

## COMMITTEE REPORT

**Committee:** Planning Committee  
**Date:** 26 July 2007

**Ward:** Huntington/New Earswick  
**Parish:** Huntington Parish Council

**Reference:** 07/01006/OUTM  
**Application at:** Plot 5 Monks Cross Drive Huntington York  
**For:** Outline application for the erection of three storey and two storey B1 office units with associated landscaping and car and cycle parking (approval sought for scale and access)  
**By:** Monks Cross Partnership  
**Application Type:** Major Outline Application (13 weeks)  
**Target Date:** 30 July 2007

### 1.0 PROPOSAL

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

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

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

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

E1A Premier Employment

2.2 Policies:

GP1 - Design

GP4A - Sustainability

T4 - Cycle parking standards

T13 - Car park standards in York CC/District C

SP8 - Reducing dependence on the car

GP9 - Landscaping

SP9 - Action Areas

NE2 - Rivers and Stream Corridors, Ponds and Wetland Habitats

NE5B - Designated Nature Conservation Sites

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

### **3.0 CONSULTATIONS**

#### **INTERNAL**

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

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

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

3.4 Given that the proposed development is for 9,580m<sup>2</sup> floor space, then open space in accordance with policy L1c (Provision of New Open Space in Development) would need to be considered.

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

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

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

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

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

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

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

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

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

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

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

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

#### EXTERNAL

3.16 FOSS IDB: No comments received.

3.17 HUNTINGTON PARISH COUNCIL: No objections.

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

## 4.0 APPRAISAL

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

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

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

## TRANSPORT

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

## DRAINAGE

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

## AMENITY.

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

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

## SCALE AND LANDSCAPING

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

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

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

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

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

## ECOLOGY

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

## SUSTAINABILITY

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

## 5.0 CONCLUSION

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

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

**6.0 RECOMMENDATION:** Approve

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

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

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

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

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

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

Block Plan received 30 April 2007

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

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

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

three storey buildings (including any roof mounted plant) shall not exceed 13.20 metres. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

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

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

Reason: For the avoidance of doubt.

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

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

- 7 HWAY18

- 8 HWAY19

- 9 VISQ8

- 10 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. This scheme shall be implemented within a period of six months of the occupation of the development. Any trees or plants which within a period of five years from the occupation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority. Landscape buffers around the site (minimum 7 metres wide on the north boundary, 13 metres on the east, 14 metres on the south and 4 metres on the west) as shown on the block plan shall be provided on site and maintained clear of service runs, hard standing or buildings.

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



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

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

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

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

- 13 The developer shall aim to achieve a BREEAM "very good" or "excellent" assessment standard for the development. Unless otherwise agreed in writing by the Council within 1 month of the date of the commencement of construction of the development the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good' standard.

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

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

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

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

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

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

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

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

## 7.0 INFORMATIVES:

### 1 REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, , would not cause undue harm to interests of acknowledged importance, with particular reference to protect species, the operation of the transport network, residential amenity, the character and appearance of the area or the proper drainage of the area. As such the proposal complies with Policies GP1, GP4A, T4, T13, SP8, GP9, SP9, NE2, NE5B, NE6, NE7, E1A and E4 of the City of York Local Plan Deposit Draft and the aims of PPS1, PPG4, PPS6, PPS9, PPG13, PPG24 and PPS25.

### 2 DEMOLITIONAND CONSTRUCTION INFORMATIVE

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

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

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

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

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

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

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

6. There shall be no bonfires on the site.

3. TRANSPORT INFORMATIVE:

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

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