

## DELEGATED REPORT

**Committee:** East Area  
**Date:** 11 December 2008

**Ward:** Osbaldwick  
**Parish:** Murton Parish Council

**Reference:** 08/00785/FUL  
**Application at:** House Of James Stamford Bridge Road Dunnington York YO19 5LN  
**For:** Change of use from Class B8 (Storage and Distribution) to the conversion and customising of car and light commercial vehicles on land at  
**By:** House Of James Transport Ltd  
**Application Type:** Full Application  
**Target Date:** 22 May 2008

### 1.0 PROPOSAL

1.1 The application is for a change of use from warehousing to a use which involves the conversion and customising of cars and light commercial vehicles for specific customers uses. Such a use is considered to fall within the B1c (Light Industry) or B2 (General Industrial) use class of the Town and Country Planning Use Classes Order. The buildings in question form part of a complex known as St James Business Park which is located on the northern side of Stamford Bridge Road between the Grimston Bar roundabout and the junction with Dunnington village at Church Balk. The buildings in question offer 1330sqm of floorspace.

1.2 The buildings were originally used in connection with agricultural storage and an office block and additional warehouses were added in the late 1990's. The change of use to B8 was granted in 2003. Two of the three buildings have been vacant for some time and the 3rd building has some long term storage use which is only very occasionally used. There is no employment associated with any of these uses. House of James Transport Hauliers (owners of the site) have partially occupied the building on a temporary basis recently although their main operation is based at the Elvington Airfield Business Park.

1.3 Access is via a private roadway off Stamford Bridge Road. There is car parking provision within the site around the buildings.

1.4 The site is in the Green Belt.

1.5 The applicants currently occupy a unit at Hessay Industrial Estate. The nature of the business is based around the installation of parts and the conversion of car and light commercial vehicles (up to 3.5 tonnes) to fit customer requirements. This also includes cars and light vans intended for police use. The main reason for this relocation is one of site security, especially given the work on police vehicles. This site is secure when not in use as it provides a secure gated area enclosed by palisade fencing.

1.6 The supporting statement submitted by the agent and subsequent information submitted from the applicant describes the key aspects of the operation to involve the installation of plylining (protecting body sides), bulkheads, roof racks and bars, racking and shelving, communication equipment, lighting and beacons. Vehicles are delivered straight from the manufacturer, are fitted out as required and delivered to the end user.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

### 2.2 Policies:

CYGP1  
Design

CYGB1  
Development within the Green Belt

CYGB3  
Reuse of buildings

CYE3B  
Existing and Proposed Employment Sites

CYGP4A  
Sustainability

CYGB11  
Employment devt outside settlement limits

## **3.0 CONSULTATIONS**

INTERNAL.

### 3.1 Highway Network Management.

No objections subject to conditions. Note a contradiction between site plan which shows 25 spaces and the application form which says 15 spaces. The spaces are not formally laid out and the area has included some informal open storage of pallets in the past. Note however that given that the nature of the proposed business involves modifying customers' vehicles then these additional spaces may be required for these.

Site is well served by a 6 metre wide, straight and surfaced access and within the general site area there is ample space for manoeuvring all classes of commercial vehicles.

The application gives details of a specific user but the description is for general change of use to B1c and B2. Suggest a "use specific permission" as a general permission for industrial use might have more onerous highway implications which could prove difficult to control in any future changes.

### 3.2 Environmental Protection Unit.

No objections subject to a restriction on working hours and noise outside of the site boundaries.

### 3.3 Economic Development Officer.

Consider the key issue here to be that the building is remaining in an employment generating use. Numbers employed in warehousing can vary considerably (usually low however) but the proposal provides for 9 jobs and potential for the future. No objection on economic development grounds.

## EXTERNAL

### 3.4 Murton Parish Council.

#### Object.

- Consider it to be an inappropriate use of these premises. The site is in Green Belt and open countryside and is totally unsuited to a change of use to B1c and B2.
  
- If this applicant vacates the site this could lead to other occupiers in the future creating more noise, pollution and also possibly operating for longer hours. Once the classification has been changed there is no control within this classification. Tenants would be better sited on one of the many industrial sites around the city.
  
- Will result in an increase in traffic using the site on and off the A166, a busy trunk road. Visibility to the west is restricted.

### 3.5 Neighbours and Third parties.

1 letter has been received from the owner of Hope Cottage, the property adjacent to the entrance to the site by the A166. This makes the following observations:

- i) Concerned over possible increase in noise from the proposed change of use. Would not wish there to be any increase in noise levels at Hope Cottage.
- ii) Would like to see the proposed use limited to that described in the application so as to ensure that it is not the first step towards a different change of use.

## 4.0 APPRAISAL

### 4.1 KEY ISSUES:

- Green Belt
- Employment uses.
- Sustainability
- Residential amenity.

#### Green Belt.

4.2 The site is in the Green Belt. National guidance is contained in Planning Policy Guidance Note 2 (PPG2) ("Green Belts") and this establishes that the re-use of buildings can be an appropriate form of development in the Green Belt. This is providing that it does not have a materially greater impact than the present use on the openness of the Green Belt, strict control is exercised over any extensions proposed or any associated uses of land surrounding the building e.g.: storage, extensive hardstanding, car parking etc, the buildings are of permanent and substantial construction and their form, bulk and general design are in keeping with their surroundings. This advice is reflected in Policy GB1 of the Draft City of York Local Plan which states that the re-use of buildings is an appropriate form of development in the Green Belt and Policy GB3 (Re-use of buildings) which reiterates this

and further states that the site should already have a clearly defined curtilage around the site in question. Policy GB11 (Employment Development outside settlement limits) states that planning permission will only be granted for new industrial and business development in the Green Belt where a) it involves the re-use or adaptation of an existing building and b) it provides a direct benefit to the rural economy.

4.3 This application is for a change of use only. No extensions or alterations to the buildings are proposed. There are no policies which preclude, as a matter of principle, this type of use in the Green Belt and Policy GB11 states that such a use is acceptable providing that it involves the re-use of an existing building. The main issue here therefore is to consider whether the reuse has a materially greater impact than the present use on the openness of the Green Belt. There is no additional hardstanding or car parking proposed nor is any outside storage of materials proposed. Therefore, the proposed use is taking place within the confines of the existing building and officers consider that it represents an appropriate form of development in the Green Belt, and that the impact on the openness of the Green Belt should be no greater than existing.

#### Employment uses.

4.4 Policy E3b of the Draft Local Plan is the most relevant employment based policy in that it states that sites in employment use will be retained within their current use class unless there is a sufficient supply of employment land to meet both immediate and longer term requirements, unacceptable environmental problems exist or the proposed use would lead to significant benefits to the local economy. In this case, the proposed use is remaining an employment use, it is simply moving within the employment use class group from a B8 (Storage and distribution) to a use which would fall within a B1c (Light Industry) or B2 (General industrial use). However, planning permission is required for such a change where the size of the building is over 235sqm. Whilst storage and distribution uses are clearly important, there is no evidence of a significant shortage of such uses in the city and the application supporting information states that the buildings in question have remained largely unused for several months generating no employment. Furthermore the buildings in question are relatively modest in size and therefore not very attractive to the storage and distribution market.

4.5 In this regard the proposed change would see the units brought back into use and 9 staff employed on the site, therefore maintaining its employment site status as required by Policy E3b.

#### Sustainability.

4.6 The proposal is re-using an existing building and proposes no new building work. It is recognised that the site is in an unsustainable location but given its extant permission for warehousing, a use which can generate substantial vehicle movements, this impact is likely to be neutral. Officers therefore consider the development to be in accordance with the Council's sustainability policies.

#### Residential Amenity.

4.7 The closest residential property to the site is Hope Cottage. This lies approx. 160 metres to the south east fronting Stamford Bridge Road and immediately adjacent to the entrance to the application site. Some cutting of timber is likely to take place on site in connection with the fitting out of the new vehicles but it is stated that this is confined to a sound proof booth within the building. No objections have been raised by Environmental Protection officers to such work as the distance to the nearest property is considerable. However a condition is recommended to control this and also the hours of operation. Officers consider that this addresses the noise and disturbance concerns raised by the Parish Council and the owner of Hope Cottage.

## Highways

4.8 Highway officers raise no objections on highway safety grounds. The existing planning permission is for warehousing and this has the potential for a significant number of vehicle movements. Vehicle movements in connection with the use proposed here are unlikely to be significant and would not be expected to be materially more than that for a B8 use. Although there is some slight contradiction between the site plan and the supporting statement in terms of parking spaces available, this area is clearly defined within the footprint of the buildings. It is all laid to hardstanding and capable of use for parking purposes and no additional areas are proposed. The control on operating times means that commercial vehicles will not be driving past the entrance to Hope Cottage at unsociable hours. Highway officers have also recommended that the use be specifically limited to the use proposed. The reason for this is that a general permission for industrial use might have more onerous highway implications which could prove difficult to control in the future if left unrestricted. A condition is recommended to reflect this and should also address the other concerns raised by the objectors.

## 5.0 CONCLUSION

5.1 The proposed change of use would reuse an existing building and associated parking and therefore there is no further harm to the openness of the Green Belt over and above any impact the present site may have. The use maintains an employment use at the site albeit an industrial use as opposed to the existing storage and distribution use. However this B8 use has been largely unused for some time and therefore given this and the fairly modest size of the buildings, the Economic Development Unit have raised no objections.

5.2 Officers consider that any potential loss of amenity can be dealt with by the recommended conditions and therefore approval is recommended.

## 6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

- location and site plan.

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 HWAY18 Cycle parking details to be agreed

4 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.

5 Prior to the commencement of the use hereby approved, provision shall be made

within the site for accommodation of delivery/service vehicles in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter all such areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To ensure that delivery/service vehicles can be accommodated within the site and to maintain the free and safe passage of highway users.

6 Before the use hereby commences the sound proof booth as specified within the supporting documents shall be fully installed and operational. No cutting activities shall take place outside of the sound proof booth, and all other noisy activities shall be inaudible at the site boundary. All machinery, plant or equipment and approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be fully maintained thereafter.

Reason: To protect the amenity of the occupiers of Hope Cottage, to the southwest of the application site.

7 The hours of operation, including deliveries and collections to and from the site shall be limited to the following times:

Monday to Friday 08:00 - 18:00  
Saturday 08:00 - 13:00  
Sundays and Bank Holidays No working

Reason. To protect the amenity of the residents of Hope Cottage.

8 The use of the buildings hereby permitted shall be restricted to the uses referred to in the application and as described in correspondence received with the submitted application and in e-mail correspondence received on 8th November 2008 and not for any other use within Classes B1 or B2 in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2005 or as in any further amended order, unless otherwise approved in writing by the Local Planning Authority.

Reason. In order for the Local Planning Authority to control any future uses which may have employment, highway safety or residential amenity implications.

## **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 openness of the Green Belt, loss of employment, sustainability, highway safety and residential amenity. As such the proposal complies with national planning advice in Planning Policy Guidance Note 2: "Green Belts" and Policies GB1, GB3, GB11, E3b, GP1, GP4A of the City of York Draft Local Plan.

### **Contact details:**

**Author:** Matthew Parkinson Development Control Officer  
**Tel No:** 01904 552405