

COMMITTEE REPORT

Committee: Planning Committee
Date: 26 July 2007

Ward: Wheldrake
Parish: Elvington Parish Council

Reference: 06/02578/FULM
Application at: Plot B Airfield Industrial Estate Halifax Way Elvington York
For: Erection of 8 no. business units comprising B1, B2 and B8 uses
By: William Birch And Sons Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 10 April 2007

1.0 PROPOSAL

1.1 Planning permission is sought for the erection of 8no. business units on part of the Elvington Airfield Industrial Estate. This would comprise a mixture of B1 (light industrial and offices) , B2 (General Industrial) and B8 (storage and warehousing) uses. The site is known as Plot B and is one of the last undeveloped sites in the estate and is situated on the southern boundary off Hunter Drive. Access would be from two access points on Hunter Drive.

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:

CYE3A
Standard Employment Allocations

CYE3B
Existing and Proposed Employment Sites

CYGP1
Design

CYT20
Planning agreements

CYGP4A
Sustainability

CYE4
Employment devt on unallocated land

CYNE6
Species protected by law

3.0 CONSULTATIONS

3.1 INTERNAL

3.2 Highway Network Management.

No highway objections in principle but concerned initially at the size of the development and in particular at the speculative nature of the proposal in terms of end users. It is a recommendation of this Council that where developments above a certain size for specific uses are exceeded then that application should be accompanied by a Transport Assessment (TA) or / and a Travel Plan and the normal trigger point for B2 and B8 uses is 6000sqm and for a Travel Plan the trigger point is 50+ employees; this application has a combined Ground Floor area of 4708sqm. Was concerned that the applicant is pursuing B1, B2 and B8 uses. The criteria above which a Transport Assessment is required for B1 uses is 2500sqm and noted that as the size of the units are relatively small they could be more attractive for B1 use rather than industrial/storage use; if therefore there was to be a high uptake of B1 use then both a TA and a Travel Plan would be appropriate. Also expressed concern at the level of parking within the site as it would fall below the level required if the uses were predominantly B1. In this relatively isolated location that is poorly served by public transport and is considered impractical for cyclists other than perhaps for Elvington village itself, it is likely that a large percentage of the workforce would use private cars. It is therefore important that car parking numbers should approach the maximum recommended figure in order to prevent overspill parking onto the public highway network; a phenomenon found elsewhere within the estate.

In response to the above comments the applicant submitted further information which stipulated that based on early tentative enquiries for the site and based on previous experience the emphasis will be on B2 type users for the majority of the units with B8 users for Units 6 and 7. Any use within the B1 category would be restricted to parts b and c only which refer to the Research and Development of products and processes and (c) light industry. This would exclude part 'a' of B1 which refers to all offices other than those falling within Class A2 (Financial and Professional Services) and which is consequently the main traffic generator within the B1 Use Class.

As a consequence of this additional information the highway officer has commented as follows:

The extra data indicates that due to the likely mix of users, it is improbable that more than 50 people will be employed as a direct result of this phase of the development of the airfield industrial estate. The estate overall presently employs considerably more than 50 persons in a variety of businesses but due to the nature of its piecemeal expansion over a number of years, individual applications have either not

triggered requests for Travel Plans or Transport assessments, or policies were not in place that required such considerations at the time of the respective applications. This current application, if considered in isolation, similarly would not necessarily warrant TP's/TA's being submitted due to the overall size of the development and since accurate estimates for traffic and employment are not available due to its speculative nature. The net result is that the site, being remotely situated, is not well served by public transport and is impractical for general cycling access as the only centre of population within comfortable cycling distance of the site is Elvington itself. It is therefore recommended that the application still be subject to a travel plan. Layout should also be amended to improve 'lorry turning' and car parking. 5 conditions are recommended.

3.3 City Development.

Elvington Industrial Estate is allocated within Schedule 2 of Policy E3a in the City of York Draft Local Plan for B2 and B8 use however, the proposed site is only partially allocated as a standard employment allocation, however the majority of the site is not allocated. Policy E4 (Employment Development on unallocated land) supports the use of the land for employment, however in order for it to comply with Policy E3a, some of the land must consist of B2 and B8 uses. The proposal should also meet with the policy requirements of Policy GP4a (sustainability).

3.4 Environmental Protection Unit.

The application is speculative with no definite end user and as such the applicant wishes that the site may operate 24 hours, 7 days a week. This is not of concern to EPU as residential receptors are sufficiently far away from the site to ensure that they are not disturbed by the use. The only area of concern is that of potential contaminated land both due to the previous use of the site itself as part of the military airfield and the impact of the nearby active landfill site. Conditions and informatives should be added to address these points.

3.5 Landscape Officer.

The plant schedule utilises a very appropriate range of species. However the tree and shrub quantities could be increased three-fold, especially given the relatively small stock sizes. As submitted it will not provide sufficient visual impact for the scale of development.

A revised scheme has been submitted and the comments of the Landscape officer are awaited on this.

3.6 Ecology Officer.

This site is immediately adjacent to a known and major Great Crested Newt breeding pond and this has been surveyed on a number of occasions. On the last occasion, 2006, this site was also surveyed by the applicant in conjunction with another development nearby. This survey should be appended to this application however the Council are acquainted with the findings and consider that there is sufficient information to determine the application. Overall the findings indicate that the land is only of marginal interest for Great Crested Newts containing some limited over-wintering hibernacula. Because the area is of such limited value there is considered to be no requirement for mitigation, however, because of the potential for hibernation and movement through the area in order to reach a breeding pond, there is need for

measures to be put in place to protect this species during the construction phase. A condition therefore needs to be appended to any consent requiring a contingency plan to be drawn up.

3.7 EXTERNAL.

3.8 Elvington Parish Council.

No objections but the application should be subject to a review of the available parking spaces in comparison to the anticipated traffic level.

3.9 Yorkshire Water.

No objections subject to 4 conditions relating to surface and foul water drainage.

3.10 Ouse and Derwent Internal Drainage Board.

The site lies within an area that currently has a flow regulation system to protect the watercourses in the area from the development site as a whole. Messrs Birch have provided information to show that this area was within the envelope of the original design for the storage ponds etc but that these ponds were being constructed/ enlarged when the new development came on-stream. Elvington itself has problems with the surface water discharge, as is well known. Therefore as the discharge from the proposed development is to an existing controlled system it should be shown, to the satisfaction of the Local Authority and Internal Drainage Board, that the system can accept the additional discharge without increasing the resulting discharge rate to the receiving watercourse.

3.11 Third Parties. Objections received by the nearby occupiers of Brinkworth Hall and Brinkworth Park House. Reasons as follows:

- application is for 24/7 working hours and the working hours within adjacent plots a and c are restricted to 7.00am to 6.00pm Mon - Fri and 7.00am to 12.00pm on Saturdays. Under Policy E3a, the Business Park appears to have been reclassified as a potential B2 and B8 site but all the existing units on Plot C and Plot A are all restricted to B1 and B8 due to their proximity to residential property.
- No comment made as to ambient noise levels and the application does not offer any noise restrictions. Due to the above restrictions these houses currently experience little disturbance from the business units. Given this request that the development proposed here take equal consideration of its proximity to residential property and therefore request that planning permission is limited to the times and categories outlined above in line with all other existing development on the park.
- An application for a B2 facility was previously unsuccessful on Plot C.
- Noise restrictions should be maintained within the low levels of the existing ambient noise levels experienced from the Industrial Estate, especially at night and weekends.
- Concerned about the extra volume of traffic as Halifax Way is already heavily used, with no speed restrictions and this emerges onto what is essentially a country road. This should be kept in mind.

4.0 APPRAISAL

4.1 KEY ISSUES.

- Highways and Parking.
- Scale and design of the units.
- Impact on neighbours.

4.2 The whole site is within the area shown to be within the boundaries of the Elvington Industrial Estate although only part of it is an allocated standard employment site. The remainder of it is unallocated because much of the site was previously developed with former buildings, most of which have been demolished. The implications of this are that part of the site area is covered by Policy E3b of the draft local plan, therefore the development must consist of some B2 and B8 uses. Land unallocated would fall within Policy E4 which supports the general use of the land for employment without stipulating specific use classes. However, all the site is within the Elvington Industrial site boundaries where historically development has consisted mainly of B2 and B8 development. The applicant has applied for B1, B2 and B8 uses and but with the B1 uses restricted to subsections b and c. This would exclude all office type accommodation and restrict the use to light industry and the research of industrial processes. Although, on the whole the application remains largely speculative with no end user identified the general principle of industrial units on this site is acceptable, subject to details and standard Development Control issues.

Highways and Parking.

4.3 The detailed comments of Council Highway Officers are at Section 3.2 of this report. Officers had initial concerns based on the set of plans and information originally submitted with the application and given the somewhat speculative nature of the proposal. The highways officer identified issues of concern particularly if there was a high takeup of B1 uses and which consequently may have required a full Transport assessment to be carried out. However, the applicant has confirmed that the majority of the end users will be within Classes B2 and B8 (in accordance with Policy E3b) and confirmed that subsection 'a - offices' of Class B1 is not being sought here. Therefore what would potentially be the highest generator of traffic is excluded from the proposal. It is recommended that this be conditioned so the Local Authority can exercise control over this use in the future. This also means that the extent of the car parking provided would be in accordance with the Council criteria for parking as the uses will be restricted to those which will generate fewer staff and visitor numbers to the site. The additional information suggests that fewer than 50 people will be employed as a direct result of this phase of the development and 71 spaces are provided. This should ensure that there are sufficient spaces for staff and visitors to park within the site without resultant excessive parking on the public highway - a problem that does exist elsewhere within the industrial park, partly due to the unsustainable nature of the site. It is important to control this here as House of James Transport, a Transport Haulier, has premises beyond both proposed entrances to this site.

Scale and design.

4.5 The somewhat speculative nature of the proposal is confounded by the fact that the development is high density with little free space, however in land use planning

terms this is not necessarily an issue here. Officers had initially expressed some concern that the proposal represented an over-development of the site although the proportion of buildings to site area is approx. 50% and this is not unreasonable and is in accordance with other areas of the business park. The units are fairly standard industrial units and are similar in size and appearance to the units recently built close to the entrance off Elvington Lane opposite the entrance to the Air Museum. The site represents the final large parcel of land undeveloped and it is on the southern edge of the site off the road down to Brinkworth Rush. Green Belt land flanks it to its southern and western flanks. Therefore officers have tried to ensure that the site is well landscaped so as to provide some link between the two areas of land. However, this has to be balanced against the fact that this site is within a designated Industrial Park and it is not visible from wider public views. In economic terms it is obviously important to maximise the site's potential. Members will note the comments of the Council's Landscape officer at para. 3.5 which requested improved tree and shrub planting and which will provide sufficient visual impact for the scale of the development proposed. This has been submitted following discussions with officers and the formal comments of the Landscape officer are awaited.

4.6 Impact on neighbours.

A 24 hours unrestricted use is sought and members will have noted the objections from nearby residents in the Brinkworth Hall Estate. This site is approx. 200 metres from the nearest house in the Brinkworth Hall Estate and there are other existing warehouse and industrial buildings between these houses and the application site, two of which have an unrestricted hours use in place. The business park as a whole does have a number of units upon which a restricted hours of operation exists although these are generally along the side boundary with the Brinkworth Hall Estate although one of the largest units along this boundary is unrestricted. Environmental Protection Officers have considered the application and have raised no objections to a possible 24 hr operation from these units due to the distance to the nearest residential houses, even given the low background levels of what is essentially a rural location. It is acknowledged that B2 (General Industrial) is the likeliest generator of noise but even a B2 use at this distance is considered acceptable. Any user would still be bound by legislation in the Environmental Protection Act and would have to adhere with the noise regulations contained therein. This would be enforced by the Environmental Protection Team. The applicant has indicated that based on the experience of the rest of the site it is unlikely that 24 hour operation will be utilised as few firms occupying units of this size operate 24 hours a day. However the application has to be considered on the basis that the opportunity for 24 hour operation will be there. The objectors have also stated that the uses be restricted to those within the B1 and B8 Use Classes but given the comments of the Environmental Protection Officer and the allocation of half the site under Policy E3b which requires some B2 use, officers do not consider this to be appropriate in this case.

Sustainability.

4.7 The location of the site is unsustainable with poor public transport links and so there is an historic reliance on the private car to access this site. However, it is allocated as an industrial park in the local plan and has therefore been identified as a

suitable location for such a use. This is the penultimate phase of the development with only the smaller plot E to be developed close to the Air Museum. There is a standard BREEAM assessment test for speculative industrial buildings (where no end user has been identified) and the applicant is aware of this and at the time of writing this report is undergoing this in order to assess compliance with this rating. They are committed to making the development as sustainable as possible within the BREEAM rating system.

5.0 CONCLUSION

5.1 The site is an allocated site for industrial use in the draft local plan and the uses proposed comply with this. Main issues included highway concerns and neighbour amenity but officers have raised no objections to this. The use within the B1 category will be restricted to sub-sections b and c so precluding office use. Officers are awaiting the final comments of the landscape officer regarding the amended landscaping scheme and some minor alterations to the parking and turning layout suggested by the Highways officer. Subject to this there are no objections to the proposal and officers recommend approval.

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 PLANS1
- 3 VISQ8
- 4 Prior to the first occupation of the site, a heads of terms agreement to be included in a future company travel plans shall have been submitted and approved in writing by the Local Planning Authority. The heads of terms agreement 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 6 months of occupation of the site full company travel plans developed and implemented with national guidance and guidance currently published by the City of York Council shall have been submitted and approved in writing by the Local Planning Authority.

Within 12 months of the occupation of the site a first year staff travel survey shall have been submitted 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 provision of parking on site for these users.

5 HWAY10

6 HWAY19

7 Prior to the development commencing full detailed drawings showing the design and materials for roads, footways, and other highway areas (and which shall comply with the requirements set out in the City of York Highway Design Guide and specification shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any unit which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

8 HWAY31

9 LAND1

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 7.2 metres, as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

11 No development shall commence on site until the full details of a Great Crested Newt contingency plan and mitigation scheme to offset the possible impact of development have been submitted to and approved in writing by the Local Planning Authority. The plan should include:

- i) A contingency plan of what measures are to be employed to ensure development work does not affect Great Crested Newt.
- ii) The timing of all operations.

All works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

Reason. To take account of and enhance the habitat for a protected for a protected species.

- 12 The use of the buildings hereby permitted shall be restricted to uses within Classes B1 (sub sections b and c), B2 and B8 of the Schedule of 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.

Reason. In order to comply with the draft local plan allocation for this site and no other use is considered appropriate in land use planning terms or in terms of traffic generation.

- 13 If planning permission is to be granted, the following conditions should be attached in order to protect the local environment and YW infrastructure:

The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- 14 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

- 15 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul water discharges take place until proper provision has been made for their disposal.

- 16 No development shall take place until works have been carried out to provide adequate facilities for the disposal and treatment of any waste materials, including trade effluents, in accordance with details to be submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained without damage to the local water environment.

- 17 1. a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This should, where possible date back to 1800

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

e. Any contamination detected during site works that has not been considered within the remedial strategy 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: To protect human health and the wider environment.

- 18 Details of all 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 sound levels ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), 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 the local residents

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 allocated industrial land, highway safety,

ecology , design and appearance and sustainability. As such the proposal complies with Policies E3Ba, E3B, E4, GP1, GP4A and NE6 of the City of York Draft Local Plan incorporating the 4th set changes approved April 2005.

2. Demolition and Construction - Informative

The developer's attention should 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:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site.

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