



## 2.2 Policies:

CYGP1  
Design

CYE3B  
Existing and Proposed Employment Sites

CYH2A  
Affordable Housing

CYH5A  
Residential Density

CYSP8  
Reducing dependence on the car

## 3.0 CONSULTATIONS

### 3.1 Internal

*City Development* - The site is allocated in the Local Plan as an employment site for B1, B2, and B8 uses under policy E3a. Therefore there is no policy objection to the light industrial/storage and distribution proposals within this application.

Policy E3b seeks to protect existing and proposed employment sites. There is a lack of evidence to suggest there is a sufficient supply of employment land for future use and the applicant hasn't adequately justified why this part of the site would not be viable for employment uses (B1/B2/B8).

PPS3 refers to relocating employment or other land to housing. However, it states that such allocations should be carried out as part of reviewing development plans. Future land allocations in the City of York will be determined through the preparation of the Local Development Framework. As part of preparing the LDF the Council are undertaking a review of employment land and a housing land availability study to inform future land allocations.

#### Affordable Housing

On a previously withdrawn application (ref 06/01594/OUT) one of the reasons for refusal given in the officer's report was the lack of affordable housing proposed. The application site area exceeded 0.3ha. This application was therefore in conflict with policy H2a. On the current application, although the same number of units are proposed, the site area has been reduced to 0.28ha in order to avoid triggering the affordable housing policy. This has been achieved by removing a section of land to the west of the site from the application site boundary.

The affordable housing advice note makes it clear that site splitting is unacceptable if it would result in the loss of affordable housing. In this case the site is not exactly being split but reduced in size to avoid the policy requirements.

If the principle of residential development is accepted here there may be future applications on the remainder of the site area for residential rather than employment uses. As the residential element of this particular application only relates to part of the land available (both in terms of the site area of previous applications and the mixed development overall) mechanisms need to be in place to prevent piecemeal residential development which avoids the affordable housing contribution. Small parcels of land coming forward under the threshold will be considered in terms of the total number of units approved when the affordable housing provision is calculated.

#### Housing Mix

As the application is made in outline form there is no detailed information available on the proposed mix and type of units proposed. It would be appropriate to attach a condition to any approval requiring approval of the proposed mix and type at reserved matters stage, in accordance with policy H3c and with regard to the latest Housing Market Assessment.

*Environmental Protection Unit* - No objections to this application. However, the proposed residential dwellings are in close proximity to the proposed industrial development and existing industrial area. Therefore there is a concern regarding the occupants of the dwellings being adversely affected by noise from the potential use of the industrial units. A noise condition and a demolition and construction informative were suggested to be added to any approval.

*Lifelong Learning and Culture* - As there is no on-site open space, commuted sums would need to be paid to the Council in line with local plan policies.

*Highway Network Management* - Unit 4 has 44 and Unit 5 has 13 proposed car parking spaces. Appendix E of the Local Plan indicates that Unit 4 should have a maximum of 35 and Unit 5 a maximum of 5 car parking spaces. A plan showing the link between Hornbeam Close and the proposed housing development was submitted. This shows a 4.5m carriageway and 2m service verges which complies with the standards laid out in the Highway Design Guide.

*Archaeology* - The site lies adjacent to a scheduled ancient monument and an archaeological watching brief condition should be included with any approval.

### **3.2 External**

*Clifton Without Parish Council* - Object as the site is designated for employment and light industry only.

*Response to Site Notice and Neighbour Letters* - 26 pieces of correspondence received. The following points were raised:

- Hornbeam Close is unsuitable as an access road to the proposed development; the Close was never intended to serve traffic other than this existing small cul-de-sac;
- If residential development is allowed access should be via Tribune Way and not Hornbeam Close;
- Hornbeam Close is too narrow to allow cars to pass safely side-by-side and there is no off street parking provision for visitors. This creates the hazard of poor visibility

and vehicles partially obstructing the footpath to park or having to mount the footpath to pass other vehicles:

- If the Close is used to access a further 12 properties in addition to the existing 13 properties, traffic levels are likely to double. This may compromise the safety of children and may increase the risk of accidents. The road is not adequate to serve 25 properties;
- The increased traffic levels would reduce the quality of life that was expected when the original properties on Hornbeam Close were purchased;
- There may be a loss of security and privacy and an increase in lighting levels and an exacerbation of an existing drainage problem;
- The proposal may devalue the existing properties in the area;
- The increase in dwellings would increase traffic levels on the local road network which could increase the risk of accidents;
- If the housing area was connected to the industrial estate it could be used as a cut through in order to access Clifton Moorgate;
- The land is allocated for employment and the need to create local employment opportunities has never been greater with high profile job losses announced in York recently. A dangerous precedent could be set if this employment land is lost;
- There is no affordable housing provision;
- Fire and Ambulance services would have great difficulty in accessing the proposed development using Hornbeam Close as an access route;
- The sewerage system has struggled to cope with the current waste which has caused numerous problems over the last 6 years;
- Developing the site would mean HGV lorries passing through the estate which would cause nuisance.

## **4.0 APPRAISAL**

### **4.1 Key Issues:**

#### *Proposed Residential Development*

- Residential Development on land which is part of a Standard Employment Site
- Residential Density
- Affordable Housing
- Efficient Use of Land
- Highways

#### *Proposed Business/Industrial Development*

- Design
- Job Creation
- Highways

4.2 The Application Site - The whole of the application site is allocated as a standard employment site where B1 (Business), B2 (General Industrial), and B8 (Storage or Distribution) uses are considered appropriate. The application site has been subject to similar proposals recently. These applications were withdrawn before being heard at committee. A summary of the previous applications are below:

06/00451/OUTM - outline application for light industrial and residential development with access to both through Tribune Way off Clifton Moorgate.

06/01594/OUTM - outline permission for 12 houses through the existing residential cul-de-sac Hornbeam Close.

06/02341/OUTM - outline permission for 12 houses accessed through Hornbeam Close and two business premises to the East of Centurion Office Park accessed through Tribune Way.

The most recent application was recommended for refusal on three grounds:

1 The application site lies within an area which is designated as a standard employment site. It is considered that it has not been proven that there is a sufficient supply of employment land to meet immediate and longer term requirements or that the proposed change of use would lead to significant benefits to the local economy. Therefore the proposed residential development is considered contrary to Policy E3b of the City of York Draft Local Plan.

2 The application site is within the urban area and it is considered to be in a sustainable location. The proposed residential development creates a small unused area of land to the north and west of the site. Due to its location and size, this land would not be capable of further development in the future. Therefore it is considered that the proposed residential development would not lead to an effective and efficient use of this site which could place development pressure on land within less sustainable locations in the future. This is considered contrary to PPS1 and PPS3.

3 The application site is within a sustainable location and can be accessed by a variety of transport modes. Maximum car parking standards are in place to encourage more sustainable transport choices and reduce car use. The 42 proposed car parking spaces at Unit 4 exceed the maximum standards of 25 which are set out in Appendix E of the Local Plan. It is therefore considered that the proposed development is contrary to the City of York Draft Local Plan Policy SP8: Reducing Dependence on the Car.

### **Issues relating to the proposed Residential Development**

#### Loss of Part of a Standard Employment Site

4.3 Draft Local Plan Policy E3b states that standard employment sites (such as Centurion Park) will be retained within their current use class. Planning permission for other uses will only be given where: a) there is a sufficient supply of employment land to meet both medium and longer term requirements in both qualitative and quantitative terms; AND conforms with ONE of the following criteria: b) unacceptable environmental problems exist; or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or d) the use is ancillary to an employment use.

4.4 The application for outline permission to erect 12 dwellings must conform with part a) and one of parts b) to d) in policy E3b as outlined above. Parts b) and d) do not appear to be of relevance for this application as environmental problems are not evident and residential development is not considered ancillary to the existing or proposed employment units.

4.5 Robust employment land supply data has not been supplied which justifies the loss of employment land for present and future B1, B2, and B8 use. Whilst the application site is relatively small in relation to the entire site it could set a precedent for a further reduction in employment land provision over time. Due to the

constraints placed on the availability of greenfield development sites around York by the existing Green Belt, it is particularly important to ensure that land currently designated for employment uses are safeguarded for their identified land-uses. Up to date information is not available as to what level of employment land is currently required in York. It is not considered that the application satisfies part a) of Policy E3b but it is up to members to assess the importance of protecting existing employment land in the absence of up to date information on the employment land requirement for York in the present and future.

4.6 Regarding part c) of Policy E3b the applicant has stated that the proposed residential units are required to make the light industrial units financially viable. Financial data was submitted regarding the costs of developing Units 4 and 5 and the expected returns. This financial information has been kept confidential due to its commercially sensitive nature. This data was analysed by Council Officers in order to form a view on whether the industrial development was financially viable on its own. A fully detailed financial analysis was not carried out as the Council does not have full financial and market data available for all sites in York. On the basis of the basic financial assessment which analysed the submitted costs and revenues it was concluded they do not seem unreasonable and it was concluded that, with no residential development, there would be a negligible return for the developer. It was noted that the site acquisition costs were a little higher than one may expect and the site has no physical characteristics which would lend itself to abnormal development costs. It is therefore assumed that a change in market conditions makes this site less attractive to investors than was anticipated. It is a consideration for members as to whether this justifies the loss of part of an allocated employment site to housing.

#### Residential Density

4.7 Draft Local Plan Policy CYGP1 states that development proposals will be expected to be of a density that is compatible with neighbouring buildings, spaces and the character of the area.

4.8 Draft Local Plan Policy H5a states that proposed residential developments should be compatible with the character of the surrounding area. Applications for all new residential developments should aim to achieve net residential densities of 40 dwellings per hectare in the urban area.

4.9 The proposed development is for 12 dwellings on approximately 0.28ha, this equates to approximately 43 dph. The density of the existing housing development south of the application site is of a similar density to that proposed. PPS3 Housing states that 30 dph minimum should be used as a guide for future housing and the Local Plan aims to achieve 40 dph in the urban area. The proposed housing is considered acceptable in terms of density in line with local and national policy and the character of the surrounding area.

#### Affordable Housing Provision

4.10 Draft Local Plan Policy H2a states that proposals for all new housing developments with a site area of 0.3ha or more in the urban area will be required to provide affordable housing provision.

4.11 There is a continued need for the development of affordable housing within York. The Housing Need Survey shows that there is a strong demand for affordable housing in order to meet current and future accommodation needs. The size of the proposed housing site has been reduced from a previous application to below the 0.3ha affordable housing activation level and therefore there is no requirement to provide affordable housing on this development at this time. As outlined within the policy team's consultation response the site is seen as a whole and therefore any further housing development in the future would be added to the size of the proposed development within this application and therefore affordable housing would be required at that stage.

#### Efficient Use of Land within the Urban Area

4.12 Surrounding the proposed site of the residential developments are three strips of land. These are between the proposed housing development and Unit 3, west of the proposed residential development and an easement strip to the east, on land which is adjacent to the Green Belt. These strips of land are designed to provide an acoustic and visual barrier between the business and residential developments. PPS1: Delivering Sustainable Development and PPS3: Housing highlights the need for the effective and efficient use of land in sustainable locations. It is possible to argue that the development potential of this land within the urban area would not be utilised by this development which in turn could put pressure on land to be developed in the future which is within a less sustainable location. The strips of land do however bring the advantage of providing a visual and acoustic barrier between the proposed houses and existing and new business developments. The exact nature of this barrier would be a matter for consideration at the reserved matters stage. It is considered that mounding and tree planting could provide better living conditions for residents than if the residential and business elements directly bordered each other. It has to be assessed whether the potential benefit outweighs a less than effective and efficient use of urban land.

#### Highways

4.13 There were a large number of neighbour objections concerning the suitability of Hornbeam Close as an access road for 12 new dwellings. Highway Network Management looked into the proposal and could not find any strong reason for refusing the application based on an increase in car usage on Hornbeam Close. It has been suggested that the cul-de-sac is capable of supporting 25 dwellings. The structure and design of the Hornbeam Close act as a barrier to travelling at speed.

### **Issues relating to the proposed Light Industrial/Storage and Distribution development**

#### Design

4.14 The area around the application site is dominated by office/light industrial units and car dealerships which are of typical design for these types of developments within this sort of location. Unit 4 already exists on site, this application seeks permission to expand this and provide new premises, Unit 5, north of Unit 4. The proposed extension of Unit 4 follows the design principles contained within the existing unit and surrounding area, such as being of a similar height, having rounded roofs and incorporating matching materials. The applicant states that this extension would be used part as a laboratory (single storey element) and part as a warehouse.

The warehouse element has little fenestration, this is similar to the warehouse/distribution depot which is located adjacent to Water Lane. Unit 5 is significantly smaller in scale than the proposed Unit 4 extension but is of similar style and would also house a warehouse/distribution centre. It is considered that the proposed developments would appear in keeping with the surrounding area. There is some space between the proposed developments and the site boundary which gives some scope for green landscaping which could soften the visual impact of these units.

#### Job Creation

4.15 It is stated that ADVA Optical Networking have exchanged contracts to occupy the proposed Unit 4 of Centurion Park subject to planning permission. ADVA are currently located on Kettlestring Lane in Clifton Moor and employ 65 members of staff at this site. ADVA has secured an external contract from BT which it is hoped will support the expansion of the business. It is hoped that the contract will underpin a significant increase in numbers employed over the next 12 months to 120. The first phase of the proposed development would be to complete the ADVA Unit which must be complete by August 2007. In order to meet this timescale work must commence in mid April. Information has not been submitted regarding expected employment levels at Unit 5. Interest has been expressed from a flooring company but Unit 5 has been split into three to allow flexibility and to increase the chances of letting out the unit. Job creation provides benefit to the local economy and should be considered against Local Plan Policy E3b and a judgement made on whether the loss of some designated employment land is justified by the potential creation of jobs in the short term.

4.16 Existing Units 1, 2, and 3 which are all office buildings have been marketed since September 2003 when they were formally opened. This has consisted of the distribution of brochures, local press adverts, and the launch of a dedicated website. This has brought relatively little success in terms of attracting businesses to the premises. This raises question marks regarding the desirability of this site for further office development. The lack of success of B1 office development on the site has prompted the land owners to want to bring a different use to the site, namely laboratories and warehousing, this would likely bring a lower return than offices (if let) but can be made financially viable by the proposed residential development.

#### Highways

4.17 Local car parking standards in line with PPG13: Transport are set out in Appendix E of the Local Plan. The data provides maximum car parking standards which should not be exceeded, this is to encourage more sustainable forms of travel. Unit 4 has 44 and Unit 5 has 13 proposed car parking spaces, the Local Plan stipulates that this should be a maximum of 35 and 5 car parking spaces respectively. It is stated within the application that these car parking spaces have been provided in line with the requirements of the proposed businesses which it is anticipated would occupy these premises. It has to be determined whether this over-provision of car parking spaces is justified in this case.



## 5.0 CONCLUSION

On balance it is considered that the wider economic benefits through the creation of jobs counteracts the arguments against losing a section of designated employment land to residential development. The residential element would appear as an extension to an existing housing site and a buffer is provided to protect residential amenity.

## COMMITTEE TO VISIT

### 6.0 RECOMMENDATION: Approve

- 1 Application for approval of all reserved matters 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 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the building works of the residential element, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale (including mix and type of housing) 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 dwellings to be erected on this site shall be no higher than two storeys. No external alterations to the roof to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: In the interests of protecting the amenities of the adjoining residents and to assist the development being integrated into the area.

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

Drawing Numbers: - 4234A/TP03, 4234A/TP04, 4234A/TP06 and 4234A/TP08 received by The CoYC on 13/02/07.  
- 4234A/TP05 and 4234A/TP07 received by The CoYC on 05/02/07.

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.

- 5 No works in relation to the 12 residential units hereby permitted shall be commenced before the two B1 and B8 developments (Units 4 and 5) have been completed.

Reason: To ensure the employment developments are completed.

6 HWAY1

7 HWAY7

8 HWAY10

9 HWAY21

10 HWAY31

11 HWAY40

- 12 Prior to the development hereby approved commencing full details of car parking layout and turning areas in accordance with Annex E of the Local Plan shall be submitted to and approved in writing by the LPA and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

- 13 Prior to the development hereby approved commencing details of a footpath linking Tribune Way to the employment element of the development site shall be submitted to and approved in writing by the LPA, such footpath shall be constructed and available for use prior to the development coming into use.

Reason: To promote sustainable travel.

- 14 Prior to the commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction materials, and the hours during which this will be permitted.

Reason: To ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

15 ARCH2

16 The building envelope of all bedrooms and living rooms, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of future residents

17 No residential development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1 of the City of York Draft Local Plan.

**INFORMATIVE:**

The alternative arrangements of the above condition 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, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at:

£128 per 1 bedroom property

£815 per 2 bedroom property

£1223 per 3 bedroom property

£1630 per 4 bedroom property

£2037 per 5 or more bedroom property

18 No residential development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

**INFORMATIVE:**

The provisions of the above condition 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 £61,554. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

- 19 Unless otherwise agreed in writing no development shall take place until the applicant has provided to the Local Planning Authority for approval an independently verified BREEAM report that achieves a 'Very Good' or 'Excellent' rating with certification. The approved scheme shall then be provided in accordance with these details. A certificated BREEAM Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided, confirming that the agreed standards have been met, prior to the first occupation of the development.

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

- 20 NOISE7

- 21 VISQ8

- 22 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 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. 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 the amenity of local residents. The creation of new employment overcomes the loss of a parcel of designated employment land. As such the proposal complies with Policies GP1, E3b, and H5a of the City of York Draft Local Plan.

### **2. INFORMATIVE:**

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980

(unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

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

### 3. INFORMATIVE:

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

Section 38/278 - adoption of highway.

### 4. 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.

### 5. INFORMATIVE - Demolition and Construction

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.

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 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.

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