

## COMMITTEE REPORT

**Committee:** Planning Committee      **Ward:** Rural West York  
**Date:** 17 December 2007      **Parish:** Nether Poppleton Parish Council

**Reference:** 07/02315/REMM  
**Application at:** Plot 8b Great North Way Nether Poppleton York  
**For:** Reserved matters application for erection of 4no. two storey blocks comprising office/workshop units (B1, B2 and B8 Use)  
**By:** Evans Easyspace Ltd  
**Application Type:** Major Reserved Matters Application (13w)  
**Target Date:** 27 December 2007

### 1.0 PROPOSAL

1.1 The applicant seeks reserved matters approval to erect 4 no. two storey office workshop units (B1, B2 and B8 Use). The applicant seeks approval for siting/design, layout, external appearance and landscaping.

1.2 Application 99/01777/OUT "Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses. - Approved 01/04/2003 established the principal of developing Plot 8B (along with 2C, 8A, 8C, 9, 6A and 15) for the aforementioned Use Classes. Access from the main arterial roads (approved by app. 95/01591/OUT) to the aforementioned plots were also approved as part of the approved outline.

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

#### Relevant History

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

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

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

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

Condition ii of the above states "The permission hereby granted shall only be for development within Use Class B1, B2, B8 of the Schedule to the Town and Country

Planning (Use Classes) Order 1987 (or any order revoking or re-enacting that Order).

d) 99/01777/OUT - Proposed Mixed Use Development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses. - Approved 1st April 2003.

e) 06/00518/FUL - Variation of condition (i) of planning permission 99/01777/OUT (for proposed office/light industry/research and developments (B1), general industrial (B2), and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved 20th October 2006.

f) 06/02118/REMM - Erection of 8no. Two Storey Office Workshop Units - Approved 18.12.06.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYT4

Cycle parking standards

CYGP4A

Sustainability

CYGP1

Design

## **3.0 CONSULTATIONS**

INTERNAL

3.1 York Consultancy (Drainage) - No Objections - Comments

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

3.2 City Development - No Objections.

\* "The Development Control Officer must be satisfied that the proposal meets the requirements of the aforementioned policies. Further comments should be sought on

design, landscaping and from the highways department regarding access and parking standards."

3.3 Environmental Protection Unit - No Objections.

3.4 Highway Network Management - No Objections.

3.5 Design, Conservation and Sustainable Development - Awaiting the receipt of revised plans.

## EXTERNAL

3.5 Environment Agency - No Objections

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

3.6 Nether Poppleton Parish Council - No Objections

## 4.0 APPRAISAL

### KEY ISSUES

- \* Policy Context.
- \* Design/Layout.
- \* Highway Issues.
- \* Protected Species.
- \* Landscaping.
- \* Sustainability.
- \* Drainage.

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

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

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

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

## DESIGN/LAYOUT

4.4 The scheme is designed around 4 detached buildings, with a mixture of office and workshop units. The individual buildings are a mixture between two storey and single storey, with the two storey element occupied by office units and the single storey areas occupied by workshop/storage areas. The proposed buildings are all two storey in design, the lower storey providing a minimum of 3m clear headroom appropriate for small scale workshop units. Sloping roofs characterise the office/workshop units and all units measure 8.1 metres in height (measured to the ridge). Floor spaces vary considerably between units 706.05 sq m (Block A), 877.92 sq m (Block B), 1068.38 sq m (Block C), 975.48 sq m (Block D).

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

4.6 The site will be accessed from Opus Avenue, which is accessed from the eastern junction of the White Rose Roundabout. The application site will be accessed using a non adoptable road linking individual units. The site has been divided into 3 cul de sacs all of which can be accessed from the aforementioned junction.

4.7 The service and access facilities are variable in terms of layout and provision. Frontage vehicular parking dominates across the site, however the applicants' have included some additional parking opposite and to the side of individual units. 65 parking spaces have been provided, 20 of which are for disabled users, the applicant has also provided 23 cycle hoops. Pedestrian routes have been incorporated within the design, to segregate from car parking and circulation routes. The individual pedestrian access is taken directly from the (to be) adopted highway.

## HIGHWAY ISSUES

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

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

## PROTECTED SPECIES

4.10 Great Crested Newts have been found hibernating within the site, which suggests the presence of a small breeding population utilising the two ponds, surrounding scrub and grassland. Mitigation measures can be incorporated within

the site and in alternative locations in order to protect the population, however, as a protect species some additional survey work is required between March and July, which will impact significantly on building timetables.

4.11 As no habitat surveys were undertaken as part of the original outline approval, the applicants can not be required by condition to implement the aforementioned mitigation measures. However, it will be a statutory requirement of the developer to seek a Great Crested Newt Licence from Natural England, which will require suitable mitigation measures and procedures to be implemented prior to the commencement of works. Failure to satisfy the requirements of Natural England, will result in a licence not being granted and applicant being unable to commence works.

## LANDSCAPING

4.12 A recent site investigation has shown the site to have some botanical interest. Assessments during the summer confirmed the presence of plants such as Canadian Fleabane, Yellow Wort, Common Century, Haresfoot Clover and Birdsfoot.

4.13 Any landscaping scheme must take into account the need to mitigate any impact upon the Great Crested Newts as well as contributing to other developed areas of the site. A suitable landscaping is currently been discussed with the wildlife and landscaping officers, copies of which should be available to members prior to or on the day of committee.

## SUSTAINABILITY

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

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

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

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

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

- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;
- l) make adequate provisions for the storage and collection of refuse and recycling.

4.17 The applicant has submitted a sustainability statement, which considers the following :- landscaping, refuse/waste, building fabric, energy, lighting, heating and water saving and Very Good BREEAM standard is to be achieved.

## DRAINAGE

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

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

## 5.0 CONCLUSION

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

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Reason: So as to achieve a visually cohesive appearance.

3 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.

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

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

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

Reason: To ensure the development complies with advice contained in PPG 13-Transport, and in Policy T20 of the City of York deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users.

6 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

7 The development shall not be begun until details of the junction between the internal access road and the highway have been approved in writing by the Local Planning Authority, and the development shall not come into use until that junction has been constructed in accordance with the approved plans.

Reason: In the interests of road safety.

8 HWAY19 Car and cycle parking laid out

9 HWAY21 Internal turning areas to be provided

10 HWAY31 No mud on highway during construction

11 The design of all units shall be in accordance with the contents of the sustainability statement dated 01/11/2007 submitted by the applicants' agent under REF: AP/EA/1283-148 which will satisfy the requirements of Policy GP4a and aims to achieve a full BREEAM rating of "Very Good".

Reason: In the interests of sustainable development and Policy GP4a

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

1283-148 - 200 - Proposed Site Plan.  
1283-148 - 201 - Block A Building Plan and Elevations.  
1283-148 - 202 - Block B Building Plan and Elevations.  
1283-148 - 203 - Block C Building Plan and Elevations.  
1283-148 - 204 - Block D Building Plan and Elevations.  
A0 06E028/001 - Topographical Survey of Land at Plot B.

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.

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. INFORMATIVE:**

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

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

### **2. REASON FOR APPROVAL**

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

3. It is a statutory requirement of the developer to seek a Great Crested Newt Licence from Natural England, which will require suitable mitigation measures and procedures to be implemented prior to the commencement of works. Failure to satisfy the requirements of Natural England, will result in a licence not being granted and applicant being unable to commence works.

### **Contact details:**

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