

## COMMITTEE REPORT

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

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

### 1.0 PROPOSAL

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

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

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 A previous application for the same proposals as the current application was withdrawn earlier this year when greater crested newts were known to be within Hassacarr Pond. The application was withdrawn to allow a survey of the newts to be undertaken to see if the Newts have migrated in to the site.

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

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

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

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

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

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

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

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

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

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYE3B  
Existing and Proposed Employment Sites

CYGP1  
Design

CYGP11  
Accessibility

CYL1C  
Provision of New Open Space in Development

CYNE6

Species protected by law

### 3.0 CONSULTATIONS

#### 3.1 INTERNAL

##### Highways Network Management

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

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

##### Landscape Architect

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

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

##### Countryside Officer

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

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

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

### Sustainability Officer

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

### 3.2 EXTERNAL

#### Parish Council

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

#### Internal drainage board

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

#### Environment Agency

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

## 4.0 APPRAISAL

### 4.1 Key Issues

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

### Policy Background

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

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

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

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

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

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

#### Consideration of the Principle of the Development

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

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

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

### Design and Landscaping

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

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

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

### Traffic, highway and access issues

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

### Greater Crested Newts

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

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

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

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

#### Open space

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

#### Sustainability

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

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

## Drainage

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

## Other issues

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

## 5.0 CONCLUSION

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

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

The details of the development are considered to be acceptable.

## 6.0 RECOMMENDATION: Approve

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

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

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

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

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

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

Reason: To take account of a protected species

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

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

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

B:AL\_20\_001 (Unit B Proposed Ground Floor Plan)  
B:AE\_20\_001 (Unit B Proposed Elevations)  
C:AL\_20\_001 (Unit C Proposed Ground Floor Plan)  
C:AL\_20\_002 (Unit C Proposed First Floor Plan)  
C:AE\_20\_001 (Unit C Proposed Elevations)  
D:AL\_20\_001 (Unit D Proposed Ground and First Floor Plan)  
D:AE\_20\_001 (Unit D Proposed Elevations)  
E:AL\_20\_001 (Unit E Proposed Ground and First Floor Plan)  
E:AE\_20\_001 (Unit E Proposed Elevations)  
06153 SK01 (Biomass Boiler Plant Room)  
AL\_94\_002 Revision C (Proposed Site Plan)  
1081-6/DR1 (SCA Surface Water Drainage Proposals)  
Design and Access Statement dated 16.05.2007 (includes Appendices - Tree Survey, Sustainability Statement, Travel Plan, Tree Compensation and Mitigation Measures)  
Method Statement dated 15.05.2007 regarding Great Crested Newts  
Site Investigation Report dated September 2006

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

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

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

how contamination in these areas will be investigated

how any contaminated soils and / or waters will be remediated

how successful implementation of any required remediation will be validated.

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

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

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

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

Reason: To protect the amenity of surrounding occupants.

12 HWAY9

13 HWAY18

14 HWAY19

15 HWAY21

16 HWAY31

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

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

18 The landscaping scheme shown on the layout planAL-94-002 rev C and explained within Appendix 2 and 7 of the design and access statement dated 16th May 2007 shall be carried out to the complete satisfaction of the Local Planning Authority within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

19 In addition to the landscaping scheme required by condition 18 details of landscaping for the western boundary of the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of development on site. The approved scheme shall be carried out to the complete satisfaction of the Local Planning Authority within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the

next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

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

### 1. Demolition and Construction - Informative

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

### 2. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

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

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

### **Contact details:**

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