

COMMITTEE REPORT

Committee: East Area
Date: 12 June 2008

Ward: Osbaldwick
Parish: Osbaldwick Parish Council

Reference: 08/00736/FULM
Application at: J H Shouksmith And Sons Ltd Outgang Lane Osbaldwick York YO19 4UP
For: Erection of 3 no. two storey pitched roof buildings comprising 8 no. business units for B1, B2 and B8 uses, with associated access, parking, cycle storage and landscaping
By: J H Shouksmith And Sons Ltd.
Application Type: Major Full Application (13 weeks)
Target Date: 18 June 2008

1.0 PROPOSAL

1.1 The application site is located within Osbaldwick Industrial Estate, and is accessed off Outgang Lane to the west and Murton Way to the south. The site area is 0.56 hectares. The application site itself is shown under the Local Plan Proposals Map to be unallocated ('white land') within settlement limits. It is not within a Green Belt.

1.2 The existing site comprises of an L shaped single storey office and storage building with a total area of 750sq.m (unit 1). It also contains a larger building to the rear with a gross floor area of 1068sq.m (unit 2). Unit 1 is currently used by DVLA Test Centre and Shouksmith; Unit 2 is currently used for the purpose of B2 'General Industrial' and B8 'Storage and Distribution' with an ancillary 56.0sq.m office use. It is currently occupied by Colas and The Stables Building Company. Both unit 1 and unit 2 measure approximately 5.0m and 8.0m high.

1.3 It is proposed to demolish the existing buildings and redevelop the site with 3 two storey pitched roof buildings comprising 8 business units for B1 'Business', B2 'General Industrial' and B8 'Storage and Distribution' uses.

1.4 The larger, site frontage building (unit 1), is to be used to replace the existing headquarters and office building for Shouksmith who currently own the site and have operated from the existing premises at Murton Way for over 40 years. The building would house the office and administration for the company and a distribution centre for service vehicles in the same manner as the current operation on the site. It would be a 23.5m x 13.0m two storey building with an overall height of 10.0m and a gross floor area of 582sq.m (a net floor area of 465sq.m).

1.5 A further seven units in the form of 2 separate buildings are to be built for small and "start up companies" which fall within use classes B1 (office and light industry), B2 (general industry) and B8 (warehousing). Units 2 - 5 would be contained within a 44.0m x 15.0m two storey building with an overall height of 10.0m. A 37.0m x 15.0m two storey building has also been proposed to accommodate units 6 - 8. The overall height of this building would also measure 10.0m.

1.6 The proposed floor space and type of proposed use are as follows

	Net internal floor space	Gross external floor space
Unit 1	465.0sq.m	582sq.m
Unit 2	326.0sq.m	408.0sq.m
Unit 3	187.0sq.m	258.0sq.m
Unit 4	187.0sq.m	258.0sq.m
Unit 5	278.0sq.m	354.0sq.m
Unit 6	278.0sq.m	354.0sq.m
Unit 7	187.0sq.m	258.0sq.m
Unit 8	372.0sq.m	456.0sq.m

1.7 As only unit 1 has a known end user it is not possible to provide employment figures for the site. It is estimated that the employment rates would be in the region of 65 which includes the existing Shouksmiths business that is to be retained.

1.8 Following negotiations with the applicant the latest amended drawings show an area in excess of 900sq.m on-site open space would be provided within the application site. In terms of parking, the latest amended drawings show the following parking provision for each of the units:

Unit 1: 16 spaces + 2 disabled parking spaces
Unit 2: 7 spaces + 1 disabled parking space
Unit 3: 4 spaces + 1 disabled parking space
Unit 4: 5 spaces + 1 disabled parking space
Unit 5: 6 spaces + 1 disabled parking space
Unit 6: 6 spaces + 1 disabled parking space
Unit 7: 4 Spaces + 1 disabled parking space
Unit 8: 7 Spaces + 2 disabled parking spaces

1.9 The site currently contains 70 parking spaces for cars, LGVs and motorcycles and 2 disabled parking spaces. The site plan further shows areas designated for cycle parking and storage of refuse and recycling.

RELEVANT PLANNING HISTORY

1.10 00/00694/FUL: Erection of single storey flat roof front extension. Permission granted on 8 June 2000.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

2.2 Policies:

CYGP1
Design

CYSP8
Reducing dependence on the car

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP9
Landscaping

CYT4
Cycle parking standards

CYE4
Employment devt on unallocated land

CYSP7A
The sequential approach to development

CYGP15
Protection from flooding

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management consulted. First response received 29 April 2008. The team has no objections to the principle of the commercial redevelopment of this site. Nevertheless the following comments were made:

- this application is considered speculative in that three use classes are requested with not all of the units being allocated to specific or known clients;
- the parking levels shown seem to relate to B1 use throughout.
- this use has the highest number of spaces in accordance with the Council's design standards;
- attention should be drawn to the fact that the number of proposed spaces would even exceed B1 uses' recommended limits;

- a total of 60 parking spaces are proposed plus 11 disabled spaces; the recommended maximum spaces, based on aggregating individual plots, is a total of 49 spaces with an additional 5% of total for disabled (total of 3).
- the maximum number per unit based on a B1 use should be as follows:

- i. Unit 1: 10 spaces + 1 dis
- ii. Unit 2: 7 spaces + 1 dis
- iii. Unit 3: 4 spaces + 1 dis
- iv. Unit 4: 4 spaces + 1 dis
- v. Unit 5: 6 spaces + 1 dis
- vi. Unit 6: 6 spaces + 1 dis
- vii. Unit 7: 4 spaces + 1 dis
- viii. Unit 8: 8 spaces + 1 dis

- no objections were raised with regard to the closing off of two existing accesses off Outgang Lane and a re-alignment of the existing access off Murton Way. This is subject to conditions requiring the verge and the footway at the accesses points to be reinstated to the satisfaction of the highway authority in all respects.
- There are no pedestrian facilities into the site. A footway link is recommended along the western edge of the access up to the unit 2 cycle parking area and linked with the area fronting units 2- 5;
- Personnel doors to all units should open inwards rather than outwards over pedestrian areas;
- details of cycle storage can be secured by condition;

Revised comments received 23 May 2008 following the submission of the latest amended scheme. The following comments were made:

- the parking levels have been reduced in accordance with the previous recommendations with the exception of unit 1, which shows a total of 16 + 2 disabled;
- a footway link into the site is to be provided into the site. The standard width of the path is 2m rather than 1.5m;
- no revised "HGV swept paths" have been submitted following the revision of the site layout. Nevertheless having applied the overlays to the drawing it is satisfied that standard rigid HGV's can be accommodated within the site;
- cycle storage should be covered and secured;
- no highway objections subject to conditions.

3.2 Environmental Protection Unit consulted. Latest response received 22 May 2008. The unit have no objections. Nevertheless, concerns were raised with regard to the working hours of the units, vehicles leaving site at unsociable hours, piling, and noise from any possible external plant or extraction systems. Conditions and informative were recommended to deal with these issues.

3.3 Structures and Drainage team consulted. Response received 12 May 2008; the following comments were made:

- the site is within high risk flood zone 3 and may suffer from river flooding;
- the proposal would reduce the impermeable area from 95% to 80%;

- further consideration should be given to the reduction of peak discharge from the site;
- peak run off from brownfield sites should be attenuated to 70% of the existing rate;
- storage volume calculations should 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 should also include an additional 20% allowance for climate change.

EXTERNAL

3.4 Osbaldwick Parish Council consulted. Response received 22 April 2008. The following concerns were made:

- the proposal would remove an old willow;
- the proposal would intensify the use of the site;
- access point should be off Outgang Lane and not from Murton Way only;
- additional vehicle movements would be a hazard as the access point would be very near to the end of Link Road;
- the proposed cladding materials should be either green or brown, as should the roofing materials;
- unsurfaced parking areas should be adopted to reduce runoff.

Second response received 12 May 2008 and 22 May 2008 following the submission of amended drawings. The following concerns were raised:

- the proposal would contain approximately the same number of parking spaces as at present;
- all the traffic is proposed to come out of the main entrance whereas at present about 2 thirds exit and enter via Outgang Lane;
- the entrance onto Murton Way is very close to The Link Road and will increase the risk of collision;
- the provision of very small areas of amenity land do not serve any purpose and reduce the number of parking spaces;
- the amendment proposed very little change to previous application;
- the additional traffic is a serious concern.

3.5 Neighbours notified and site notice posted. Expired 2 June 2008. One letter of objection received to date; the following concerns were raised:

- the proposal would significantly increase exposure to noise and disturbance;
- planning conditions should be in place to control noise to a level similar to existing use;
- the height of the proposed development would exceed the current height of the existing and adjacent units;
- the 'piled foundation solution' method of construction would significantly damage the property at 29 Murton way during construction work.

3.6 Foss Internal Drainage Board consulted. Response received 22 April 2008. No objections. Nevertheless the Board would not wish to see any increase in the rate of discharge to Osbaldwick Beck and therefore would look for confirmation from the

developer that the existing site does in fact discharge to Osbaldwick Beck. Conditions recommended.

3.7 Environment Agency consulted. Response received 1 May 2008. No objections subject to conditions. The Agency has no further comments following the submission of amended drawings.

3.8 Safer York Partnership consulted. Response received 20 May 2008. No objections were raised. However the following recommendations were made:

- symbolic barrier should be in place at the site entrance to give the impression that the site is a private development;
- perimeter fence should be in place around to enclose the site;
- all shrubs and hedges should have a maximum growth height of 1m, whilst all trees should be pruned up to a minimum of 2m;
- perimeter lighting should illuminate all recesses of the building;
- commercial and industrial doors must comply with LSP 1175 grade 3;
- escape doors and frame should be manufactured from steel;
- fire door can be locked when the premises is not in use;
- all windows should conform to improve security window standard BS7950;
- efforts should be made to secure bins away from the buildings;
- cycle bays should have secure parking and be overlooked from the office around the site;
- the offices should be alarmed to BS4737;
- CCTVs should be in place covering the site entrance, building access/exit and the car parking areas for added security;
- Secured by Design condition recommended.

3.9 Yorkshire Water consulted. Response received 20 May 2008. No objections subject to conditions to protect the local aquatic environment and Yorkshire Water infrastructure.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Employment Development on Unallocated Sites
- ii. Sequential Approach to development
- iii. Scale, Design and External Appearance
- iv. On site open space provision and Landscaping
- v. Highway safety and Parking Standards
- vi. Sustainability and Environmental Protection
- vii. Other considerations

EMPLOYMENT DEVELOPMENT ON UNALLOCATED SITES

4.2 This application relates to a commercial and industrial redevelopment/expansion, although the application site has not been allocated for such use. Nevertheless in accordance with policy E4 of the City of York Draft Local Plan there is no objection in principle to commercial and industrial development which involves the redevelopment of existing buildings within the built up area of the city, provided that the scale and design is appropriate to the locality.

SEQUENTIAL APPROACH TO DEVELOPMENT

4.3 Central Government advice in Planning Policy Statement no.6 "Planning for Town Centres" (PPS6) requires a sequential assessment to be submitted for office developments in an out of centre location. The purpose of the assessment is to demonstrate that there are no other more central sites available for the development before the consideration of an out of centre location. PPS6 also requires the applicant to demonstrate that there is a need for the development, that the development is of an appropriate scale, that there are no unacceptable impacts on existing centres, and that the proposed location is accessible.

4.4 In accordance with policy E3 of the Regional Spatial Strategy for Yorkshire and the Humber (2008), Policy SP7a (criterion c) of the City of York Draft Local Plan 2005 further states that planning permission will be granted for office development with a net floor space of over 400sq.m in an out of centre location, where it can be demonstrated that York City Centre and Edge of City Centre sites have been assessed and are incapable of meeting the development requirements of the proposal.

4.5 This application has been considered bearing in mind that there are already office uses exist on site. According to the information supplied by the applicant both Shouksmith and DVLA occupies a total office floor space of 750 square metres. In addition, the existing warehouse building to the rear of the office block (unit 2) contains in total 56 square metres office floor space. This gives a total of 806 square metres office floor area. The purpose of this planning application is to develop 8 units with a total floor area of 2928 square metres. The application has been submitted on the basis of providing a mixture of B1 (office and light industry), B2 (general industrial) and B8 (storage and distribution) uses within the smaller units. Hence it would be possible that all 8 units could be used for Class B1 office uses; this would increase the overall office floor space in an out of town location from the existing 806 square metres to 2928 square metres.

4.6 However, in order to comply with the guidance set out by Central Government guidance and the policies set out in the City of York Draft Local Plan relating to the vitality and viability of York City Centre, it has been agreed with the applicant that only unit 1 and unit 3 be used solely for B1 (a) office use. As both units would equate to a total floor area similar to the current office floor area within the application site, it is considered that this arrangement would not harm the vitality and viability of the York City Centre. On this basis it is contended that a sequential assessment and an impact assessment are not required from the applicant. The remaining units (namely units 2,4, 5, 6, 7 and 8) would be restricted to B1 (b) and (c), B2 and B8 uses only. This is to be secured by condition.

SCALE, DESIGN AND EXTERNAL APPEARANCE

4.7 The existing office block (unit 1) is a long L shaped single storey timber boarding structure. To the rear is a large concrete and timber boarding warehouse building with a steel pitched roof above. The office block has been erected and occupied by Shouksmith for over 40 years. It is sited in a corner plot and is highly visible from the

junction of Murton Way and Outgang Lane. Due to their design, appearance, together with the quality of the external materials used for the construction of both buildings in a location highly visible from public view, it is considered that these buildings contribute very little to the general character and appearance of the locality.

4.9 The proposed buildings would be a brick construction with a profiled metal cladding pitched roof. These buildings are characterised by features including long rectangular aluminium framed double glazed windows between brick columns on the ground and first floors, blank panels between windows, large entrances with curved canopies above, and gable roofs on both ends of the buildings' façade. It is considered that the proposed design would help to break up the overall massing of the buildings as well as enhancing the visual quality of the locality. The choice of colour, texture etc of the building materials can be controlled by condition

4.10 In comparison with the existing layout the overall use of the site would be more intensified by virtue of the proposed increase in floor space and the number of units proposed. Nevertheless, the quality of the buildings proposed, together with their more attractive layout and the provision soft landscaping and green open spaces would ensure that, on balance, a higher density of development can be achieved without compromising the visual quality of the environment.

4.11 The issue concerning the overall height of the buildings has been considered. The buildings surrounding the site are predominately large warehouses, industrial and commercial blocks with a ridge height of approximately 5 to 8 metres. There are very few examples of two storey buildings within the locality, nevertheless it is not considered unusual for a two storey commercial building to measure 10.0m high. Furthermore, given that the application site is well screened by a number of 5-8m high buildings with relatively large footprints, it is not considered that the proposed 10.0m high buildings would appear intrusive or overbearing, to the extent that would unacceptably harm the character and appearance of this industrial area.

ON SITE OPEN SPACE PROVISION AND LANDSCAPING

4.12 Policy L1C of City of York Draft Local Plan 2005 requires commercial proposals over 2500 square metres gross floor space to make provision for open space needs of future occupiers. In the case of this development, due to the overall size of the application site (0.56 hectares), the concern raised by Highway Network Management team regarding the over supply of parking spaces, together with the issue concerning the isolated location of development in relation to the nearest local services and public open spaces, it is considered that on-site open space provision should be provided rather than off site financial contributions.

4.13 The advice note " Commuted Sum Payments for Open Space in New Developments", approved by Planning Committee for development control purposes in April 2007, states that 9 square metres of open space is required per employee. Hence on the basis that 100 employees are likely to be employed on site, a total of 900 square metres of open space would be required within the application site.

4.14 The latest scheme submitted by the applicant shows on-site open space would be provided for each of the units; the total area of amenity space to be provided on

site would exceed 900sq.m. Due to issues concerning ownership and the site management for each of the units, it is not considered appropriate in this instance to provide a large communal open space for all 8 units. In addition, due to the fact that the open space proposed would not be owned and maintained by the Council, a section 106 Agreement towards ensuring the provision and future maintenance of the open space facility would not be required. A condition has been recommended to ensure that the open space as shown on the site plan will be retained at all times for its intended purpose.

4.15 The site plan submitted also shows an area of land around the boundaries of the application site to be used for the purpose of providing landscaping. This would provide necessary screening for the development, would soften the existing landscape of an industrial site, as well as adding further enhancement to the visual character and appearance of the area. Overall it is considered that the proposed development would contribute positively to the local environment. A landscaping condition has been recommended to ensure that the types, sizes and locations of the species to be provided on site are satisfactory.

4.16 The application indicates that it is not intended to remove any existing trees from within the application site. For the purpose of protecting the existing trees within the application site a condition has been recommended.

HIGHWAY SAFETY AND PARKING STANDARDS:

4.17 Highway Network Management team have been consulted. The main highway issue concerning the proposed development is in connection with the excessive number of parking spaces to be provided on site. The original scheme shows large areas of land adjacent to the three blocks of building to be allocated for 75 parking spaces plus 11 disabled spaces. As the recommended maximum spaces, based on aggregating individual plots, is a total of 49 spaces with an additional 5% of total for disabled parking, it is considered that the scheme as originally proposed would fail to meet the Central Government's aims of discouraging users of the building from driving to the site by restricting the availability of parking in order to restrict vehicle movements. The Government's aims and objectives on transport issues are set out in Planning Policy Guidance no.13 "Transport" (2001).

4.18 The excessive number of parking spaces would also give rise to unsustainable development. Policy GP4a of the City of York Draft Local Plan 2005 requires applicant to set out the accessibility of the site by means other than private vehicles. It also requires developments to be within walking distances from frequent public transport routes and easily accessible for pedestrians and cyclists. Hence the over provision of parking as shown on the original scheme would also contradict the aims and objectives of this policy and the standards set out in Planning Policy Statement no.1 "Delivering Sustainable Development".

4.19 Following negotiations with the applicants the latest scheme shows a total of 55 parking spaces plus 10 disabled parking spaces for all 8 units. Whilst the total spaces proposed would still exceed the maximum number of parking spaces recommended, overall it is considered that the latest scheme is a significant improvement. Furthermore, given the location of the site (on the edge of a defined

urban area in York), together with the consideration that the current occupants of the site enjoy more parking spaces than are now proposed, it is considered that the provision of 65 parking spaces in this location is unacceptable. The reduction in parking provision would also ensure that sufficient open space would be provided on site, in accordance with policy L1c of the City of York Draft Local Plan 2005.

4.21 With regard to the issue concerning additional vehicle movements, as mentioned above, by virtue of this development the total number of parking spaces (excluding disabled parking) would be reduced to 55 from the existing 70. Hence on the basis that all parking spaces are fully occupied, it is likely that the proposed development would have the potential of decreasing, rather than increasing traffic generation.

4.22 With regard to the existing access entrance off Outgang Lane and its close proximity to the Link Road, Highway Network Management team have stated in their response that they have no objections to the closing off of the existing accesses off Outgang Lane. Highways officers consider that the proposed re-alignment of the existing access off Murton Way would comply with the design requirements for accommodating eight B1, B2 and B8 units. Furthermore, the existing access at the same position has had no known accident history. Therefore, subject to the recommended conditions it is not considered that the provision of a single entrance into the application site would create conditions prejudicial to highway safety. There are also insufficient highway grounds to justify a preference for an access off Outgang Lane rather than from Murton Lane.

4.23 Due to issues concerning the future occupancy of each of the units and the likelihood that all 8 units would be separately owned, it is not considered that the imposition of a travel plan condition would be appropriate in this case.

SUSTAINABILITY AND ENVIRONMENTAL PROTECTION

4.24 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. According to the sustainability statement submitted, the construction of the building will have regard to minimising the use of non-renewable resources through the maximum use of recycled materials from the existing buildings on site where this is feasible. Furthermore, fill material will be from recycled material from the existing buildings on site, timber will be originated from accredited sustainable sources, and internal concrete blocks at plinth level will be from recycled aggregates.

4.25 Energy efficiency of the buildings will be considered through the use of on site renewable energy equipment with particular emphasis on the use of air source heat pumps. For the larger buildings such as the development proposed, this potential is expected to provide around a 10% reduction in energy use. Energy certificates under Building Regulations will also be required for the buildings to ensure efficiency of the buildings.

4.26 The size of the development and the likely type of business occupying the site could potentially generate polluting substances to ground, water, land and air. Due to the close proximity between the site and the nearby beck, the submitted flood risk

assessment states measures are proposed to ensure that the proposed uses would pose no pollution risk to this water body. In addition, surface water will pass through solar powered interceptors to prevent materials such as oil, grit etc from entering the watercourse. Water use will be considered within the building through the fitting of low flush toilet systems and flow restricted tap fitting to sinks. Issues concerning the protection of the water environment would be further controlled through a set of planning conditions recommended by Yorkshire Water and the Environment Agency. With regard to the potential for noise and pollution from demolition and building work, the applicant has indicated that at building contract stage the construction company will be asked to work to the Considerate Constructor Scheme or similar.

4.28 Due to the fact that the larger unit to be constructed would be primarily for office and distribution use, and that other units are small in nature and unlikely to be used for large scale manufacturing, it is unlikely that the B1, B2 and B8 uses proposed could unacceptably increase the current noise level generated within this industrial/commercial area. The issue concerning the adoption of a 'piled foundation solution' in response to the nature of the existing ground conditions, and the degree to which such a method of construction could affect the property at 29 Murton Way, has been noted. In order to minimise the impact of noise and vibration from the site preparation, groundwork, construction and demolition phases of the development including piling operations if carried out, a condition has been recommended to require the submission of a Construction Environmental Management Plan (CEMP) prior to the commencement of development. In addition, a condition has been recommended to control the hours of operation of each of the units proposed.

4.29 In addition to the above, the site is also within walking distance of a large residential area at Osbaldwick. A substantial area of the city is within a 20 minute cycle journey and public transport is available within 400 metres of the site.

4.30 Environmental benefits and regeneration opportunities will also be brought about through the replacement of the existing environmentally unsound buildings with modern structures built to the latest building regulation standards and the introduction of new areas of native species landscaping and green open space for the users of the site.

4.31 Having regard to the above, together with the potential employment benefits of the scheme in particular to those already living in York and companies seeking accommodation to set up a small business, it is considered that the proposal would comply with the standards set out in policy GP4a of the City of York Draft Local Plan 2005. Nevertheless, the Council's Interim Planning Statement on Sustainable Design and Construction requires a minimum standard for large scale commercial developments to achieve an overall BREEAM standard rating of 'very good'. As the proposed development falls within this requirement, a condition has been recommended to ensure that such a standard would be achieved.

OTHER CONSIDERATIONS:

4.32 FLOOD RISK: the application site is within flood zone 3, thus a Flood Risk Assessment has been submitted. The Environment Agency has raised no objections to the proposal subject to appropriate conditions. Yorkshire Water and the Foss

Internal Drainage Board have also been consulted and have suggested a number of drainage conditions. The recommendations put forward by the Structures and Drainage team have been included as an informative for the purpose of satisfying the foul and surface water condition. By virtue of the large area of land devoted to landscaping and amenity, the proposal would reduce the area of impermeable ground that currently exists.

4.33 PLANNING AGAINST CRIME: In accordance with policy GP3 of the City of York Draft Local Plan 2005 crime prevention measures are required to be considered on all new developments. Safer York Partnership has been consulted and have made a number of recommendations associated with the site entrance, the perimeter of the site, natural surveillance, lighting, perimeter doors and emergency doors, windows, bin stores, cycle bays, intruder alarms and CCTV provision. The proposed recommendations can be covered by a Secured by Design condition.

4.34 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in Regional Spatial Strategy (2008) and the City of York Draft Local Plan (2005). Hence, this application is recommended for approval.

5.0 CONCLUSION

By virtue of the above this application is recommended for approval.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Drawing Number M2463-02 received 19 March 2008
Drawing Number M2463-(6-8)06 received 19 March 2008
Drawing Number M2463-(2-5)04 received 19 March 2008
Drawing Number M2463-00 received 19 March 2008
Drawing Number M2463-01 Rev C received 19 May 2008
Drawing Number M2463-(6-8)05 Rev A received 19 May 2008
Drawing Number M2463-(2-5)03 Rev A received 19 May 2008
Drawing Number M2463-(1)02 Rev B received 19 May 2008

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

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

3 VISQ8 Samples of exterior materials to be app

4 LAND1 IN New Landscape details

5 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.	

Reason: To protect the amenity of neighbouring occupants.

6 Notwithstanding any proposed method of disposal for foul and surface water specified on the approved drawings or in the application form submitted with the application, the development hereby approved 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.

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

INFORMATIVE: For the purpose of satisfying this condition the applicant is advised that the site should be developed with separate systems of drainage for foul and surface water on and off site.

7 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 10.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

8 The areas shown on drawing no. M2463-01 Rev C as "amenity space" shall be retained at all times, and shall not be used for any other purposes other than on-site open space provision unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of the users of the B1, B2 and B8 units hereby approved in accordance with Planning Policy Guidance no.17 "Planning for Open Space, Sport and Recreation" and Policy L1c of the City of York Draft Local Plan.

9 VISQ4 Boundary details to be supplied

10 No development approved by this permission shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

Reason : To prevent the increased risk of flooding.

INFORMATIVE: For the purpose of satisfying this condition the applicant is advised that in accordance with guidance contained within Planning Policy Statement 25 "Development and Flood Risk" and in agreement with the Environment Agency / Foss Internal Drainage Board, peak run-off from brown-field sites are now being attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, should 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 should also include an additional 20% allowance for climate change, which is recommended in the developer's submitted Flood Risk Assessment (Halcrow - March 2008).

11 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- i. A preliminary risk assessment which identifies:
 - a. all previous uses
 - b. potential contaminants associated with those uses
 - c. a conceptual model of the site indicating sources, pathways and receptors
 - d. potentially unacceptable risks arising from contamination at the site.
- ii. A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii. The site investigation results and the detailed risk assessment (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To Protect controlled waters.

12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason To protect controlled waters

13 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect controlled waters

14 Prior to the development commencing details that show how 'Secured by Design' principles have been incorporated into the scheme shall be submitted for the written approval of the Local Planning Authority and once approved the development shall be implemented in accordance with the approved 'Secured by Design' details prior to occupation or use of any part of the development hereby approved.

Reason: In the interest of community safety, to reduce the fear of crime and to prevent, crime and disorder in accordance with the provisions of Section 17 of the Crime and Disorder Act 1998.

INFORMATIVE:

In addressing the requirements of this condition, consideration should be given to the comments of the Police Architectural Liaison Officer, who has recommended the following:

i. Site entrance should be fitted with symbolic barrier in the form of rumble strips, pillars or the like. This gives the impression that the site is a private development and will help deter potential offenders.

ii. Perimeter fence should be in the form of expanded metal, weldmesh or paladin (to BS.1722 Part 14) to a minimum height of 2.4m. If fencing is used Quickthorn or Hawthorn hedging planting planted adjacent to the fence will increase security.

iii. Perimeter lighting should illuminate all recesses of the building. A series of vandal resistant, high pressure sodium lamps operated by photoelectric sensors are recommended, these should be mounted at the highest inaccessible points. Consideration should be given to the carbon footprint of the site. If the site is not used at night then there should be no reason to illuminate the empty car parking bays.

iv. Commercial and industrial doors should comply with LSP 1175 grade 3. The

opening leaf of any double doors should be fitted top and bottom with key operated rack mortise bolts and the meeting styles should be rebated. Consideration should be given for a chime facility on external doors.

v. Escape doors and frames should be manufactured from steel, without visible ironmongery. Fire doors can be locked when the premises is not in use.

vi. All windows should conform to improve security window standard BS7950. Vulnerable windows should use min. 6.4mm laminated glass.

vii. Efforts should be made to secure bins away from the buildings, this reduces the risk of arson to the main buildings.

viii. The cycle bays should have secure parking and be overlooked from the offices around the site.

ix. The offices should be alarmed to BS 4737. Consideration should also be given to Redcare, panic buttons in vulnerable areas and door chimes. It is cheaper to have these devices fitted at the building stage than installing them after completion. It also cuts down on office disruption.

x. CCTV should be installed covering the site entrance, building access / exit and the car parking areas for added security.

15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.

16 Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge.

Reason: In the interest of satisfactory drainage.

INFORMATIVE:

The applicant is advised that roof drainage should not be passed through any interceptor.

17 Any liquid storage tanks shall be located within a bund with a capacity of not less than 110% of the largest tank or largest combined volume of connected tanks.

Reason: To ensure that there are no discharges to the public sewerage system which may injure the sewer, interfere with free flow or prejudicially affect the treatment and disposal of its contents.

18 Notwithstanding the provisions of any Town and Country Planning (Use Classes) Order and any Town and Country Planning General or Special

Development Order for the time being in force relating to 'permitted development' units nos. 2, 4, 5, 6, 7 and 8 as shown on drawing no. M2463-01 Rev C hereby approved shall not be used other than as B1 (b) and (c), B2 and B8 as defined in the Town and Country Planning (Use Classes) Order 1987 as amended the Use Classes (Amendment) (England) Order 2005.

Reason: In the interest of the vitality and viability of the existing centres in accordance with Planning Policy Statement no.6 "Planning for Town Centres" and Policy SP7a of the City of York Draft Local Plan 2005.

19 The developer shall aim to achieve a Building Research Establishment Environmental Assessment Method (BREEAM) assessment standard of at least "very good" for the development. Unless otherwise agreed in writing prior to the commencement of the development, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates. Where this does not meet at least a 'very good' standard then the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: To ensure that the development is sustainable and accords with Policy GP4a of the Draft City of York Local Plan and the Interim Planning Statement on Sustainable Design and Construction.

20 Prior to any works commencing on site a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise and vibration from the site preparation, groundwork, construction and demolition phases of the development including piling operations if carried out. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect adjoining occupants from noise.

21 The hours of operation of each unit hereby permitted shall be submitted to and approved in writing by the local planning authority prior to occupation.

Reason: To protect adjoining occupants from noise.

22 None of the existing trees shown on the approved plans shall be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced with trees of such size and species unless otherwise agreed in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these trees in a positive manner so as to secure their continued well being.

23 HWAY10 Vehicular areas surfaced, details reqd

24 HWAY14 Access to be approved, details reqd

25 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerbing and footway to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

26 HWAY18 Cycle parking details to be agreed

27 HWAY19 Car and cycle parking laid out

28 No barrier or gate to any vehicular access shall be erected within 15m of the rear of the footway abutting the site, without the prior written approval of the Local Planning Authority, and shall at no time open towards the public highway.

Reason: To prevent obstruction to other highway users.

29 HWAY31 No mud on highway during construction

30 HWAY35 Servicing within the site

31 HWAY21 Internal turning areas to be provided

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to employment development, sequential approach to development, scale, design and external appearance, open space provision, landscaping, highway safety and parking standards, flood risk, sustainability and environmental protection. As such the proposal complies with Planning Policy Statement no.1 "Delivering Sustainable Development", Planning Policy Statement no.6 "Planning for Town Centres", Planning Policy Statement no.25 "Development and Flood Risk", Planning Policy Guidance no.17 "Planning for Open Space, Sport and Recreation", Policy E3 of the Regional Spatial Strategy for Yorkshire and the Humber (2008) and Policies GP1, SP8, GP3, GP4a, GP9, T4, E4, SP7a, L1c and GP15 of the City of York Local Plan Deposit Draft.

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

reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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

i. 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".

ii. 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.

iii. 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.

iv. 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.

v There shall be no bonfires on the site.

4. The applicant is recommended by the Environment Agency to:

i. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.

ii. Refer to the Environment Agency Guidance on Requirements for Land Contamination Reports for the type of information that is required in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, e.g. human health.

iii. Refer to the Environment Agency website at www.environment-agency.gov.uk for more information.

5. In accordance with the advice of the Foss Internal Drainage Board the applicant is advised that all drainage routes through the site should be maintained both during the works on site and after completion of the works.

6. In accordance with the advice of the Foss Internal Drainage Board the applicant is advised that provisions are required to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the

development.

7. In accordance with the advice of the Foss Internal Drainage Board the applicant is advised that drainage routes should include all methods by which water may be transferred through the site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

8. 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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

9. The applicant is reminded that in accordance with the advice of the Environment Agency, prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from lorry parks and/or parking areas for fifty car park spaces or more and hardstandings should be passed through an oil interceptor designed compatible with the site being drained. Roof water shall not pass through the interceptor.

Contact details:

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