

1.5 The site is within an existing employment site identified within the City of York Deposit Draft Local Plan incorporating the 4th set of changes, approved April 2005.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP4A
Sustainability

CYNE1
Trees, woodlands, hedgerows

CYT5
Traffic and pedestrian safety

CYE3A
Standard Employment Allocations

CYGP1
Design

3.0 CONSULTATIONS

3.1 INTERNAL.

3.2 Network Management.

There are no highway objections to the principle of this proposed development, however, it is noticed that the development will entail the "stopping up" of two areas of public highway and the diversion of an existing highway drain within the site.

Applicant in discussion with the Highways Authority to discuss this further and revised plans and confirmation of details are awaited. Subject to these details being agreed, no objections. Amended details received 13th Sept following discussion with highway officers and an update on this will be provided at the planning committee.

3.4 EPU.

The environmental protection unit have no objections to this application. A site visit revealed that the area has not been used for a number of years, but has been military land in the past. As a result of this information it is felt necessary to place the

5 point contaminated land condition on this application so that the Council can be informed of the actual historical use of the site and determine further if any contamination is present.

3.5 Archaeology.

Watching brief on all groundworks required. The site lies within the boundaries of the WWII airfield at Elvington, and in an area which has produced extensive crop mark evidence for a late prehistoric / Roman British landscape. This development may reveal features and deposits which must be recorded through a watching brief.

3.6 Landscape Officer.

The recently completed development on the opposite side of the road (plot A ref 02/3100) through much negotiating at the time has ensured the successful protection and retention of trees on and neighbouring the site, resulting in a large development footprint and adequate space around existing trees. The same standard will be expected of this plot. Those few trees that do exist are the only aesthetically redeeming features of the business park.

The species, numbers and stock sizes shown on the Landscape proposals are fine but the locations of some of the trees are incompatible with the proposed highway drain diversion, which requires a 3m easement either side of the proposed drain. Therefore the tree locations need revising to suit. Within these revisions the Council would like to see an Oak planted towards the apex of Whitley Road and Halifax Way, 3m from the edge of the pavement.

This application shows the retention of the third Pine (T3); this is unrealistic given the proximity of the proposed building. Nonetheless, in this instance the Council are happy to concede this, because the Ash is retained and a considerable number of new trees are introduced. Unit 4 should be reduced in width by 2-3m to allow the full root protection area for Pine T4.

It would be more appropriate to manage the existing regenerated vegetation immediately under the protected pine trees, rather than introduce new planting because of the difficulty in cultivating and planting over the rooting zone; the competition for water, plus the shade cast by the trees is not conducive to establishing and maintaining new Heather plants.

It would also benefit the trees and the environment to utilise porous construction for the parking bays (in line with sustainable development principles).

Amended plans to address the above received 14th Sept. An update will be provided at the Committee meeting. Subject to the details in these plans, condition LAND1 and tree protection conditions are recommended.

3.7 City Development.

The site is Plot E of the designated Elvington Airfield Business Park. It is proposed that the proposed business units be used for B1, B2, B8 uses. It is allocated in the local plan as a standard employment site restricted to B2 and B8 uses. It is a schedule 2 employment site which restricts the use of B1. Therefore there is no

policy objection to B2 and B8 uses as this is allocated within the local plan. However, due to problems maintaining the supply of B2 and B8, the site is restricted to this use class, therefore B1 is not permitted.

If the application is for B2 and B8 use alone, there would be no policy objection.

3.8 EXTERNAL

3.9 Elvington Parish Council.
No objections.

3.10 Third Parties.

5 letters of objection received making the following observations.

- Support any objections or suggestions the Yorkshire Air Museum make to this or any future development proposals in the area.
- Against any building or commercial development being built within one mile of the Museum premises.
- Developers are showing a complete disregard for all the Yorkshire Air Museum stands for. It is a memorial to all those who served and gave their lives during WWII and serves as a reminder to visitors how much is owed to these people. It would be sacrilage to destroy this memorial by imposing these commercial buildings on such a sensitive site. There must be less sensitive sites.
- Previous objections still stand. Would be extremely unhappy about any development with access via Whitley Road due to its proximity to the Air Museum entrance. Would not enhance the entrance and having two entrances close to each other, one used by commercial traffic would cause traffic problems.

4.0 APPRAISAL

4.0 APPRAISAL

4.1 KEY ISSUES.

- local plan allocation.
- employment creation.
- visual impact of the development.
- protected trees.
- highway implications.

4.2 Local Plan allocation / employment creation.

The comments of the City Development Officer at paragraph 3.7 of this report are especially relevant to this application. The site is allocated as an employment site in the local plan and therefore the principle of a development of this sort here is acceptable. By virtue of this allocation the Council have accepted that this site is

suitable for an employment use and therefore there can be no objection in principle to industrial units being erected here.

4.3 However the Elvington Airfield Business Park has been allocated only for a B2 (General Industrial) or B8 (Storage and warehousing) use and the applicant has applied not only for this, but also for B1 (Business).

4.4 Due to the constraints placed on the availability of greenfield development sites around York by the existing Green Belt and the effects this has on land values, it is particularly important to ensure that land currently or previously designated for employment uses in Schedule 2 of the local plan are safeguarded for their identified land use. It will be difficult to replace land designated for employment use if this is developed for other uses and therefore any use outside the B1, B2 or B8 classification is not acceptable on an allocated employment site.

4.5 Further to this, some allocated sites are further restricted to just B2 and B8 use and Elvington Airfield Business Park falls within this category. High land values in the City make it difficult to maintain a supply of land suitable for B2/B8 uses and therefore some sites must be maintained in order to encourage such uses.

4.6 However, since this site was allocated for B2 and B8 use (first done in the 3rd set of changes and re-imposed in the 4th set of changes) the Use Classes Order has been amended by the Use Classes (Amendment) Order 2005 and further amended by The Town and Country Planning Act Use Classes Order 2006. There are now three sub-sections to the B1 use and these are as follows:

- a) Offices, other than a use within Class A2 (Financial Services).
- b) Research and development of products or processes.
- c) Light industry.

4.7 Parts b and c are very similar in their classification and generally can be considered together. They offer similar industrial / manufacturing uses to the types one would generally associate with classes B2 and B8 and which the restrictive policy is seeking to achieve. Therefore, providing that the use of the buildings can be controlled to include only parts b and c of Use Class B1, the spirit of what policy E3b of the draft City of York Local Plan is seeking to control can be achieved. Officers are of the view that a suitable condition can be worded that restricts use to those covered by classes B1 (parts b and c) and classes B2 and B8. The applicant has expressed his agreement to this restriction.

Visual Impact / Impact on the Air Museum.

4.8 This is the third application for development of this type on this site in the last two years, the previous two having been withdrawn. In both cases there were a significant number of objections to the development, mostly from the Yorkshire Air Museum and its trustees. The main concerns rested around the impact the development will have on the Museum, both in terms of its setting and appearance and matters of highway safety. This application has been amended significantly as a result of these objections and discussions with the Air Museum. The main changes are to the layout of the units and to the access point into the site. Previously access

was to be off Whitley Road via an entrance immediately adjacent to the Air Museum entrance. The layout of the units were concentrated as a long curve of buildings along the eastern boundary following the line of Halifax Way (the main road through the business park) with a single unit on the southern boundary. In this application, the entrance has been moved to off Halifax Way so that no traffic visiting this site will go down Whitley Road towards the entrance to the Air Museum. The layout has consequently been amended to reflect this with a block of four units now shown adjacent to the southern boundary and a single unit towards the northern end of the site.

4.9 Whilst issues over site layout, access and highway safety are important material considerations, the site is allocated in the draft local plan as an employment site and therefore the principle has already been established through the due local plan process. There is therefore an agreed expectancy on behalf of the Council that this site should come forward as an employment site and that industrial units will be erected on this site. Given this allocation, officers do not raise any objections to the proposed use of the site.

4.10 The main issue is therefore the details of the scheme and ensuring that any development respects its setting next to an important leisure and tourism use and that it doesn't materially harm or hinder the museums objectives, appearance or future, or that of the area.

4.11 The area in question is classified as 'Plot E' within the allocated Elvington Airfield Business Park area and remains the only undeveloped area within this allocation. It is also the most sensitive given its position next to the air museum and at the most northerly end of the site closest to Elvington Lane. It will be the first site one sees when turning into the Business Park onto Halifax Way from Elvington Lane.

4.12 The position of the site is such that there is bound to be some visual impact from any scheme of this kind, however modest it may be. The key issue is to minimize this as much as possible. The most sensitive part of the site is the northern end closest to Elvington Lane and close to the junction of Halifax Way and Whitley Road. Many of the objectors to the previous schemes expressed concerns about the impact of the development on the setting of the entrance to the Air Museum which will put visitors off visiting the attraction. Whilst officers didn't necessarily concur with this view it is agreed that this area is important visually and any proposed development should maintain some openness close to the junction of Whitley Road and Halifax Way, both in terms of basic good design practices and so as to maintain a degree of visual separation between the Air Museum and this site.

4.13 At the moment the site is a largely overgrown, somewhat derelict looking site which is not particularly well maintained. A small storage type building stands close to the southern boundary and this is to be demolished as part of this proposal. The proposed four unit block will occupy the footprint of this storage building although it is acknowledged that the proposed buildings are significantly larger. Other existing industrial style buildings already built on other parts of the business park are clearly visible just beyond this site's southern boundary and to a large extent these frame this site visually when looking from Elvington Lane. This is a material consideration when considering the visual impact of this proposed development.

4.14 The layout has been altered significantly from that previously submitted (see para. 4.8 above) and the majority of the development is now concentrated towards the southern flank of the site immediately north of the industrial buildings that occupy Buccaneer Court. The side elevation of building U3 of Buccaneer Court is clearly visible from Elvington Lane and is seen in conjunction with the Air Museum when driving down Halifax Way. Therefore officers consider that given the existing arrangement of units and consequential views of them, the visual impact of the 4 unit block is not materially any more harmful and the relationship of industrial units to the air museum buildings remains largely the same at that point.

4.15 Unit 5 stands on its own towards the northern end of the site and because of this, will be more visually conspicuous. It is of a similar design and height to units 1-4 but given its position, will be more visible from both Elvington Lane and will be seen more in conjunction with the air museum entrance than units 1-4 and this needs to be considered carefully. It is of standard industrial unit design and is approx. 8 metres high. Part of the first scheme showed the side elevation of one of the units immediately adjacent to the junction of Whitley Road and Halifax Way and this would have dominated the views of the air museum to an unacceptable degree. It was made clear to the applicants that this relationship should be preserved as much as possible so that there is some substantial demarcation between the two sites. Although this revised scheme has altered the layout so it is the more expansive rear elevation (approx. 17 metres in width) that is the more visible, unit 5 has been moved southwards so as to produce a gap of approx. 13 metres between Whitley Road and the building at its most visible point close to the junction with Halifax Way. This reduces to between 5 and 7 metres when measured to the side towards Whitley Road and the Air Museum entrance.

4.16 Whilst acknowledging that such a development will be more visually intrusive (in a built form) than the existing largely empty ground, the site is currently overgrown and not well maintained and therefore even in this form does not offer a particularly attractive entrance to either the industrial site or the air museum. The proposed space between the road and Unit 5 is reasonable and therefore helps to ensure that Unit 5 does not appear unduly dominating at this important juxtaposition between the Air Museum road entrance and the industrial site. It is proposed to plant 8 trees in the area between Whitley Road and the unit, three of which are shown to be heavy duty and including Oak. Grass will be laid as ground cover. This will help to significantly soften the environs around Unit 5. Officers are also of the opinion that a traditional post and rail fence defining this boundary will also help to demarcate the two sites and together with the tree cover should enhance this northern part of the site and result in an appropriate degree of visual separation between the two sites.

4.17 Protected trees.

The landscape architects comments are at para. 3.4 of this report. There are several protected trees within the site. These are 2 Pines in the south east corner and an ash on the eastern boundary about half way up. These will be retained and protected by fencing. A further young pine is growing close to the southern boundary close to the mature protected pines but given the close proximity of Unit 4 to this building, it is unrealistic to keep it. However, the Council's landscape architect has raised no objection to losing this tree given the high amount of new planting which is proposed

elsewhere within the site. An unprotected silver birch close to the western boundary with the air museum is not considered worthy of retention due to the presence of a soft decay pocket close to an old pruning wound low down on the trunk. However, it is vital that the scheme respects these trees and also the number of plant species which have been identified as successfully re-colonising the site. The scheme largely does this successfully and no objections have been raised to this, subject to the receipt of amended plans making the alterations as suggested by the Landscape architect.

Highways.

4.18 The Highway Network Management comments are at Para. 3.2 of this report. The most concern expressed by objectors in the previous applications were over highway safety given that the entrance to the application site is off Whitley Road, the same road from which access to the Air Museum is taken. This has now been altered so that access is off Halifax Way (the main road through the Business Park) and therefore no vehicles visiting this site will now go down Whitley Road towards the Air Museum. An entrance off Whitley Road into this site was clearly envisaged when previous infrastructure work was done because one has been left in place adjacent to the air museum entrance. This consequently needs to be stopped off. Officers are awaiting details of this, the diversion of a drain which runs across the site and some amendments to the visibility splays at the junction of Halifax Way and Whitley Road but subject to these, there are no highway objections to the proposal, subject to conditions. It is hoped that the moving of the entrance to Halifax Way has also overcome many of the main concerns of the previous objectors.

Sustainability.

4.19 The location of the site has 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. It may also provide local employment opportunities so reducing potential travel times for employees. 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 This resubmission addresses many of the concerns expressed over the previous schemes, in particular the position of the access point. This alteration has subsequently resulted in a significant change in the layout of the site and this has resulted in Unit 5 standing in some isolation towards the northern end of the site in relatively close proximity to the air museum entrance. However, there is a substantial distance between the road and the nearest unit and the level of mature tree planting proposed in this area, together with a post and rail fence boundary treatment leads officers to conclude that this will not materially affect this relationship with the air museum. To some degree it will enhance it.

5.2 The proposed uses are in accordance with the allocated use of the site as proposed in the draft Local Plan.

5.3 Subject to the comments of Highway Network Management and the Landscape Architect on revised plans, officers raise no objections to this revised proposal.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME1 Development start within five years

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

Job no: 3708, drawing no's

- L(0) 001
- L(0) 003 Rev C
- L(0)004 Rev B
- L(0)006 Rev B
- 1714/1H

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 VISQ8 Samples of exterior materials to be app

4 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.

5 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 8 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.

6 DRAIN1 Drainage details to be agreed

7 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.

8 LAND1 IN New Landscape details

9 All trees shown to be retained and those subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: -

Prior to commencement on site of demolition, site preparation, building or other development operations, including the importing of materials and any excavations, protective fencing to BS5837:2005 shall be erected around all existing trees shown to be retained. Prior to commencement, the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement,

no disposing of washings, no stored fuel, and no new service runs. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area.

10 The northern boundary of the site with Whitley Road shall be defined by a wooden post and rail fence in a scheme to be agreed in writing by the Local Planning Authority. Details of this and any other proposed means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is brought into use.

Reason: In the interests of the visual amenities of the area.

11 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

Dependant on the finding of the desk study, 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.

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).

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.

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.

12 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

13 ARCH2 Watching brief required

14 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 allocated industrial land, highway safety, ecology, protected trees, design and appearance and sustainability. As such the proposal complies with Policies E3a, E3a.2, GP1, GP4A and NE1 of the City of York Draft Local Plan incorporating the 4th set changes approved April 2005.

Contact details:

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