

## COMMITTEE REPORT

**Date:** 10 October 2012      **Ward:** Huntington/New Earswick  
**Team:** Major and Commercial Team      **Parish:** Huntington Parish Council

**Reference:** 12/02524/FULM  
**Application at:** Leonard Cheshire Disability 421 Huntington Road York YO31 9HT  
**For:** Change of use from General Industrial (Use Class B2) to Storage (Use Class B8) with General Industrial Use  
**By:** Mr John Walker  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 2 November 2012  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is 421 Huntington Road which is located on the corner of Huntington Road and Link Road. The building is currently empty, it is understood that its last use was in 2007 as a B2 General Industrial unit operated by Eborcraft for the manufacturing of office furniture. The building on site has a typical industrial appearance. The building is constructed of brick at a lower level and clad in metal sheeting above this. A part of the building which fronts onto Huntington Road is a flat roof two storey office finished in light coloured render with brick piers.

1.2 The applicants, York Archaeological Trust, wish to use the building for the storage and examination of remains. The application form states that of the 1765 sq m gross internal floorspace, that 1265 sq m would be used for storage with 500 sq m being used for general industrial purposes. York Archaeological Trust conserves important remains from the UK and abroad, the material is examined and used by a wide variety of experts and as well as students from York. Currently all of the material is stored and worked upon in a number of separate rented buildings across the City. By consolidating this material and associated work into one building which the Trust owns, it would safeguard the long-term future of the material as well as reducing costs and increasing benefits by providing everything in one place. The applicants state that the building is easily accessible and suits their needs.

1.3 There are no proposed external alterations to the building. Access arrangements would remain as existing. There is pedestrian access off Huntington Road with a car parking area located off Link Road.

1.4 The application site is within the built up settlement limit of York and is unallocated white land on the Local Plan Proposals Map.

The surrounding area is primarily residential; however there are other business units to the south of the application site. Immediately to the south is Sessions who create labels and labelling systems and are classified as B2 General Industrial Use Class.

1.5 The application form states that hours of operation at the site would be 08:00 to 18:00 hours. At present there are no hours of operation restrictions on the building.

1.6 There have been two planning applications at this site in the recent past which sought to change the use of the site to residential. The first (ref. no. 04/02715/FUL) was withdrawn. The second (04/04093/FUL) was for 30 flats and 4 houses. This application was refused on four grounds: 1) the loss of the employment site; 2) the poor residential amenity which would be provided given the B2 General Industrial site immediately to the south; 3) a lack of affordable housing provision; and 4) issues relating to design.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYE3B

Existing and Proposed Employment Sites

## **3.0 CONSULTATIONS**

INTERNAL

3.1 Environmental Protection Unit - No objections to this application, two conditions are recommended to ensure that any new plant / machinery installed as part of the development is not going to affect the amenity of any local residents and that the use applied for is restricted to the hours of operation stated in the application.

3.2 Integrated Strategy Unit - No policy concerns in principle, however, it is suggested that the Council's Economic Development Unit are consulted to ensure that there would not be an issue with the loss of the B2 use.

3.3 Economic Development Unit - No objections or concerns,

## EXTERNAL

3.4 Huntington Parish Council - No objections.

3.5 Highways Agency - No objections.

### **4.0 APPRAISAL**

4.1 Key issues:

- Principle of change of use
- Impact on local residential amenity

4.2 The National Planning Policy Framework states that a presumption in favour of sustainable development is the basis for every planning decision. This is placed within the context of social, economic and environmental sustainability. Paragraph 19 states that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

4.3 Development Control Local Plan Policy E3b 'Existing and Proposed Employment Sites' states that any premises which are currently or have previously been in an employment use, will be retained within their current use class. Planning permission for other uses will only be given where there is a sufficient supply of employment land to meet needs and either unacceptable environmental problems exist or the development of the site for other uses will bring significant benefits to the local economy.

4.4 The application under consideration would result in a change of use, however both the existing and proposed uses are commonly thought of as employment use classes. The application site has been vacant and unused since 2007. The proposed change of use would return the building to active use which is considered to be of significant benefit to the local area. Buildings which remain empty for long periods of time can become run down and have a negative effect on their surroundings and the sense of pride in an area.

4.5 Whilst the proposed change of use would not create a significant number of jobs, it does create a significant benefit to a local charity in terms of both cost saving and improving the quality of service they can provide within one purpose built site. The application site is constrained and given the lack of use for the last five years clearly does not meet the needs of many businesses. The Integrated Strategy Unit and Economic Development teams have not raised any objection to the loss of this B2 site to a mixed use B8 and B2 use. It is not considered that this loss would have any significant impact on strategic employment land considerations and clearly giving the site a new active use is of significant benefit. The principle of the change of use is acceptable.

4.6 The building has an existing B2 General Industrial use permission. Generally large scale B2 uses are not considered highly compatible within residential areas due to their potential to create noise and disturbance for local residents. Often such places operate throughout the night which is when residential areas are more sensitive to noise. It is understood that there are no current restrictions on the operating hours of the site; it could operate for 24 hours a day. The York Archaeological Trust is proposing to significantly reduce the amount of industrial use which could potentially take place at the site. In addition it is proposing to operate only between the hours of 08:00 and 18:00 hours. This gives the opportunity to place a planning condition on the site restricting operating hours in order to reduce the potential for disturbance to local residents in the future. It is considered that the proposed use is significantly more compatible with the surrounding residential area than the existing lawful use of the site which contains no hours of operation restrictions.

4.7 The application site provides ten car parking spaces and ten cycle parking spaces. These would be retained for use.

## **5.0 CONCLUSION**

5.1 The proposed change of use retains the building within an employment use class whilst giving this redundant site a new economic use. The application site is within a residential area and the proposed change of use provides an opportunity to place hours of operation controls on the use which would help to ensure that the residential and business uses are compatible in such close proximity. Therefore the application is recommended for approval.

## **6.0 RECOMMENDATION: Approve**

1 TIME2 Development start within three years -

2 The hours of operation of this approved use, including deliveries, shall be confined to 08:00 -18:00 Mondays to Fridays, 09:00 - 13-00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of local residents.

3 Details of all new 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<sub>Amax</sub> (f)) and average sound levels (L<sub>Aeq</sub>), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant

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

Reason: To protect the amenity of local residents from noise.

## **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 principle of change of use and the impact on local residential amenity. As such the proposal complies with Policy E3b of the City of York Development Control Local Plan.

#### 2. 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 remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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:

i) 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".

ii) 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.

iii) 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.

iv) 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.

v) There shall be no bonfires on the site.

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