard of amenity for new and existing occupiers of properties. The submitted details do however clearly demonstrate that the site can be developed successfully with the minimum acceptable separation distances between properties with adequate garden and amenity space available for potential occupiers. The pattern of density is also entirely consistent with that prevailing within the residential development to the north and north-west. The proposal is not therefore felt to be an over-development of the site.

IMPACT UPON THE LOCAL SURFACE WATER DRAINAGE PATTERN:-

4.8 Policy GP15a) of the York Development Control Local Plan sets out a requirement that developers must satisfy the Local Planning Authority that any flood risk will be successfully managed with the minimum environmental effect whilst ensuring that the site can be developed, serviced and occupied safely. The site lies within Flood Zone 1 and is therefore at the lowest deemed risk of flooding; however the habitat of the adjacent Hob Moor is in large measure dependent upon the existing surface water drainage conditions being maintained. The application as submitted illustrated surface water drainage by soak-away which would have lead to potential increases in the levels of water draining into the Moor. The subsequent details submitted along with the comments of statutory consultees support the principle of surface water drainage to the existing sewer network with suitable attenuation. This is supported subject to any permission being conditioned to require the submission and approval of a full drainage scheme. The terms of Policy GP15a) of the Draft Local Plan can therefore be complied with.

IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.9 Concern has previously been expressed in relation to the impact of the proposal upon traffic conditions on the local highway work. The application site is accessed via a narrow and winding network dating to the laying out of the housing development in the early 1950s when conditions were not as they are now. The scheme has however been subject to a detailed Transport Assessment and subject to the appropriate modification of Traffic Regulation Orders and the provision of means to encourage sustainable transport then it is felt that the adjoining network could absorb the estimated traffic flows coming from the site without undue harm to local amenity and the safe and free flow of traffic on the local network.

SECTION 106 ISSUES:-

4.10 Attention has already been drawn to the need to secure the future of the 41 affordable units as affordable in perpetuity via a Section 106 Agreement along with the management of the landscaped boundary with Hob Moor and the necessary highway works on the adjoining network. Concern has also been expressed in relation to the pressure of the proposed development on local services notably the Local Primary School and local sports facilities. Policy ED4 of the York Development Control Local Plan sets out a clear requirement in the case of significant residential development for the payment of commuted sum financial contributions to underwrite the provision of new school places where existing schools are over-subscribed. The Primary School catchment covering the site Hob Moor is significantly over-subscribed and as a consequence a commuted sum payment of £167,779 is sought in respect of this site which may be secured by the means of a Section 106 Agreement. At the same time Policy L1c) of the York Development Control Local Plan sets out a clear requirement in the case of residential development for the payment of commuted payments for the provision of open space required in connection with the development. In the current case the requirement would be for a payment of £82,576 which can be secured by the means of a Section 106 Agreement.

4.11 At a late stage of the application process the applicant has indicated a willingness to agree to the payments via a section 106 agreement. It is therefore recommended that Delegated Authority be given to approve the application subject to a Section 106 Agreement in order that it may be formulated based on the heads of terms and sums set out above. If the Agreement is not completed within a reasonable timescale, and bearing in mind the Council's obligations to determine applications expediently, the application would be referred back to Committee with a recommendation of refusal.

SUSTAINABILITY:-

4.12 Paragraph 49 of the NPPF sees the development of new housing as a key element of the presumption in favour of Sustainable Development intrinsic to Central Government Planning Policy. Policy GP4a) of the York Development Control Local Plan seeks to apply the principles of sustainable development to new construction including a requirement for new residential development to have a minimum of 10% of its energy needs derived from renewable sources. The current proposal seeks to achieve a BREEAM Code Level 3 in terms of its Sustainability and makes use of previously developed land. The applicant is preparing a further statement to demonstrate the sustainability credentials of the site. Subject to receipt of this document, it is recommended that achievement at least of BREEAM Code Level 3 (or equivalent) be conditioned as part of any permission for prior approval.

5.0 CONCLUSION

5.1 Concern has been expressed in terms of the impact of the proposed development upon the setting of the Moor and the design has been slightly amended to safeguard the eastern boundary of the site. Providing adequate arrangements are put in place to safeguard the boundary of the site with Hob Moor and secured by means of a Section 106 Agreement with additional boundary planting secured by condition, then on balance the proposal is felt to be acceptable in terms of visual impact.

5.2 Concern has also been expressed that the proposal would represent an over-development of the site however; the pattern of density is compatible with housing development to the north and north-west as is the pattern of scale and massing. The standard separation distances can also be complied with.

5.3 Concern has been expressed in terms of the proposed surface water drainage from the site particularly in terms of its relationship to the nearby Local Nature Reserve. However, if any permission is conditioned to require that any surface water discharges are suitably attenuated and discharged to the existing surface water sewer network then it is felt that an acceptable arrangement can be achieved.

5.4 There are requirements in terms of commuted sums related to Highway Works, Educational Provision and Open Space for £261,315 and overall it is felt that the proposal is acceptable in planning terms and approval is therefore recommended subject to the commuted sums being included with a Section 106 Agreement, and subject to receipt of further details regarding sustainability measures incorporated into the development.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2 Development start within three years -

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

Drawing Ref:- 187/37(02) 003 Rev D; 187/37(02)202; 187/37(02)201; 187/37(02)104; 187/37(02)103; 187/37(02)102; 187/37(02)101; 187/37(02)203; 187/37(02)211 and 187/37(02)211 Date Stamped 21st August 2013

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

3 VISQ8 Samples of exterior materials to be app -

4 VISQ7 Sample panel ext materials to be approv -

5 VISQ4 Boundary details to be supplied -

6 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes A,B,C,E, F of Schedule 2 Part 1 of that Order shall not be erected or constructed.

Reason: In the interests of safeguarding the setting of Hob Moor and the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

7 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 , shrubs and other planting This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

8 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

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, mechanical cultivation or deep-digging, 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, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape 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.

9 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details. Such details shall allow for attenuation of surface water flows to 70% of the existing levels with allowance made for no on-site retention of water in the event of a 1 in 30 year severe weather event and no discharge to adjacent properties in the case of a 1 in 100 year event.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8.3 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level.

Any such physical works or marker shall be retained at all times during the construction period.

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

11 No building work shall take place until details have been submitted to and approved in writing by the Local Planning Authority, to demonstrate how the applicant will provide, from renewable sources, 5% of the development's total energy demand on land within the control of the applicant. The development shall not be occupied until these works have been carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority

Reason: In the interests of sustainable development

12 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of site clearance/preparatory and construction works shall be submitted to and approved in writing by the LPA. Such a statement shall include at least the following information;

- the routing that will be promoted by the contractors to use main arterial routes and avoid the peak network hours
- where contractors will park
- where materials will be stored within the site
- measures employed to ensure no mud/detritus is dragged out over the adjacent highway.

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

13 HWAY1 Details roads, footpaths, open spaces req. -

14 HWAY7 Const of Roads & Footways prior to occup -

15 HWAY18 Cycle parking details to be agreed -

16 HWAY19 Car and cycle parking laid out -

17 HWAY40 Dilapidation survey -

18 The development hereby permitted shall not come into use until the following highway works: provision of a traffic calming scheme on Winsor Garth incorporating managed on-street parking facilities and provision of a raised plateau crossing point together with associated signing and lining at the interface between Winsor Garth, the internal site access road and the Hob Moor cycle route (which definition shall include works associated with any Traffic Regulation Order required as a result of the development) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

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

19 All demolition and construction works and ancillary operations which are audible beyond site boundary or at the nearest noise sensitive dwelling, including deliveries to and dispatch 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.

REASON: To protect the amenities of adjacent residents

20 All machinery and vehicles employed on the site shall be fitted with effective silencers of a type appropriate to their specification and at all times the noise emitted by vehicles, plant, machinery or otherwise arising from on-site activities, shall be minimised in accordance with the guidance provided in British Standard 5228 (2009) Code of Practice; 'Noise Control on Construction and Open Sites'.

REASON: To protect the amenities of adjacent residents

21 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - ground waters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

22 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

23 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

24 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

25 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration, dust and lighting during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the residential amenity of Neighbouring Properties and to Secure Compliance with Policy GP1 of the York Development Control Local Plan.

7.0 INFORMATIVES: Notes to Applicant

1. CONTROL OF POLLUTION ACT 1974:-

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 adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) 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.

(b) 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".

(c) 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.

(d) 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.

(e) 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.

(f) There shall be no bonfires on the site

2. HIGHWAY WORKS:-

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

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

3. UTILITIES:-

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

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

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

- i) Amendments to the Site Layout to Reflect Landscape Concerns.
- ii) Amendment of the Site Layout to provide a satisfactory sewer easement.
- iii) Provision of an amended surface water drainage scheme

Contact details:

Author: Erik Matthews Development Management Officer

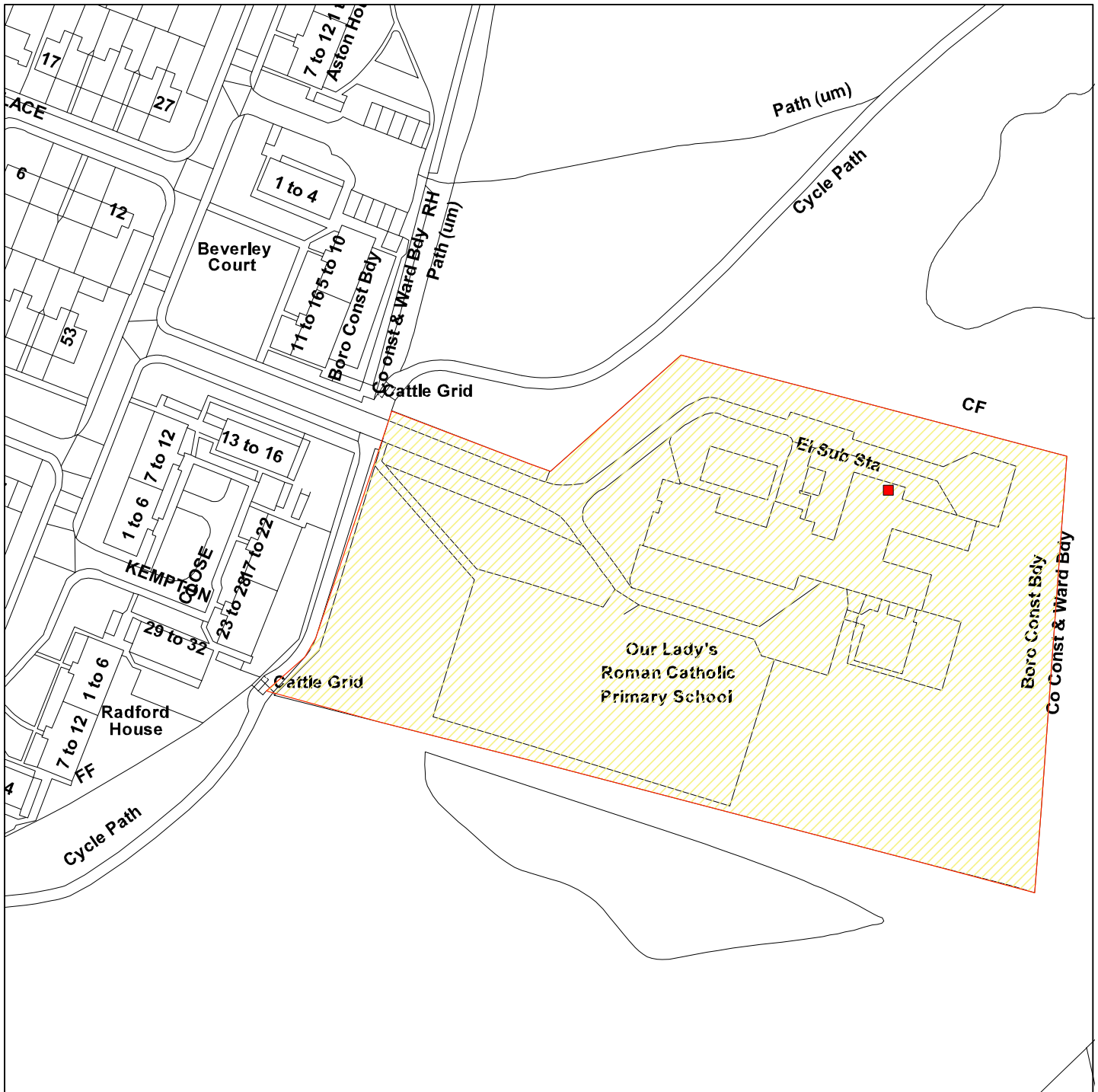
Tel No: 01904 551416

13/02892/FULM

Our Ladys R C Primary School



GIS by ESRI (UK)



Scale : 1:1250

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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	11 November 2013
SLA Number	Not Set

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COMMITTEE REPORT

Date: 21.11.2013 **Ward:** Rural West York
Team: Major and **Parish:** Parish Of Rufforth With
Commercial Team Knapton

Reference: 13/03170/FULM

Application at: Land To The West Of Redwood House Northminster Business Park Hackness Road Upper Poppleton York

For: Erection of two storey building accommodating research, development and production laboratories and offices (use class B1), ancillary car parking and landscaping works

By: Mr George Burgess

Application Type: Major Full Application (13 weeks)

Target Date: 27 December 2013

Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL**APPLICATION SITE**

1.1 The application site is 0.35 hectares of land at the south end of Northminster Business Park. The park is on the west side of the city, just beyond the outer ring road and some 470m south of the A59. The site is designated in the Local Plan as safeguarded land and within the green belt.

1.2 Northminster Business Park contains a mix of warehouse type buildings, used for light industry, storage and distribution and more recently constructed 2-storey office buildings. East of the application site is a laser testing research facility which was given planning permission in 2009 (application 09/02291/OUTM).

1.3 In the current Local Plan Northminster Business Park is designed as employment land, for knowledge based jobs. The existing park was identified for expansion, initially to the north and then to the south and west beyond the plan period. In the preferred options version of the new Local Plan Northminster is also a site identified to meet future growth in business/industrial uses.

PROPOSALS

1.4 The application is for a two-storey building (1,087 sq m), associated landscaping and parking. The development would provide the headquarters and laboratory for a medical company named Tissue Regenx. Tissue Regenx specialise in cell replacement, primary used in wound care, vascular, cardiac and orthopaedics.

1.5 The company's England head office is currently at the Bio Centre at York Science Park. The new headquarters is required due to growth, the need for a bespoke research facility and the desire for the company to have its own premises. The firm would have some 55 employees.

1.6 The application is brought to main, rather than sub committee, to avoid delay in determination. This is because if members are minded to approve the application it will then need to be referred to the Government Office, as the site is in the green belt.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

2.2 Policies:

CYSP2	The York Green Belt
CYGB1	Development within the Green Belt
CYGB11	Employment development outside settlement limits
CYSP6	Location strategy
CYSP7A	The sequential approach to development
CYGP24	Safeguarded land
CYGP1	Design
CYGP4A	Sustainability
CYT4	Cycle parking standards

3.0 CONSULTATIONS

Flood Risk Management

3.1 No objection in principle but officers will require the following drainage information to be agreed –

- Details of the existing and proposed drainage system, to include calculations and invert levels to ordnance datum.
- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties.

- The soak away must be shown to work to BRE standards. The surface water run-off shall be restricted to 70% of the existing rate.

Ainsty Internal Drainage Board

3.2 No objections provided surface water run-off is controlled and the rate running into watercourses is not increased.

Yorkshire Water

3.3 No objection.

Rufforth with Knapton Parish Council

3.4 Do not object to the application as long as the site does not encroach upon the current Green Belt.

Publicity

3.5 Deadline for comment was 6.11.2013. No written representations have been made.

4.0 APPRAISAL

4.1 Key issues

- Whether there are special circumstances to allow the proposed development, as the site is in the green belt.
- Design
- Sustainable development and construction
- Impact on the highway network
- Cycle and car parking
- Drainage

Green Belt issues

Impact on the green belt

4.2 The application site is at the south end of Northminster Business Park. The 2005 Local Plan classifies this as Safeguarded Land. Safeguarded Land is land which is within the Green Belt. It is not allocated for development, but is identified as land which could accommodate development needs beyond the plan period if necessary.

4.3 In 2009 permission was granted for an office / research and development use at the site to the east of the application site; also on safeguarded land (planning application 09/02291/OUTM which has since been implemented).

4.4 The area to the north of the business park is designed as an 'Out of Centre Premier Employment Site' in the 2005 Local Plan where research & development uses will be appropriate and other offices or light industrial uses acceptable where there are no other suitable sites in the built up area. The land has not been developed over the plan period.

4.5 The National Planning Policy Framework states that the general extent of the Green Belt across the country is already established. The NPPF advises that when plans are being updated / prepared, this an appropriate time to review green belt boundaries, taking into account the need to promote sustainable patterns of development.

4.6 The new Local Plan for York, which is intended to plan for the period of 2015 to 2030, is currently at the preferred options stage. There are variations in green belt boundaries, which are based on the need to accommodate growth over the plan period and considering both the nationally established purposes of the green belt (control unrestricted sprawl and preventing neighbouring towns from merging for example) and the technical appraisals of the York Green Belt, which consider the locally specific roles of the Green Belt; safeguarding the historic setting, as established in Local Plan policies SP2 and SP3.

4.7 In the new Local Plan, the application site is designated as Safeguarded Land. However the site to the west is allocated for development. The land to the north of the business park, previously identified for development, would become safeguarded land. The allocations may be varied as progress towards adoption of the plan continues.

4.8 The application site is screened from distant views in all directions apart from to the west, by tree cover and the business park. The building would be 30m by 18m and approx 9m high. It is smaller in footprint than the new development to the east and would be of comparable height. The field to the west (running south down to Moor Lane) is allocated for development in the new Local Plan.

4.9 Given the layout of Northminster Business Park and its surrounding landscaping this is the logical location for an expansion. There would be a low impact on the openness of the green belt (as currently allocated). Considering the preferred option for development of the area, as identified in the new Local Plan, there would be no significant impact on the openness of the green belt by allowing the development proposed.

Very Special Circumstances

4.10 According to the NPPF the proposed development is classed as inappropriate development. Such development is, by definition, harmful and may only be allowed when there are very special circumstances demonstrated which out-weigh the harm. The impact on the green belt has been deemed to be low, as established above. There are circumstances which outweigh the harm. These are as follows -

- Northminster Business Park has been identified for growth in the current and proposed Local Plan documents. Development on the application site would have a lower impact on the openness of the green belt in comparison to the areas which have been identified for growth within the (existing and proposed) plan periods - the agricultural fields to the north and western sides of the business park which are physically more detached from the existing developments and are more visually prominent in distant views.
- The development is to provide premises for a research and development operation; the type of 'knowledge based' development that the city wished to attract in allocating the business park as an area for growth.
- Although there are two other available sites at the edge of the city (not in the green belt) available, at Clifton Moor and York Business Park, the application site will in the long-term be more accessible by sustainable modes of transport, when the Park and Ride facility currently under construction is complete and as Poppleton Railway Station is within walking distance of the site.

Design

4.11 The NPPF advises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Local Plan policies GP1: Design, GP9: Landscaping and E1: Employment are also relevant in this respect. In assessing design, relevant to this scheme is the need for the building to be functional, fit in with its surroundings and be attractive through its landscaping.

4.12 The design intent is that the building would appear consistent with the recently constructed Redwood House to the east, considering detailing, scale and materials. This coherent approach is supported and will be sympathetic to the setting. The development would be in a landscaped setting, with mature trees at the site entrance and planting around the periphery and centre of the site. Usually it would be a requirement for the building to be close to the entrance, rather than the car park, this being preferable for pedestrians and cyclists and preventing the car park being the visually dominant feature. However in this case the development has functional requirements that dictate the location of the secure yard and its proximity

to the lab rooms. As such the proposed layout is the optimum arrangement for the applicants and most efficient use of the land and this is accepted. The layout has been amended (revision A) to move the cycle parking closer to the entrance and away from the service yard and a dedicated footpath has been provided which runs to the front door. Overall the design is acceptable.

Sustainable development and construction

4.13 To comply with Local Plan policy established within the council's Interim Planning Statement (IPS) on Sustainable Design and Construction the development is expected to achieve a BREEAM standard of very good and provide at least 10% of its energy demand from on site renewable, low or zero carbon technology.

4.14 The applicants have agreed that the building will meet the required BREEAM target. This was achieved at the development next door, and this development is intended to be of similar construction. The aspiration is for over 10% of energy demand to be achieved. Air-sourced heat pumps are likely to be used along with solar and photovoltaic panels. The standards can be secured through planning conditions.

Impact on the highway network

4.15 The National Planning Policy Framework advises that developments should:

- Provide safe and suitable access to the site for all people and minimise conflicts between traffic and cyclists or pedestrians.
- Maximise sustainable transport modes and minimise the need to travel.
- Incorporate facilities for charging plug-in and other ultra-low emission vehicles.

4.16 The development would have adequate highway and servicing facilities and would be compliant with the NPPF requirements as -

- It is expected the development would have 45 to 55 employees. Data suggests this would amount to some 13 vehicle trips at peak times. The junction with the A59 is currently being upgraded to enhance its capacity and this development would not cause an undue strain on the highway network.
- Cycle and car parking exactly meet the standards established in the Local Plan. 20 cycle parking spaces (the minimum required for the proposed development) and 36 car parking spaces (the maximum). There are changing facilities in the building and a condition can ensure the facilities are provided and retained. A condition could also require installation of electric vehicle charging facilities.
- There is a footpath that leads through the business park to the application site. A footpath will be provided within the site that follows a desire line and leads to the front entrance.

Drainage

4.17 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced.

4.18 The surface water from the business park is currently diverted to storage lagoons to the SW of the site from where run-off into the wider network is restricted. The proposed drainage strategy is that surface water from the application site either soaks away, or runs into a storage tank located below the car parking area. The flow from the storage tank will be controlled and run into the lagoons. In accordance with policy the strategy can ensure surface water run-off rates are not increased, in relation to the existing. The detailed design would be secured through a condition.

5.0 CONCLUSION

5.1 Although the site is in the green belt, it has been identified for future development in the 2005 Local Plan and in the preferred options version of the new Local Plan. Due to the scale of the building and given the development to the north and to the east, there would be no undue impact on the openness of the green belt, and a lower impact than if the development were to other sides of the business park that have been identified for development (those to the north and to the west).

5.2 The development would allow a growing business to remain in the city, providing employment in research and development, a growth sector for which Northminster Business Park has been identified to accommodate in Local Plans.

5.3 Due to the economic benefits of the proposed development and lack of harm to the openness of the green belt, it is deemed that there are very special circumstances which justify the proposed development. As the site is within the green belt, the application would though need to be referred to the Government Office if members are minded to approve the scheme.

5.4 The proposals are compliant with policy in other respects. There would be no undue impact on the highway network or flood risk and the development would meet current local policy requirements regarding sustainable design and construction.

6.0 RECOMMENDATION: Approve after referral to Sec. of State

Conditions -

1 TIME2 Development start within three years -

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

Site Layout PL 03A

Plans and section PL 04

Elevations PL 05

Landscaping plan 2429/1 revision B

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

3 Landscaping

The pedestrian footpath leading into the site and to the building entrance shall be installed prior to occupation of the development hereby approved. The gate and fence to the secure yard shall be to match, in type and height, the fence surrounding the site, as shown on the approved site plan.

Within 6 months of occupation the approved landscaping scheme shall be implemented. 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: In the interest of promoting sustainable modes of transport and in the interests of visual amenity.

4 BREEAM

The development shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a standard of 'very good'. The approved remedial measures shall then be undertaken within a timescale to be approved in

writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and paragraphs 2.1 to 2.4 of the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

5 Low / zero carbon technology

No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate that no less than 10% of the development's predicted energy requirements will be provided from low or zero carbon technology. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter must be maintained to the required level of generation.

Reason: In the interests of achieving a sustainable development in accordance with the requirement of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction' November 2007.

INFORMATIVE

Evidence to demonstrate compliance should be submitted in the form of BRUKL (commercial) worksheets.

6 Cycle parking and staff facilities.

Prior to first use of the development the cycle parking (20 spaces) and changing facilities shown on the approved plans shall be installed and shall be provided for the lifetime of the development. The cycle parking spaces shall be secure, using Sheffield type hoops or similar, and covered.

Reason: To ensure adequate space for, and to encourage cycle use in accordance with policies GP1, and T4 of the City of York Draft Local Plan and section 3 of the National Planning Policy Framework.

7 Travel Plan

Within one of year of occupation of the building a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in line with local and national guidelines.

The travel plan shall thereafter be reviewed and updated on an annual basis, to the satisfaction of the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel in accordance with paragraph 36 of the National Planning Policy Framework and policy T13a of the City of York deposit Draft Local Plan.

8 Electric Vehicle Recharging Facilities

Before the occupation of the development an Electric Vehicle Recharging Point shall be provided on-site and maintained for the lifetime of the development, to the satisfaction of the Local Planning Authority.

REASON: To promote and facilitate the uptake of electric vehicles / bikes / scooters on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

INFORMATIVE: Electric Vehicle Recharging Point means a free-standing, weatherproof, outdoor recharging unit for electric vehicles with the capacity to charge at both 3kw (13A) and 7kw (32A) that has sufficient enabling cabling to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point.

9 Site Drainage

Development shall not begin until site specific details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details thereafter.

Details to include:-

- a) Calculations and invert levels to ordnance datum of the existing and proposed surface water systems.
- b) A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.
- c) An appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge from the proposed building and permeable paving, and to prevent flooding of the surrounding land and the paving itself. Please note that

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

- d) If the above soakaway proves to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from the development must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

Reason: In the interests of the proper drainage of the site, and to comply with guidance contained within York's Strategic Flood Risk Assessment and the National Planning Policy Framework.

10 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), there shall be no extension or external alteration to the building hereby approved and no development of additional hard-standing to that shown on the approved plans.

Reason: In the interests of visual amenity and the openness of the green belt.

7.0 INFORMATIVES:

Notes to Applicant

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

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

Contact details:

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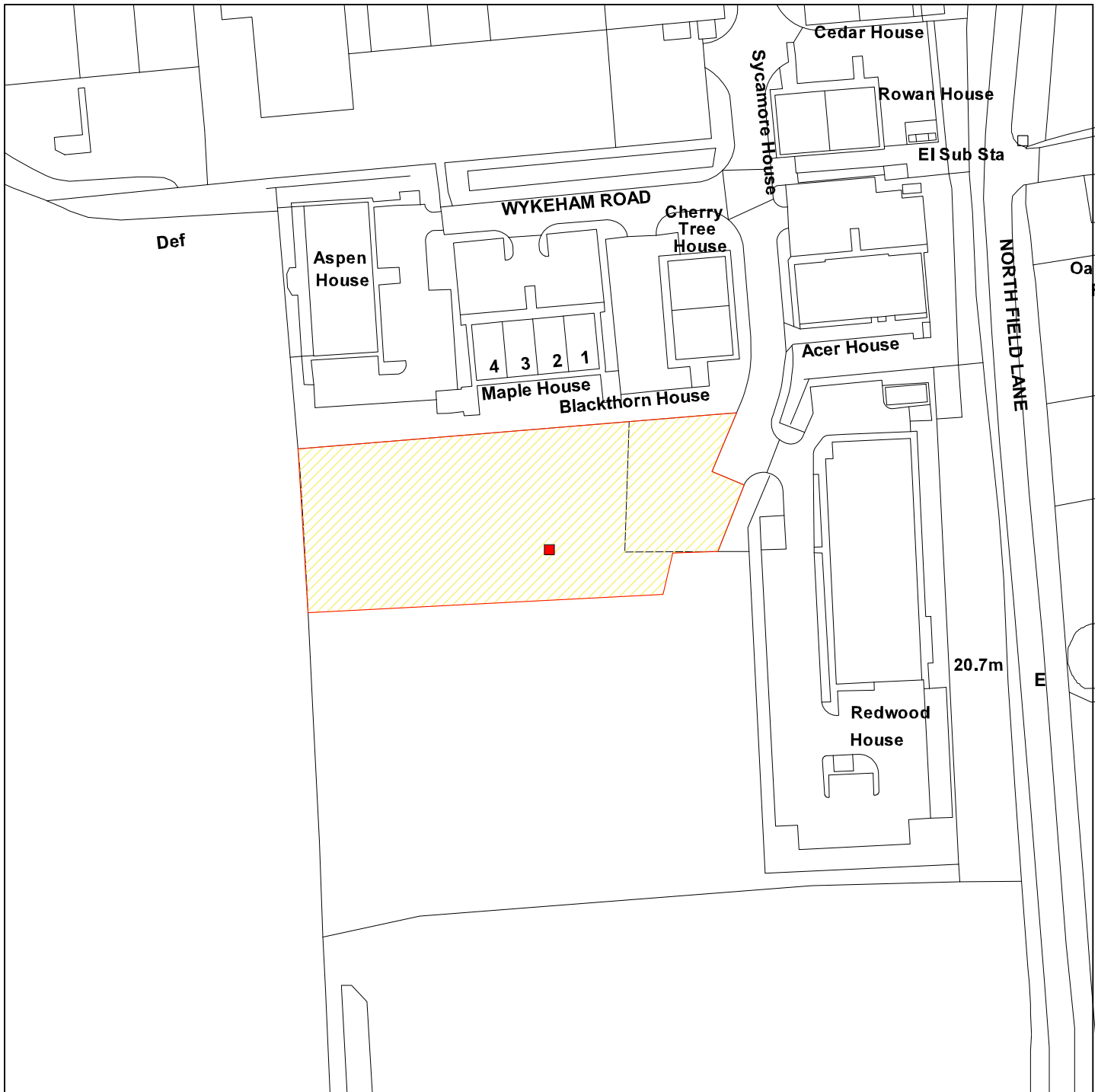
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13/03170/FULM



GIS by ESRI (UK)

Land To The West Of Redwood House, Northminster Business Park



Scale : 1:1250

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