

COMMITTEE REPORT

Date: 16 January 2020 **Ward:** Hull Road
Team: East Area **Parish:** Heslington Parish Council

Reference: 19/02011/FULM
Application at: Smith and Nephew Plc Research Centre Innovation Way
Heslington York
For: Change of use of former research centre (Use Class B1) to
non-residential institution for academic use (Use Class D1)
with associated external works
By: University of York
Application Type: Major Full Application (13 weeks)
Target Date: 19 December 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal seeks full planning permission to change the use of an existing building of 8,061 sq.m. floorspace, from its last use as a research and development facility (Use Class B1(b)) to use by the University of York for its York Management School and the Department of Electronic Engineering (Use Class D1).

1.2 The Management School would occupy the main building providing academic offices, seminar rooms, tutorial facilities and a café, with laboratory space for the Electronic Engineering Department occupying the annex following the insertion of a mezzanine. Some external works are included as part of the application, including insertion of double doors and changes to other entrances, provision of aluminium louvres, insertion of skylights, a glazed link connecting the main building and annex, and changes to the car parking and external space. Changes to existing landscape on site are proposed with removal of 33 trees across the site, particularly on the Church Lane frontage to increase light penetration the building and improve the sense of arrival, with replacement planting at the north-west entrance.

1.3 The site lies within Flood Zone 1. There is a woodland to the eastern and southern site boundaries that is protected by Tree Preservation Order 15/1986-W1 and W2. The site's planning history includes applications approved in 2009 for alterations to the access and car parking (09/01218/FULM) and a small rear extension approved (09/01080/FUL).

2.0 POLICY CONTEXT

2.1 City of York Draft Local Plan Incorporating the 4th set of changes – Development Control Local Plan. Approved April 2005:

GP1 – Design

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GP4b – Air Quality
GP9 – Landscaping
NE1 – Trees, Woodlands and Hedgerows
T4 – Cycle Parking Standards
E3b – Existing and Proposed Employment Sites

2.2 City of York Local Plan – Publication Draft February 2018 (Regulation 19 Consultation):

SS22 – University of York Expansion
EC2 – Loss of Employment Land
ED1 – University of York
D1 – Placemaking
D2 – Landscape and Setting
GI4 - Trees and Hedgerows
T1 – Sustainable Access
ENV1 – Air Quality

3.0 CONSULTATIONS

Public Protection

3.1 Request electric vehicle charging points in line with NPPF and CYC Low Emissions Strategy.

Highway Network Management

3.2 No objection to the development, subject to cycle parking provision being appropriate. Request conditions HWAY18 and HWAY19.

4.0 REPRESENTATIONS

4.1 None received.

5.0 APPRAISAL

5.1 The key issues are:

- Principle of development
- Loss of employment use
- Expansion of University provision
- Landscaping and trees

- Parking and highway safety
- Design and visual amenity

POLICY CONTEXT

Development Plan

5.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. For the purposes of section 38(6) the relevant development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. None of the adopted Neighbourhood Plans relate to this area.

The Saved RSS policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Draft Local Plan

5.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF. However, such policies can be afforded very limited weight. Relevant policies are listed in section 2 of this report. The site is identified within the main urban area of the City on the Proposals Map accompanying the 2005 Draft Plan.

Emerging Local Plan

5.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Secretary of State for examination on 25 May 2018. Phase 1 of the hearings into the examination of the Local Plan took place in December 2019. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

5.5 Relevant policies are set out in section 2 of this report. The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications. The site lies within the built-up area of the City outside the area allowed as Higher Education Use by the University on the Proposals Map that accompanies the 2018 Draft Plan.

5.6 The evidence base that underpins the proposed emerging policies is a material consideration in the determination of planning applications. The directly relevant evidence base comprises the Approach to the Green Belt Appraisal 2003, the Green Belt TP1 Addendum and Annex 3 York Green Belt Inner Boundary Section Descriptions and Justifications (2019), and the Employment Land Review 2016 and Update 2017.

5.7 Annex 3, in particular, considers the inner Green Belt boundary close to the application site and proposes that the inner boundary run along the eastern side of Windmill Lane and south of the application site in order to follow recognisable mix of built and natural features and mark the extent of urban area where it meets open land. The site is excluded from the general extent of the Green Belt and included within the main urban area of the City.

5.8 The Employment Land Review 2016 and Update 2017 assess the demand and supply of employment land in the City and project future needs and site allocation. They consider the need for B1b uses. The 2016 document acknowledges demand for sites next to research and knowledge assets, such as the University and references the Witty Review 2013 that evidences the role universities have had and are able to play in driving tangible business growth in their locality. There is demand for B1b uses and the allocation of site ST27 lying east of University Campus East has a high economic score.

National Planning Policy Framework

5.9 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", 2019). Paragraph 11 establishes the presumption in favour of sustainable development, which runs through both plan-making and decision-taking.

In decision-taking this means approving development proposals without delay that accord with an up-to-date development plan. In the absence of relevant development plan policies or where they are out-of-date, permission should be granted unless policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development, or any adverse impacts of doing so would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

5.10 The relevant chapters of the Framework include 6 'Building a strong, competitive economy', 7 'Ensuring the vitality of town centres', 9 'Promoting sustainable transport', 12 'Achieving well-designed places' and 15 'Conserving and enhancing the natural environment'.

PRINCIPLE OF DEVELOPMENT

5.11 The saved policies of the RSS establish a Green Belt around the City of York, but require the inner and outer boundaries to be set as part of an adopted local plan. The City has no adopted local plan at this time that defines inner and outer boundaries, but the 2018 emerging Local Plan seeks to establish these. The site lies at the outer edge of the City's main urban area and, consequently, adjacent to the draft inner boundary of the Green Belt. However, the application relates to an existing building that sits within an established developed and built up area that does not contribute to the openness or purposes of the City's Green Belt. As such, the site has not been considered to fall within the general extent of the York Green Belt, being excluded in the 2005 draft Local Plan Proposals Map and the 2018 emerging Local Plan Proposals Map. The evidence base supporting the emerging local plan supports the exclusion of this already developed area from the general extent of the Green Belt. As a result of the physical characteristics of the site and its policy background, it is considered that the site does not fall within the general extent of York's Green Belt and that, as such, Green Belt policy should not be applied.

5.12 The planning statement submitted with the application sets out the history of York Science Park, which was established in 1991 and comprises numerous buildings of varying size set within 21 acres adjacent to University of York Campus West. Its main aim was to stimulate technology transfer and business development within purpose built facilities, including small start-ups to large internal corporations. It has close links to the University, which is majority landowner, and plays a pivotal role in the technology transfer and business development for the City's knowledge, bioscience and IT base enterprises.

5.13 The application relates to one of the larger buildings within the Science Park that was built for and used by Smith and Nephew for research and development.

The company was one of the first to locate to the park and vacated the premises in 2017. The proposal would result in the loss of the current B1(b) use following occupation by the University of York's Management School and Department of Electronic Engineering.

5.14 The NPPF seeks to build a strong and competitive economy and seeks to ensure the vitality of town centres.

5.15 At a local level, the emerging Local Plan Policy EC1 seeks to provide for a range of employment uses, with a strategic site ST27 (21.5ha) allocated at the University of York Campus East to deliver B1(b) knowledge based businesses and research led science park uses. Draft Policy EC2 requires developers to provide a statement addressing the loss of employment by, firstly, demonstrating that the land or buildings are not viable and, secondly, that it would not lead to the loss of an employment site necessary to meet employment needs. Draft policy ED1 permits a range of specified higher education and related uses on the University's campuses identified on the Proposals Map, to ensure the continuing development of the University, including knowledge base businesses on campus and on the research led science park. The site falls outside the University's campuses as identified on the Proposals Map.

5.16 The evidence base document Employment Land Review 2016 and Update 2017 identifies the demand for land for B1b uses and the high economic score of the allocated expansion to the east of University Campus East for such uses.

5.17 The Planning Statement considers the policy position with regards the proposal. It highlights:

- the successful expansion of the University since formed in 1963,
- limited potential for development on either campus west or the science park,
- the commitment of the University to promoting high value innovation-led business locations,
- the length of time the application building has been empty (since 2017),
- the physical difficulty in occupancy of the current building other than by a single occupier due to its layout,
- the need to accommodate both the York management School and School of Engineering that cannot be met on existing campuses, and
- the employment generating opportunities offered by the proposal (around 250 staff).

5.18 The University is recognised as a major asset to the City and a significant employer itself. The site, whilst outside the east and west campuses allocated on the proposals map, is immediately adjacent and juxta-positioned between the two

and so is ideally placed for a use in connection with the University. The departments are currently located on the existing campuses, but in small spaces within other departments (Engineering within Physics and Management within Law), and so as well as providing suitable space for growth of these departments, space would also be released for the growth of Physics and Law.

5.19 Further information has been sought about any marketing exercise for the building. The agent has confirmed that he is not aware of any marketing exercise being undertaken by the owners prior to the building being offered to the University, but that other approaches had been made to other parties, all of whom were looking at prospects of alternative uses, such as a student housing scheme. He confirms that there is no identified demand for a unit of this size, which was a purpose built facility designed to accommodate a specific end user.

5.20 In light of the above, whilst the loss of employment uses should be avoided, it is considered that the circumstances of this particular building and proposal addresses the general policy objection to loss of employment.

LANDSCAPING AND TREES

5.21 The NPPF seeks in paragraph 127 effective landscaping to create a visually attractive development that adds to the overall quality of the area and at paragraph 170 planning decisions that contribute to and enhance the natural and local environment. Draft Local Plan policies reflect these aims.

5.22 A protected woodland lies adjacent to the eastern and southern site boundaries. There are no plans to impact this woodland other than pruning works. It is proposed to remove 33 existing trees that are outside this woodland, many of which are within the landscaping strip along Church Lane. This is in order to improve the connection and permeability between the building and its frontage with the street; an element of replacement planting will be provided elsewhere within the site. It is acknowledged that the tree planting is dense and overshadows the building, some of the species are not worthy of retention and the higher category or larger trees are to be retained. It is also noted that these trees are currently not protected and so could be removed without consent.

5.23 The agent was approached about retaining tree T26, which is a large False Acacia that sits on the street frontage and the silver birches within the car parking area. The agent has confirmed that the retention of T26 is problematic as it is planted on a raised bund, which is required to be removed to create level access thereby affecting its root system and because it creates a dense barrier that overshadows the building. The silver birches are currently constrained by concrete

manhole rings which limits their future potential and therefore replacement planting in new tree pits is seen as a preferred approach.

5.24 On balance, taking into account the need to carry out works to unchecked landscaping, the retention of visually important trees and the replacement with suitable landscaping, the proposal would accord with the aims of national and local planning policy.

PARKING AND HIGHWAY SAFETY

5.25 The NPPF encourages development that is sustainably located and accessible. Paragraph 108(b) requires that all development achieves safe and suitable access for all users. It advises at paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Further, paragraph 110 requires development to, inter alia, give priority first to pedestrians and cycle movements and create places that are safe, secure and attractive. Policy T1 of the 2018 emerging Local plan supports the approach of the NPPF in that it seeks the safe and appropriate access to the adjacent adopted highway, giving priority to pedestrians and cyclists.

5.26 The site is within a sustainable and accessible location being within walking and cycling distance of Campuses East and West and close to public transport routes between the campuses and the City Centre. Increased pedestrian access to the building is proposed, including onto Church Lane (to the café) and via the glazed link to the annex building. The existing vehicle accesses from Church Lane would be retained and reused. The northern entrance leads to the main car park for staff and students, with the southern access for delivery vehicles. Car parking is proposed to be reduced from 244 spaces to 147 spaces to allow for the increase in usable public space and public realm enhancements. Further details of cycle parking is required to cater for the number of likely students, which could be covered by condition. Overall, the proposal would accord with national and local planning policies.

DESIGN AND VISUAL AMENITY

5.27 Chapter 12 of the NPPF places great importance on good design to create better places to live and work. In particular, paragraph 127 of the NPPF states that planning decisions should ensure that development, inter alia, adds to the overall quality of the area, is visually attractive and has a high standard of amenity for existing and future users. This advice is reflected in Draft Local Plan policies GP1 of the 2005 Draft Local Plan and D1 of the 2018 Draft Local Plan.

5.28 The proposal is supported by a Design and Access Statement, which sets out the proposals in detail and includes a sustainability statement. The latter statement refers to the substantial energy savings that the conversion of the building would allow compared to the continued operation of the existing building, with the target being BREEAM very good. As part of this BREEAM assessment, the submitted ecology report and flood risk assessment both seek to achieve credits through mitigation measures put in place during construction and conversion works.

5.29 The physical changes proposed to the existing building as part of its re-use largely involve internal alterations, but there are also external changes to the exterior elevations of the building and its associated curtilage. New detailing is proposed to match the design of the existing building. Replacement soft and hard landscaping and new street furniture is proposed, which would improve the appearance of the site and be sympathetic to the context of the science park. Therefore, the proposal would create a well-designed environment that is suitable for the proposed uses but also congruous with the local surroundings.

6.0 CONCLUSION

6.1 The proposal relates to the re-use by the University of York of an existing B1b research and development building on York Science Park adjacent to University of York Campus West. It has been vacant for around 2 years. The re-use is considered to be acceptable despite the loss of a straight employment use, given that the new occupier is a major employer, that alternative allocation of B1b land is proposed as part of the emerging local plan adjacent to Campus East to meet the City's needs, that there is limited capacity on the existing campuses and that the building was built for a single user. Whilst established trees would be removed, none are protected, some larger trees are to be retained on the roadside frontage and replacement planting is proposed. The site is sustainably located and accessible, though further details of cycle parking are required. There would be no harm identified to the visual amenity of the surrounding area.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

2017-199-0051 Proposed Location Plan dated 13.8.19

2017-199-0052 Proposed Site Plan dated 13.8.19

2017-199-0070 Proposed GA Ground Floor Plan dated 13.8.19

2017-199-0071 Proposed GA First Floor Plan dated 13.8.19

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2017-199-0072 Proposed GA Second Floor Plan dated 13.8.19
2017-199-0075 Proposed Elevations dated 8.8.19
2017-199-9100 Rev.A Landscape Proposals General Arrangements dated 4.7.19
TPP01 Tree Protection/Removal Plan dated 9.8.19
SAN-BWB-DDG-XX-DR-D-500-S1 P2 Proposed drainage alterations dated 13.6.19
SAN-BWB-DDG-XX-DR-D-506-D2 T1 Drainage details dated 25.6.19

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

3 The development hereby approved shall be carried out in full accordance with the Arboricultural Method Statement contained in the Arboricultural Survey Report Revision A (August 2019) by Smeedon Foreman, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to protect the protected woodland and those trees to be retained as part of the scheme.

4 The landscaping scheme shown on approved drawing 2017-199-9100 Rev.A Landscape Proposals General Arrangements dated 4.7.19 shall be implemented within a period of six months of the building coming into use. Any trees or plants which die within a period of five years from the completion of the development, 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: In the interests of the character and appearance of the area.

5 The development hereby approved shall be carried in full accordance with the conclusions and recommendations of the Ecology Report ref.037-19 RE01 V1 (dated 15.8.19) by bl-ecology, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that there is adequate consideration to and protection of biodiversity during works to the building and site.

6 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

7 Details of secure and covered cycle parking within the site shall be submitted to and approved in writing by the Local Planning Authority and thereafter provided prior to the building coming into use. These areas shall not be used for any purpose other than the parking of cycles.

Reason: To promote use of cycles thereby reducing congestion on the adjacent roads and in the interests of the amenity of neighbours.

8 Before occupation of the development, 8 Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Council (active provision). In addition, a minimum of 8 additional parking bays should be identified for the future installation of additional Electric Vehicle Charging Points. Such additional bays should be provided with all necessary ducting, cabling and groundwork to facilitate the addition of Electric Vehicle Charge Points in the future, if required (passive provision). The locations of these additional bays should also be agreed in writing by the Council. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Management Plan that will detail the management, maintenance, servicing and access arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

Notes:

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. The exact specification is subject to agreement in writing with the council.
- Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this.
- All electrical circuits/installations shall comply with the electrical requirements in force at the time of installation

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the
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requirements set out within the National Planning Policy Framework (paragraph 38) 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:

- Further confirmation sought about marketing of building;
- Further details sought about implications for University of provision of further departmental accommodation;
- Request for retention of large tree on site frontage and smaller birches within the car park.

Contact details:

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