



## 2.0 POLICY CONTEXT

### 2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

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

### 2.2 Policies:

CYGP1 Design

CYGP4A Sustainability

CGP15A Development and Flood Risk

CYGP9 Landscaping

CYNE7 Habitat protection and creation

CYE3B Existing and Proposed Employment Sites

CYT4 Cycle parking standards

## 3.0 CONSULTATIONS

### INTERNAL CONSULTATIONS

#### Highway Network Management

3.1 No objections. The principal of development and traffic generation has been accepted with the outline permission granted. Access is from the adjacent phase 1 and turning within the site is acceptable for such a development. Car and cycle parking meet the required standards of CYC's Annex E Parking standards. Request conditions HWAY18 and HWAY19

#### Landscape Architect

3.2 Any comments will be reported at the committee meeting

#### Ecology Officer

3.3 Any comments will be reported at the committee meeting

#### Environmental Protection Unit

3.4 For the previous reserved matters application (12/02991/REMM) EPU recommended that gas monitoring be undertaken and results provided to the Council. These gas sampling results have now been submitted and identify elevated carbon dioxide concentrations and reduced oxygen concentrations. The gas risk assessment for the site found the site to fall within characteristic situation 2, so gas protection measures are required in the buildings. EPU request that details of the design of a gas protection system be conditioned. Request informative regarding the reporting of any contamination found, and details of subsequent remedial works.

### Sustainable Transport Service

3.5 The British Sugar masterplan contains an aspiration for a bridge crossing both the York-Harrogate and East Coast Rail Lines. The potential bridge would have a connection into York Business Park at its southern end. It appears that the bridge could still be accommodated in the section of land to the north east of the site. Have aspiration to link the British Sugar site into the city centre and there are two possible routes, one running along the western side of the ECML and the other running along the eastern side alongside the Yorkshire Water treatment works which would need the bridge to be constructed to cross the ECML.

### York North West Team

3.6 Any comments will be reported at the committee meeting

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### Nether Poppleton Parish Council

3.7 No objections

### Acomb Planning Panel

3.8 Any comments will be reported at the committee meeting

### Police Architectural Liaison Officer

3.9 No objections

### Network Rail

3.10 No objections. Request that foul and surface water is drained away from Network Rail property; operation of plant adjacent to Network Rail property is carried out in fail safe manner; All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur; Security of the railway boundary will need to be maintained at all times; Lighting should be sited so not to result in dazzle to train drivers; All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

### National Grid

3.11 Any comments will be reported at the committee meeting

## **4.0 APPRAISAL**

### RELEVANT SITE HISTORY

12/02991/REMM - Reserved matters application for approval of access, appearance, landscaping, layout and scale of development of light industrial/storage

and distribution units (B1, B2, and B8 Use Class) following previous approval of outline application 06/00518/FUL on 23.10.2006 - Approved

06/01688/REMM - Erection of 2 no. light industrial/storage and distribution units (B2 and B8 Uses) - Approved

06/00518/FUL - Variation of condition 1 of planning permission 99/01777/OUT (for proposed mixed use development comprising cycle and car park to proposed rail halt, office/light industry/research and developments (B1), general industrial (B2) and storage or distribution (B8) uses) extend the time to the period for the submission of reserved matters application until 01.04.2013 - Approved

99/01777/OUT - Proposed mixed use development comprising cycle and car park to proposed rail halt, business (B1), general industrial (B2) and storage or distribution (B8) uses - Approved

## KEY ISSUES

- Design/Layout/Scale
- Landscaping
- Highway Issues
- Sustainability
- Drainage

## ASSESSMENT

### PLANNING POLICY

4.1 The National Planning Policy Framework sets out the presumption in favour of sustainable development. Significant weight should be placed on the need to support economic growth.

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

4.3 Policy GP9 'Landscaping' states that where appropriate development proposals will be required to incorporate a suitable landscaping scheme, and this must: be planned as an integral part of the proposals; and include an appropriate range of indigenous species; and reflect the character of the locality and surrounding development; and form a long term edge to developments adjoining or in open countryside.

4.4 Policy NE7 'Habitat Protection and Creation' states that Development proposals will be required to retain important natural habitats and, where possible, include measures to enhance or supplement these and to promote public awareness and enjoyment of them. Within new developments measures to encourage the establishment of new habitats should be included as part of the overall scheme.

4.5 Policy E3b 'Existing and Proposed Employment Sites' states that the standard employment sites identified in schedule 2 and any other sites or premises either currently or previously in employment use, will be retained within their current use class.

## DESIGN, LAYOUT, AND SCALE

4.6 The principle of the use of the site for B1, B2, and B8 use has been granted in the previous outline applications. The proposed units are not in close proximity to any current residential development. The surrounding development is industrial in character and appearance.

4.7 The proposed units are very similar in design to the units neighbouring the site. The elevations have indicated that the cladding would be different colours but has not provided any further details. It is considered that further details could be sought via condition to ensure that it co-ordinates with the current muted colour palette of the surrounding units.

4.8 The layout is constrained by the shape of the plot, and the appearance is not considered to result in harm to the character of the area. An external yard is proposed at the east of the site for Units 15 and 16 to provide a greater flexibility, the end user is not known. As such it is considered prudent to condition the maximum height of storage in this yard, the restriction of height similar to the neighbouring units is considered to be reasonable to protect the visual amenity and proximity to transport routes into York. It is considered prudent to condition that there should be no outside storage of materials for the other units within the proposed development to maintain parking and manoeuvring areas and by reason of the siting of the units close to a transport route into York and to protect the visual amenity of this transport corridor. In addition the details of any proposed external lighting should also be conditioned.

4.9 There is an existing mixture of unit sizes within the business park. The units are relatively small and would add to the variety of accommodation within the business park and the wider York Area.

## LANDSCAPING

4.10 The application site is dominated by rough grassland and some immature self seeded shrub and tree species, and earth bunding, none of which can be considered as significant landscape features worthy of retention.

4.11 The plans indicate fencing that would surround the proposed development but no further details have been provided as such it is considered that the details be sought via a condition. Feedback with regards to the revised landscaping scheme is still awaited from the Landscape Architect and the Ecology Officer, the comments will be reported to at the committee meeting. It is considered that if there are concerns regarding the landscaping scheme that this could be overcome by a suitably worded condition.

## HIGHWAYS

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

4.13 Policy T4 ' Cycle Parking Standards' states that in all new developments, cycle parking provision will be required in accordance with the standards set out in Appendix E of the Local Plan. The plans show covered cycle parking outside the units which is considered to comply with Policy T4

## SUSTAINABILITY

4.14 An overarching aim of the Local Plan and the Interim Planning Statement on Sustainable design and Construction is to achieve sustainable design and construction. Policy GP4a requires all developments to have regard to the principles of sustainable development. The environmental performance of both new and existing buildings is assessed using the Building Research Establishment's Environmental Assessment Method (BREEAM). In this instance, requiring the applicant to submit a BREEAM assessment would not be lawful as no relevant conditions were attached as part of the outline approval. The outline application for Plot 15 was submitted in 1999 and granted approval in 2003, pre dating any policy requirements for the submission of BREEAM related documents. For the same reason, the renewable energy requirement of at least 10% of the expected energy demand be provided by onsite renewable, can not be imposed.

## DRAINAGE

4.15 The site is a flood zone 1. Network Rail has requested that a condition be placed on the planning permission requiring additional details of the drainage of the site. The foul and surface water drainage of the site was dealt with during the outline application. No conditions were placed on the outline approval requesting further drainage details, and as such drainage conditions can not be reasonably added to this reserved matters application

## OTHER ISSUES

4.16 Network Rail have requested a number of conditions, as this is a reserved mattered application it is considered that it is not reasonable nor lawful to add most of these conditions. However they have been listed as informative so the applicant is aware of their concerns.

4.17 The Environmental Protection Unit has requested details of gas sampling via condition. As this information was not conditioned as part of the outline application, and the reserved matters application is not assessing this issue it would be unreasonable and unlawful to condition this.

4.18 There is an aspiration for a pedestrian and cycle bridge between the British Sugar site and the York Business Park and Poppleton Acomb Ings . The intention is that the bridge would be sited close to the railway junction to the east of the application site. It is considered that the proposed siting of the units would not impact on the siting or the potential feasibility of the bridge as set out in the York North West Former British Sugar and Manor School Development Site Pedestrian and Cycle Access Feasibility Study.

## 5.0 CONCLUSION

5.1. The principle of the use of the land for a B1, B2, and B8 use has been granted at outline planning permission stage. For the above reasons the proposed development is considered to be acceptable subject to the following conditions.

## 6.0 RECOMMENDATION: Approve

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

Drawing Number YBP/PP11 received 25 March 2013

Drawing Number YBP/PP12 received 25 March 2013

Drawing Number YBP/PP13 received 25 March 2013

Drawing Number YBP/PP14 received 25 March 2013

Drawing Number YBP/PP15 received 25 March 2013

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Drawing Number YBP/PP16 received 25 March 2013

Drawing Number YBP/PP17 received 25 March 2013

Drawing Number YBP/PP18 received 25 March 2013

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

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

Reason: So as to achieve a visually cohesive appearance.

3 HWAY19 Car and cycle parking laid out -

4 Notwithstanding the submitted plans and prior to the commencement of the development full details of the method and design (including illumination levels) and siting of any external illumination shall be submitted to and approved in writing by the Local Planning Authority and shall be completed in accordance with the approved details. Any subsequent new or replacement illumination shall also be agreed in writing by the Local Planning Authority prior to its provision.

Reason: In order to protect the character and appearance of the area from excessive illumination.

5 With the exception of the external yard to the east of Unit 16 no raw materials, finished or unfinished products or parts, crates, materials, waste, or any other item shall be stacked or stored outside any building on the site without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of visual amenity of the area.

6 No gate shall be fitted so as to open outwards over the adjacent public highway.

Reason: To prevent obstruction to other highway users.

7 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

Reason: In the interests of the visual amenities of the area and to maintain a sufficient boundary with the railway.



8 Prior to the commencement of development a plan showing details of the proposed finished ground, slab and roof ridge levels shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved levels.

Reason: to ensure that ground levels are lower than existing and ensure the proposed buildings are of a similar height to the adjacent.

9 The approved landscaping scheme (Drawing Number Landscaping Plan YBP/PP15 received 25 March 2013) shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

10 The storage height of materials in the external yard to the east of Unit 16 shall not exceed the eaves height of Unit 16 (7.4 metres).

Reason: In the interests of visual amenity of the area and the transport corridor into York.

## **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 siting, access, appearance, landscaping, layout, and scale. As such the proposal complies with Policies GP1, E3b, T4, and GP9 of the City of York Development Control Local Plan; and national planning guidance set out in the National Planning Policy Framework.

### **2. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH**

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

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- Use of conditions

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

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

### 4. ENVIRONMENTAL PROTECTION UNIT INFORMATIVE

In the event that contamination is found at any time when carrying out the approved development, the findings must be reported in writing immediately to the Local Planning Authority. In such cases, an investigation and risk assessment must be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in

writing of the Local Planning Authority.

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 2A of the Environmental Protection Act 1990

#### 5. INFORMATIVE:

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

#### 6. NETWORK RAIL INFORMATIVE

By virtue of the proximity of the site to the railway line Network Rail have the following requirements:

##### Drainage

All surface and foul water arising from the proposed works must be collected and diverted away from Network Rail property. In the absence of detailed plans all soakaways must be located so as to discharge away from the railway infrastructure. The following points need to be addressed:

1. There should be no increase to average or peak flows of surface water run off leading towards Network Rail assets, including earthworks, bridges and culverts.
2. All surface water run off and sewage effluent should be handled in accordance with Local Council and Water Company regulations.
3. Attenuation should be included as necessary to protect the existing surface water drainage systems from any increase in average or peak loadings due to normal and extreme rainfall events.

##### Fail Safe Use of Crane and Plant

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.

##### Excavations/Earthworks

All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the

integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rail's infrastructure or railway land.

#### Security of Mutual Boundary

Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.

#### Fencing

Because of the nature of the proposed developments we consider that there will be an increased risk of trespass onto the railway. The Developer must provide a suitable trespass proof fence adjacent to Network Rail's boundary (minimum approx. 1.8m high) and make provision for its future maintenance and renewal. Network Rail's existing fencing / wall must not be removed or damaged.

#### Lighting

Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Detail of any external lighting should be provided as a condition if not already indicated on the application.

#### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development.

Network Rail is required to recover all reasonable costs associated with facilitating these works.

It is realised that much of the above does not apply directly to the application but should be taken into consideration as appropriate. Nevertheless it gives a useful

guide as to the considerations to be taken into account in relation to development adjacent to the railway. I would advise that in particular the drainage, boundary fencing and lighting should be the subject of conditions, the reasons for which can include the safety, operational needs and integrity of the railway. For the other matters we would be pleased if an informative could be attached to the decision notice.

I trust full cognisance will be taken in respect of these comments. If you have any further queries or require clarification of any aspects, please do not hesitate to contact myself I would also be grateful if you could inform me of the outcome of this application, forwarding a copy of the Decision Notice to me in due course.

**Contact details:**

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