

COMMITTEE REPORT

Team: East Area
Date: 15 June 2006

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 06/00589/FULM
Application at: Plot E Airfield Business Park Whitley Road Elvington York
For: Erection of 6 no. business units and associated servicing areas
By: Wm Birch And Sons Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 19 June 2006

1.0 PROPOSAL

1.1 The proposal is for the erection of 6 single storey starter industrial units on a piece of land at the Elvington Airfield Industrial Estate.

1.2 The site is within an existing employment site identified within the City of York Deposit Draft Local Plan incorporating the 4th set of changes, approved April 2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

DC Area Teams East Area (1) 0003

2.2 Policies:

CYNE1
Trees, woodlands, hedgerows

CYE3B
Existing and Proposed Employment Sites

CYGP4A
Sustainability

CYGP1
Design

CYT5
Traffic and pedestrian safety

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Network Management.

No objections to the principle of a commercial development in this general area however there are two fundamental complications with the development as proposed.

- a highway drain cuts across the site in the area of proposed units 1 and 2.
- the site is partially public highway, there being a 9m x 90m (approx) visibility splay at the junction of Whitley Road and Halifax Way in a southerly direction.

Applicant in discussion with the Highways Authority to discuss this further.

3.4 EPU.

The Environmental Protection Unit have no objections to this application. Recommend that restrictions are placed on the application which include hours of operation for the units.

Other developed units on Elvington industrial estate are tied to a similar restriction. Allowing this application to run for 24 hours per day would set a precedent for other units to request a similar operation. If this did occur there would be a significant impact on the amenities of the local residents.

Also recommend conditions restricting hours of construction to the standard times and that if any contaminated materials are detected during site workings, remedial strategies can be put in place.

3.5 Archaeology.

Watching brief on all groundworks required. The site lies within the boundaries of the WWII airfield at Elvington, and in an area which has produced extensive crop mark evidence for a late prehistoric / Roman British landscape. This development may reveal features and deposits which must be recorded through a watching brief.

3.6 Landscape Officer.

The recently completed development on the opposite side of the road (plot A ref 02/3100) through much negotiating at the time has ensured the successful protection and retention of trees on and neighbouring the site, resulting in a large development footprint and adequate space around existing trees. The same standard will be expected of this plot. Those few trees that do exist are the only aesthetically redeeming features of the business park.

The current proposal is unacceptable due to the impact on trees subject to a tree preservation order (ref: CYC 145) and one other pine that is worthy of retention. Nonetheless I feel that it is likely to be possible to redesign the site without too much loss of floor space, because the silver birch that is shown as being retained could be removed. It is not worthy of retention due to the presence of a soft decay pocket over a large, old pruning-wound low down on the trunk.

There are several protected trees within the site area and it is imperative that these are protected during development and that the proposed buildings be moved far enough away so as not to harm them. It is acceptable to have porous hard surfacing between the tree protection areas and the building lines with minimal excavation and disruption. The two mature pines are absolutely fantastic specimens and their adequate protection is paramount. There is also a young pine growing close to the south boundary which is shown as being retained. This is an attractive addition to the group of pines, therefore it too requires adequate protection.

The Ash tree is an attractive open grown specimen with long term potential. Therefore any buildings should accommodate its mature size.

3.7 City Development.

The site is Plot E of the designated Elvington Airfield Business Park. It is proposed that the proposed business units be used for B1, B2, B8 and A2 uses. It is allocated in the local plan as a standard employment site restricted to B2 and B8 uses. It is a schedule 2 employment site which restricts the use of B1 and A2 uses (which are applied for within the planning application). Therefore there is no policy objection to B2 and B8 uses as this is allocated within the local plan. However, due to problems maintaining the supply of B2 and B8, the site is restricted to this use class, therefore B1 is not permitted.

An A2 use would constitute a loss of employment land, and therefore would need to be justified under the provisions of Policy E3b. If A2 use is required, it is suggested that further information be obtained from the applicant detailing its proposed use.

If the application is for B2 and B8 use alone, there would be no policy objection, however if B1 and A2 uses are required, more information should be requested.

3.8 EXTERNAL

3.9 Elvington Parish Council.

Has no objections in principle. Have 6 concerns however:

- i) Worried that development will result in 24 hour noise pollution affecting neighbouring properties.
- ii) Worried that there is inadequate parking provision for workers and visitors.
- iii) Layout and access proposals seem to invite heavy goods traffic to use the road normally open for museum entry, to the detriment of museum staff and visitors. Therefore, could the access be reviewed.
- iv) Suggest some sort of screening (trees / fence) to soften the visual impact of the units when viewed from Elvington Lane.
- v) Concerned at the steadily increasing volume of traffic on Elvington Lane.
- vi) In order to facilitate a response to above ii) and iii) are prepared to support the lifting of the TPO's shown on the site plan.

3.10 York Natural Environment Panel. The number of units should be decreased to better accommodate the tree protection order trees, an asset to the area and a good screen to the proposed units. Developer should be aware that landscaping at a small cost will increase the marketing value of the units.

3.11 Yorkshire Tourist Board

The museum is a significant visitor attraction in the area. This development would significantly reduce the visual aspect of the museum's entrance and thereby effect visitors experiences which would have a detrimental impact on future visitor numbers. The access will be dangerous. Air Force War Memorials are too important to be threatened in this manner.

3.12 Yorkshire Air Museum.

- Development is detrimental to the visual aspect of a historic museum site and to the setting of a Grade II listed building.
- Would compromise views of the front entrance which would lead to a loss of public and corporate business.
- Access to the museum and airfield would be seriously affected by commercial traffic parking and using the same small access road.
- Serious traffic hazard.

- Is the third museum in York and was recently referred to by the City of York Council as a 'jewel in York's crown and has won numerous awards. Is a prime site to become the National Air Museum.
- Receives 70 000 visitors every year. Is the only allied Air Forces Memorial in Europe and has a collection and archive of major international significant.
- Development would see the entrance to the museum relegated to the 'back yard' of an industrial site. Waste bins and cycle sheds would obscure the front entrance and the number of commercial vehicles would cause intolerable congestion in this narrow road.
- Future of the museum will be placed in serious jeopardy.

3.11 Third Parties. 98 letters of objections received making the following observations.

- Development will obscure the museum entrance and effect visitor numbers and the museum's future existence.
- Yorkshire Air Museum is one of the most historical facilities in Europe and a Memorial to ex-servicemen and allowing the construction of yet another trading estate so close to it will have a severe detrimental effect on its future.
- Business developments can be rebuilt or relocated easily, but a living piece of history can not. If the museum declines you'll never get it back.
- It is a memorial to 56,000 men who were killed during the 2nd World War and they deserve a little respect. I appreciate that councils are only interested in money, but a little thought should be given to this development.
- Will result in the felling of wonderful, mature Scots Pine trees.
- Access to the site in front of the air museum will be unsafe and confusing because museum visitors and commercial traffic will mingle.
- 24 hours a day, 7 days a week activity in such close proximity to a site where remembrance services take place is unacceptable.
- Would be hazardous to visitors.
- Would defile two war memorials, one church and countless other memorials located near the air museum. This would be a National and International scandal.
- Will make entrance and exit from the museum dangerous.
- The site is in the Green-Belt. Develops the only open land which is contrary to the required ambience of the Green-Belt.
- The present route along Elvington Lane is already grossly littered with HGVs - some parked overnight. This results in a back-up onto Elvington Lane which will make the situation worse.
- Will destroy the rural war-time atmosphere of the museum. The museum should be protected from the encroachment of modern commercialism.
- The Memorials to the 4 & 6 groups of bomber-command are immediately by the boundary of the application site. There is also a Garden of Remembrance in this area.
- Increased traffic on Elvington Lane.
- Will involve the demolition of an old RAF building.
- Is it an absolute necessity to develop this site?
- Gross over-development of the site.
- Whitley Road (entrance to application site) is the sole entry point for Elvington Airfield and the Air Museum and is already a busy road. The extra traffic generated by this development would be a hazard to all concerned.
- Loss of passing trade to all parties.
- Could be dangerous to flying aircraft.
- Will have wide-spread implications for the regional economy and employment.
- Access should be taken from Halifax Way and not Whitley Road.
- It is the only museum in the Country to cater to the entire history of aviation.
- It will impact on the listed control tower.
- The size of vehicles entering the site should be restricted.

- The museum is a registered charity.
- There is plenty of room at the southern end of the industrial estate which could be used.

4.0 APPRAISAL

4.1 KEY ISSUES.

- local plan allocation.
- employment creation.
- visual impact of the development.
- protected trees.
- highway implications.

4.2 Local Plan allocation / employment creation.

The comments of the City Development Officer at paragraph 3.7 of this report are especially relevant to this application. The site is allocated as an employment site in the local plan and therefore the principle of a development of this sort here is acceptable. By virtue of this allocation the Council have accepted that this site is suitable for an employment use and therefore there can be no objection in principle to industrial units being erected here.

4.3 However the Elvington Airfield Business Park has been allocated only for a B2 (General Industrial) or B8 (Storage and warehousing) use and the applicant has applied not only for this but also B1 (Business) and A2 (Professional Services). It has since being indicated that they are not interested in an A2 use but would like to pursue a B1 use if possible.

4.4 Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt and the effects this has on land values, it is particularly important to ensure that land currently or previously designated for employment uses in Schedule 2 of the local plan are safeguarded for their identified land use. It will be difficult to replace land designated for employment use if this is developed for other uses and therefore any use outside the B1, B2 or B8 classification is not acceptable on an allocated employment site. Any A2 use is therefore not acceptable and would be against the principles and aims of both the Regional Spatial Strategy, PPS6 and local plan policy.

4.5 Further to this, some allocated sites are further restricted to just B2 and B8 use and Elvington Airfield Business Park falls within this category. High land values in the City make it difficult to maintain a supply of land suitable for B2/B8 uses and therefore some sites must be maintained in order to encourage such uses.

4.6 However, since this site was allocated for B2 and B8 use (first done in the 3rd set of changes and re-imposed in the 4th set of changes) the Use Classes Order has been amended by the Use Classes (Amendment) Order 2005 and further amended by The Town and Country Planning Act Use Classes Order 2006. There are now three sub-sections to the B1 use and these are as follows:

- a) Offices, other than a use within Class A2 (Financial Services).
- b) Research and development of products or processes.
- c) Light industry.

4.7 Parts b and c are very similar in their classification and generally can be considered together. They offer similar industrial / manufacturing uses to the types one would generally associate with classes B2 and B8 and which the restrictive policy is seeking to achieve.

Therefore, providing that the use of the buildings can be controlled to include only parts b and c of Use Class B1, the spirit of what policy E3b of the draft City of York Local Plan is seeking to control can be achieved. Officers are of the view that a suitable condition can be worded that restricts use to those covered by classes B1 (parts b and c) and classes B2 and B8. The applicant has expressed his agreement to this restriction.

4.8 Visual Impact / Impact on the Air Museum.

There are a significant number of objections to the development, mostly from the Yorkshire Air Museum and its trustees. The main concerns rest around the impact the development will have on the Museum, both in terms of its setting and appearance and matters of highway safety.

4.9 Whilst these concerns are acknowledged, the site is allocated in the draft local plan as an employment site and therefore the principle has already been established through the due local plan process. There is therefore an agreed expectancy on behalf of the Council that this site should come forward as an employment site. Given this allocation, officers cannot raise any objections to the proposed use of the site.

4.10 The main issue is therefore the details of the scheme and ensuring that any development respects its setting next to an important leisure and tourism use and that it doesn't materially harm or hinder the museums objectives, appearance or future or that of the area.

4.11 The area in question is classified as 'Plot E' within the allocated Elvington Airfield Business Park area and remains the only undeveloped area within this allocation. It is also the most sensitive given its position next to the air museum and at the most northerly end of the site closest to Elvington Lane. It will be the first site one sees when turning into the Business Park onto Halifax Way from Elvington Lane.

4.12 At the moment the site is a largely overgrown, somewhat derelict looking site which is not particularly well maintained. A small storage type building stands close to the southern boundary and this is to be demolished as part of this proposal. Other existing industrial style buildings already built on other parts of the business park are clearly visible just beyond this sites southern boundary and to a large extent these frame this site visually when looking from Elvington Lane towards the application site and the Air Museum. This is a material consideration when considering the visual impact of the proposed development.

4.13 The units are in two separate positions within the site. Units 1-5 run from the top end of the site, along its eastern boundary with Halifax Way, following the slight curve of the road. They offer accommodation over two floors, are mainly flat roofed in design with a ridge height of 7 metres. They are similar in design and style to the new units on the other side of Halifax Way immediately across the road from this site. There is a further detached unit (Unit 6) on the sites Southern boundary in the approx. position of the existing storage building.

4.14 Protected trees.

There are several protected trees within the site. These are 2 Pines in the south east corner and an ash on the eastern boundary about half way up. A further young pine (unprotected) is growing close to the southern boundary close to the mature protected pines and this is also considered worthy of retention. An unprotected silver birch close to the western boundary with the air museum is not considered worthy of retention due to the presence of a soft decay pocket close to an old pruning wound low down on the trunk. However, it is vital that the scheme respects these trees and also the number of plant species which have been identified as successfully re-colonising the site. As submitted the proposed layout is too close to the protected pines and would result in the loss of the ash tree. No replacement to mitigate against this is shown.

4.15 Highways.

Concern has been expressed by many of the objectors over highway safety given that the entrance to the application site is off Whitley Road, the same road from which access to the Air Museum is taken. However, given the size of the units and the amount of parking spaces shown within the confines of the site boundaries, the Council's highway officers have raised no objections in principle to the scheme and do not consider access off Whitley Road to constitute an unacceptable highway danger, even given its dual use as the main entrance to the Air Museum. Their comments about the presence of a drain across the site can be quite easily overcome by diverting the drain and this is done via an agreement between the relevant parties. As for the possible use of highway land for the development (which in turn may affect the visibility splays across the junction of Whitley Road and Halifax Way) this can be overcome through negotiation with our highways officer on the exact extent of the land owned by the Council. Whilst the area in question is relatively small and may result in only a small amendment to the overall layout of the site, any changes could affect visibility splays at the junction and also the parking layout within the site. At the time of writing this report, this issue has still not been resolved and therefore this makes it very difficult to fully assess the scheme in terms of highway safety around the junction of Halifax Way and Whitley Road.

4.16 Visual Impact.

The position of the site is such that there is bound to be some visual impact from any scheme of this kind, however modest it may be. The key issue is to minimize this as much as possible. The most sensitive part of the site is the northern end closest to Elvington Lane and close to the junction of Halifax Way and Whitley Road. Many of the objectors express concerns about the impact on the setting of the entrance to the Air Museum and which will put visitors off visiting the attraction. Whilst officers don't necessarily concur with this view it is agreed that this area is important visually and any proposed development should maintain some openness close to the junction of Whitley Road and Halifax Way, both in terms of basic good design practices and so as to maintain a degree of visual separation between the Air Museum and this site.

4.17 Currently the most northerly unit, Unit 1 extends almost to the very end of the site and at its closest point is within 2 metres of Halifax Way. Although some landscaping is shown in this area it is further over adjacent to Whitley Road and is quite limited in its extent and depth. It will do little to screen the site. Officers consider that the close proximity of Unit 1 to this junction constitutes poor design and is visually unappealing when seen from outside the site. The scheme would benefit enormously from the deletion of Unit 1, the benefits of which would be twofold. Firstly it brings the development more in line with the end of the corresponding units on the other side of Halifax Way and allows the area vacated by Unit 1 to be more effectively landscaped so resulting in better visual separation between this site, the road and consequently the entrance to the Air Museum. The protected Ash tree shown to be lost would still be lost from its current position but a replacement mature specimen could be planted in this area in line with Policy NE1. This would be more visually appealing and would help to frame the site in a much more effective manner. It would also be more of a focal point standing on the cusp of the entrance to the Business Park and the Air Museum. This option has been discussed with the Council's landscape officer and they are in agreement to this, subject to details. Good quality boundary treatment on this northern boundary should also be encouraged in order to better frame the site and give it greater visual separation from Whitley Road. A post and rail fence or such like is recommended.

4.18 Unit 5, the most southerly unit along the Halifax Way boundary extends too close to the protected Scots pines and in order to allow for the required levels of separation between the

end of the buildings and the protected Pines, it needs to be moved a couple of metres further away. This also helps to reduce the developed area.

4.19 The detached Unit 6 at the southern end of the site is the unit closest to the Air Museum buildings. However, this is quite modest in size and stands against the backdrop of an existing large industrial building built on another part of the site. At the moment this dominates views from north to south and has a significant impact on the setting of the museum. Officers consider that the position of proposed Unit 6 does not make this impact materially any worse. Some additional planting around this area, including the planting of a replacement tree for the diseased silver birch close will reduce the impact from this building to acceptable levels. Other than this, there are no officer objections to the position or design of Unit 6. The suggested more extensive and mature planting area on the northern boundary of the site would also help to screen Unit 6 and the existing building behind it.

4.20 The changes proposed above have been briefly discussed with the applicant and in principle accepted by them. Officers consider that this would represent a much more acceptable scheme than the one submitted here, although this is subject to meeting with the applicant and details being submitted and due and proper consideration given to them. A full re-consultation would also need to take place. However, at the time of writing this report there has been no formal resubmission of the scheme and there would be no time to re-consult the objectors as part of the 13 week determination lifespan of this application. Therefore the existing submitted scheme remains the one under consideration here and officers consider that it represents an overdevelopment of the site which cannot be supported.

5.0 CONCLUSION

5.1 Whilst there are no objections in principle to the development, the extent of the development and the impact this will have visually from Elvington Lane and on the setting of the junction down to the entrance to the Air Museum is unacceptable. The loss of the protected Ash Tree is also totally unacceptable unless a suitable replacement site can be found for it. This scheme does not do this. Unit 5 is too close to the protected Scots Pines on the southern boundary and would be harmful to their future health and vitality. It needs moving further away and again, this scheme does not show this. The comments/concerns of the highway authority, although likely to be quite easily overcome have not been adequately answered and a degree of uncertainty still hangs over this issue, particularly over the extent of the use of highway land and how this affects sight lines around the Whitley Road / Halifax Way junction. This is also unacceptable and further precludes a positive recommendation.

5.2 Although a revised, smaller scheme could be supported by officers in the future, this application remains unacceptable and contrary to the relevant local plan policies.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

- 1 In the opinion of the Local Planning Authority the development constitutes an overdevelopment of the site and is consequently harmful to the visual amenity of the area. The buildings will dominate views of this prominent site from Elvington Lane due to their close proximity to the junction of Halifax Way and Whitley Road and the lack of proposed landscaping in this area. In turn this affects local visual amenity in general and the setting of the entrance road down to the Yorkshire Air Museum and this results in unacceptable levels of visual separation between the two sites. This is contrary to the objectives of PPS1 and Draft Local Plan Policy GP1, particularly parts b and d.
- 2 The development as proposed results in the loss of an Ash Tree (T3) which is protected by Tree Preservation Order no. CYC145 and which the Council consider to be an attractive, healthy specimen which adds significantly to the visual amenity of the area and which has good long term vitality and potential. No replacement planting of the tree is proposed which mitigates against this loss. In addition, Unit 5 is considered to stand too close to the Pine Trees (T4 and T5) protected by the same protection order and this will harm the amenity and future vitality of these trees. The above is considered to be contrary to national policy in PPG9 (Nature Conservation) and the Policy NE1 of the draft City of York Local Plan (4th set of changes, approved April 2005).
- 3 The site plan shows development partially within the public highway and within the visibility splay of the junction of Whitley Road and Halifax Way which harms highway safety at this junction.

7.0 INFORMATIVES:

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