

## COMMITTEE REPORT

**Committee:** East Area                                  **Ward:** Wheldrake  
**Date:** 19 December 2007                              **Parish:** Elvington Parish Council

**Reference:** 07/02015/FULM  
**Application at:** Brinkworth Rush Elvington Airfield Network, Elvington York YO41 4AU  
**For:** Erection of new production and warehouse building with car park extension (resubmission of 06/02059/FULM)  
**By:** York Mailing Limited  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 19 November 2007

### 1.0 PROPOSAL

1.1 Planning permission is sought for the erection of a new 2322sq.m production and warehouse building at York Mailing, Brinkworth Rush, approx. 1 mile to the west of the Elvington Airfield Industrial Estate. It also includes a reconfiguration of the site to include a car park extension. The business specialises in high volume printing, primarily for the retail and financial services sectors.

1.2 The site is in the Green Belt.

1.3 A large area of woodland behind the existing main building has been removed to make way for the proposed development prior to the application being submitted. This was done legitimately following the granting of a felling license from the Forestry Commission and includes replacement woodland planting covering an equivalent area.

1.4 There is also a pond and a small population of Great Crested Newts within the area proposed to be occupied by the new development and part of the application is to relocate this pond and habitat.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

2.2 Policies:

CYGB11  
Employment devt outside settlement limits

CYGB1  
Development within the Green Belt

CYNE2  
Rivers and Stream Corridors, Ponds and Wetland Habitats

CYNE6  
Species protected by law

CYGP4A  
Sustainability

CYGP1  
Design

### **3.0 CONSULTATIONS**

#### **3.1 INTERNAL.**

#### **3.2 Highway Network Management.**

The proposed development would nominally double the size of the production unit / warehouse and would increase the workforce by only 30 persons from a base of 180 persons.

The site is not in a sustainable location in that it is approx. a mile from the nearest main road where bus services are approx every two hours and the nearest population centre, Elvington, is approx. 2 miles away.

The new car parking arrangements would cater for 67 cars.

It is not proposed to object to this application although it is not considered feasible to extend the public transport services into the site as it would detour the sparse service by approx. 2 miles. The operation is a continuous 24hr / 6 1/2 day process and therefore for the most part outside the operating times of the local bus service. However, the works have a well established workforce from around the local area and it is thought likely that some informal car sharing is already practiced but should be further encouraged by the inclusion of a suitable condition.

Cycling to work is considered largely impracticable and might only be feasible for employees who reside in Elvington in daylight / summer months due to a lack of street lighting on the B1228 and the distance involved but nevertheless it should be encouraged by the provision of covered and secure storage facilities for at least 12 cycles. 2 conditions are recommended including the requirement to submit a full company travel plan prior to the new building coming into operation.

#### **3.3 Ecology Officer.**

Although this application is slightly different to that previously discussed for this site, in ecological terms, the impact is the same and it was with great pleasure that I read the wildlife reports submitted with the application. These are thorough and provide all the information that is required and I agree with all the recommendations made.

The woodland itself is young with a limited understorey and almost no ground flora. As such the impact of its loss is much reduced and should largely be compensated for by the provision of additional native woodland planting. The location of the badger

sett is such as to be outside of any requirements for licensing and should also have a limited impact, even for foraging. Similarly for bats, the likelihood of there being a roost in the trees is small and the loss of dense young woodland, particularly in the centre of the wooded block, is also limited as the primary foraging areas will be on the edges and in more open rides. The loss of the oak and pond will have some effect but is likely to be very limited and compensated for in the longer term by the additional habitat proposed to be created adjacent to the existing Site of Importance for Nature Conservation (SINC).

The impact on birds will also be very limited and compensated for by the additional habitat created. Felling should be carried out in the winter prior to development starting so that there is no interference with breeding birds. This will fit in with mitigating for bats as well. If possible, if consent is granted then recommend that replacement planting is carried out in the first planting season following consent so that the new woodland is establishing as soon possible.

With regard to Great Crested Newts (GCN), concur with the findings and would agree that the population in the pond to be filled in is small and that the surrounding habitat is marginal. As such the mitigation proposed will adequately compensate for this loss and will provide a much better habitat for the local population. It will also considerably enhance the value of the nearby SINC by increasing the extent of the wildflower grassland and providing additional, and better wildlife ponds. The implementation of the pond infilling as a later phase will also enable the new habitat to be established prior to any relocation needing to be done.

Would recommend though that the habitat creation is implemented prior to any development work starting to give as long a period as possible for it to be established before it is required. The GCN guidelines suggest a year and so if this application is approved this year, then work should start immediately on the pond creation. One thing I would include though within their mitigation proposals is for the creation of suitable hibernacula for newts both within the remaining woodland and adjacent to the new ponds. An additional pond, or locating one of the two ponds proposed into the SINC area close to the existing landfill area would also be beneficial by providing a closer link to the known breeding pond and thus enhancing the habitat potential for the development of a good meta-population.

With regard to the wildlife enhancement/mitigation proposals, there will also be a need for subsequent management as this is as important as the creation. There would therefore also be a requirement for an agreed management plan. All of the above points can be covered by conditions.

Overall, in wildlife terms, the benefits to wildlife in this area far outweigh any losses and, other issues aside, would certainly be happy to support it.

#### 3.4 Landscape Officer.

The area of woodland has been legitimately removed under a felling licence from the Forestry Commission prior to this application being submitted. This includes replacement woodland planting covering an equivalent area.

In terms of visual and landscape impact, the new development would be almost completely screened by the remaining woodland and hence would not be detrimental

to the open character of the greenbelt. The development site is also distant and not visible from any residential centres.

Nonetheless, I am concerned that a precedent might be set, whereby further woodland removal could occur under the same argument, resulting in a gradual depletion (or shifting by way of replacement planting) of the existing woodland. At a time when regionally and locally an increase in woodland is being promoted, the local authority should be looking to increase areas of woodland (particularly mixed woodland) rather than merely maintaining the status quo through replacement planting. Therefore should this development be allowed within the greenbelt I think compensatory measures should result in woodland gain, rather than mere replacement in an area that would have been planted up anyway.

Retention of existing woodland and increasing woodland cover is now encouraged within DEFRA's 'A Strategy for England's Trees, Woods and Forests', and in the 'Regional Forestry Strategy' for Yorkshire and the Humber region.

The existing remaining woodland and other copses/small areas of woodland in the local area, are part of the character of the landscape as seen within long distant views from the network of roads and public rights of way. The 'York Landscape Appraisal' by Environmental Consultancy University of Sheffield (ECUS) encourages planting of new broad-leaved woodland and the appropriate management of existing broad-leaved woodlands to ensure that they continue to make a valuable contribution to the character of the landscape (character type 4).

### 3.5 City Development.

The site is within the Green Belt and so Local Plan policies GB1 and GB11 need to be applied. In terms of GB1, the proposed development could satisfy points a)-c) as it is within a wooded area and would therefore be screened from the open Green Belt and as it is a fair distance from the City of York, it is unlikely to prejudice the setting and special character of the city. However, the proposed use is not identified as being appropriate development in line with PPG2. The applicant has suggested that the evidence provided indicates that the proposed development could be approved under special circumstances because of its benefit to York's rural economy.

The proposed parking area for 59 cars would require a large area of hard standing that would impact negatively on the character of the Green Belt and surrounding landscape.

Policy GB11 applies directly to proposed employment developments outside settlement limits. The proposal does not comply with a) as it does not involve the re-use of an existing building and the proposed new building is as large as the existing building and can not therefore be classed a "small scale extension". The applicant states that the business does make a contribution to the rural economy however, it needs to be decided whether this factor outweighs the importance of Green Belt.

### Sustainability/Accessibility

The location of the proposal, in a rural area of the city, away from public transport routes and not within easy walking distance of any settlements, is not sustainable

and does not comply with policy GP4a. The Design and Access statement states that it is not feasible to devise a travel plan in view of the dispersed catchment and pattern of working; this confirms the poor location of the proposal.

The proposed extension of the business could mean an increase in the number of HGV trips which again, due to the location, would not contribute to the Council's overall sustainability targets.

### 3.6 Environmental Protection Unit.

The existing factory is a print works which is regulated by a permit issued by EPU under the Pollution Prevention and Control Act 1999. The permit has conditions on it which regulate emissions to land, air, water, noise, waste production, raw material usage, heat and energy usage. It is likely that the proposed building would also fall under the requirements of this legislation and so the operator would have to seek a variation to their permit to accommodate the new building, should the operator fail to apply for such a variation there is enforcement action available to this unit for failure to comply with the provisions of the Act. Therefore this unit has no objection to make to this proposal as there are no receptors nearby and the pollution legislation places strict requirements on the applicant. Should permission be granted a condition to control any suspect contamination found on the site during work is recommended.

### 3.7 Elvington Parish Council.

No objections.

### 3.8 Third parties.

2 items of correspondence received. However, one of these is from Solicitors representing the owners of the adjacent land and relates to land ownership issues, in particular the claim that part of the land shown to be developed is not within the ownership of the applicant, nor is land from which access will be taken. However, this is a legal matter between the two parties and is not a planning issue. Even if planning permission were to be granted, this does not supersede rights of ownership. If the parties cannot reach an agreement on this then the planning permission could not be implemented.

The 2nd letter made the following comment:

i) Object due to the increase of HGV's on the B1228. The B1228 is not maintained to a satisfactory level by York Council, therefore an increase in traffic will only deteriorate the road to an unacceptable level.

## **4.0 APPRAISAL**

### 4.1 KEY ISSUES.

- Green Belt
- Highways and Sustainability.
- Habitat protection.

4.2 The key issue here is relates to the location of the site in the Green Belt. There are no highway or ecology objections raised by officers and members are referred to

their detailed comments at para's 3.3 and 3.4 above. There are no residential properties close to the site and therefore no loss of residential amenity is envisaged.

Green Belt.

4.3 The application site is wholly contained within the Green Belt. The application is for the erection of a new warehouse of approx. 2320sqm adjacent to the existing complex of buildings which occupy a gross floorspace of 5300sqm, an area which includes earlier extensions.

4.4 Key Green Belt local plan policies applicable to this application include GB1 (Development in the Green Belt) and GB11 (Employment development outside in the Green Belt). These policies largely reflect national guidance contained in Planning Policy Guidance Note 2 ("Green Belts") (PPG2). and set out the forms of development that are acceptable in the Green Belt. These include uses in connection with agriculture and forestry, essential facilities for outdoor sport and recreation, the limited extension, alteration or replacement of existing dwellings and the limited infilling or redevelopment of major existing developed sites as identified in local plans. This site is not an identified major developed site. Therefore the proposed development is an inappropriate form of development in the Green Belt as defined by PPG2.

4.5 There is a general presumption against inappropriate development in the Green Belt. Inappropriate development should not be approved except in very special circumstances and it is for the applicant to prove why permission should be granted in these circumstances (paras 3.1 and 3.2 of PPG2). Para 3.2 goes on to say that 'Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations'. Therefore the key test in this case is whether very special circumstances exist which would outweigh this harm.

4.6 Policy GB11 of the draft local plan refers to employment development in the Green Belt and states that this form of development would be appropriate in the Green Belt providing it is for a small scale extension to an existing building. This development almost doubles the size of the existing building and cannot be considered small scale.

4.7 Essentially the very special circumstances advanced by the applicant relate to the ambition to expand the business to the benefit of the local economy. Built around this basic premise is the need to improve existing storage capacity in order to accommodate a new 3rd press which has been ordered and to ultimately separate the production and storage arms of the business. This would consequently make the current operation more streamlined and productive and enable the company to handle an increased turnover. This is considered by the applicant essential for the future competitiveness of the company. They further state that in order to enable the proper operation of the new press, additional paper storage is required and cannot be provided within the existing buildings as they are already over-utilised. Off site storage has apparently been attempted previously but has not been satisfactory, resulting in extra traffic movements and poor productivity. The company are

successful and are seeking to expand by installing a third press. It is envisaged that a further 30 people will be employed as a result of the proposed expansion.

4.8 The applicant states that the presses occupy a large floor area, each press being approx. 50 metres long, 5 metres wide and 5 metres high. The machines have a high capacity. The paper required is supplied in tonne rolls and therefore must be in the vicinity of the rear end of the machine. Following printing, the printed sheets then pass through to the finishing department for trimming, folding and binding and this is currently creating a bottleneck as pallets of paper have to be stored waiting to be processed. Despite occupying floorspace of over 5000sqm the applicant states that paper is currently stored where available space allows and from photographic evidence submitted with the application, and from having visited the site, it is certainly the case that space seems quite short with pallets stored across the building. Plans have also been submitted to show the route that fork lift trucks take within the building and this is acknowledged to not be as productive as perhaps it could be.

4.9 The important question however is whether the above constitutes very special circumstances which would outweigh the harm by virtue of the inappropriateness of the proposed new building. In its own right, the expansion of a business and the creation of new jobs, whatever the benefit this may have on the local economy, would not normally constitute very special circumstances, nor would the fact that a business is not as productive as it could be due to a lack of proper storage space. However, there are several other issues that must be considered in this case. As well as the above, the health and safety issues associated with the existing arrangement and the impact this currently appears to have on productivity must be considered and the impact this may have on the long term future of the business, given that it employs 180 people. Even if the lack of space argument is accepted, the key question still remains as to whether the building proposed needs to be so large.

4.10 The supporting text to Policy GB11 recognises that established industrial / business operations already exist within the open countryside around York and these make a contribution to the local rural economy and it is generally accepted that small scale expansions of existing buildings could be acceptable as an alternative to relocating to a larger site or premises elsewhere. Although this development is certainly not small scale, this has to be weighed against the fact that the type of business operated from this building cannot be easily relocated due to its size and the industrial processes involved. It is unlikely that there are any other existing sites within the York area which could accommodate this use either in terms of size or potential impact on amenity. Given the stated constraints under which the site is currently operating, the applicant has indicated that the business may have to relocate elsewhere, with the company's other site in Northampton being cited as a possible alternative.

4.11 The Council have asked for information to prove that the proposed building needs to be as large as shown and some justification for this has been submitted including photographs, a written justification and internal diagrams of the building. Whilst the building does appear very large, a reasonably compelling case has been put together and in the absence of an intimate knowledge of the printing industry it is

difficult for objections to be raised on these grounds. However, it is clear that the new building is linked as much to expansion plans as it is to making the existing operation more streamlined and productive. If this was the only requirement then it is unlikely that a building of this size would be required. As previously stated, large scale expansion of existing businesses is not in itself a reason that would constitute 'very special circumstances'.

4.12 However there are a range of issues which need to be considered in this case including the future of the plant, the safeguarding of existing jobs which support the local economy, health and safety concerns associated with the existing arrangement and the fact that relocation of this well established business within the York area would be almost impossible given the amount of land required. Having a storage use offsite is also not considered a feasible option. Having visited the site, it is clear that there is a storage problem within the existing building which is impacting on the proper functioning of the business as well as an occasional backing up of lorries on the access road down to the site, another issue which would be improved if this development went ahead. Therefore, officers consider that on balance there is justification for a development of this type that would amount to very special circumstances.

4.13 Having established a need for an extension, the next assessment has to be whether the size of the building is commensurate with the alleged need and this is a finely balanced argument. Whilst it has to be acknowledged that the development is large scale, the information submitted regarding the amount and size of the paper reels required to feed the presses and the industrial process subsequently undertaken appears, on balance, to justify the size of the building proposed.

4.14 Whilst in itself not an issue when assessing harm by inappropriateness and the consideration of very special circumstances, the proposed new building will be behind the existing building in a space left by the felling of part of the adjacent woodland. Remaining woodland remains on the far side of the building to the north. The new building will therefore not be clearly visible from any public views. In this regard it is considered that impact on the openness of the Green Belt would be limited.

#### Habitat Protection.

4.13 The loss of the woodland was agreed by the Forestry Commission through the granting of a felling license back in 2005 and this felling has already taken place. It is believed that a condition of that approval was the replanting of a similar area of trees elsewhere, believed to be close by on the site of a former landfill site. Notwithstanding the comments of the Landscape Architect that such a development should ideally result in woodland gain, this is not in the control of the Local Authority as the decision to fell the trees was taken by another body under the terms of their own legislation.

4.14 The pond standing within the application site is to be relocated and the resident Great Crested Newts relocated in accordance with an agreed mitigation scheme. The detailed comments of the ecology officer are at para.3.4 above but no objections are raised as the replacement pond and habitat is considered to be an improvement over the existing situation. The only real issue with this is the timing and details of



how this relocation will be managed and conditions are recommended to control this. Further information is awaited on this matter before the wording of conditions can be finalised and this will be updated at the meeting.

Sustainability.

4.15 The site is in an unsustainable location with no public transport connection and as commented by the Highways officer, no realistic connection to the local bus service. Was this not an existing established use then this would have been a key issue which given the size of the enterprise would have given officers significant concerns. However, given that the use is mainly a consolidation of the existing enterprise there is already a quite a lot of traffic using the road, including HGV's. Although this development will lead to some expansion of the company with a potential extra 30 staff employed, officers consider that any anticipated increase in traffic is unlikely to be so significant as to warrant refusal on sustainability grounds. As for the construction of the building, the application was submitted prior to the recent sustainability guidance being adopted by the Council. A standard BREEAM condition is therefore recommended.

## **5.0 CONCLUSION**

5.1 The proposed new building is large and constitutes inappropriate development in the Green Belt and is therefore by definition harmful to the Green Belt. In such circumstances the onus is on the applicant to prove that very special circumstances exist which would outweigh this harm. The main reasons offered by the applicant to prove this are the need to improve the productivity of the business by overcoming existing problems with capacity, in particular with regard to storage and the need to expand what is a successful business.

5.2 The creation of additional jobs and the impact this will have on the economy, whilst welcome, is not generally a reason in itself that would constitute very special circumstances. However, it is the opinion of officers that the expansion will also lead to the consolidation of the existing business and jobs, which otherwise could be threatened and this is considered to be a material consideration. There are also clear issues with existing productivity and storage which could be improved and this can probably only be effectively resolved by extending the building.

5.3 There is a significant issue over the size of the proposed new building but the applicant has submitted information in support of this and it is difficult for officers to question this perceived operational need. Therefore, whilst it is a finely balanced argument, officers consider that the applicant has demonstrated that, for a combination of reasons outlined above, very special circumstances do exist which outweigh the harm by inappropriateness and that planning permission should be granted.

5.4 If members were minded to approve the application, it must be referred onto the Sec. of State as the proposal constitutes a departure from the Development Plan as the building is over 1000 sq metres and is deemed to be inappropriate development in the Green Belt. Under the terms of the Green Belt Direction January 2006, this requires referral.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

- 5747 (SK) 03 Rev. D
- 5747 (SK) 04 Rev. B
- 5747 (SK) 05 Rev. B

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.

3 VISQ1 Matching materials

4 HWAY18 Cycle parking details to be agreed

5 The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles 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.

6 Prior to the occupation of the site, a full company travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site. Within 12 months of occupation of the site a first year staff travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly staff travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason. To ensure the development complies with advice contained in PPG13 - Transport, and in Policy T20 of the City of York Deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with the provision of parking on site for these users.

7 Any suspect contaminated materials detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further

development of the site.

Reason: For the protection of human health and the wider environment.

8 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development unless otherwise agreed in writing by the Local Planning Authority. Prior to the commencement of any works on the site, the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and the standard to which this relates.

Reason: In order to ensure that the proposal complies with the principles of sustainable development

## **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 Green Belt, the protection of protected species and sustainability. As such the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB11, NE1, NE2 and NE6 of the City of York Draft Local Plan incorporating the 4th set of changes approved April 2005.

#### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer

**Tel No:** 01904 552405