

**CITY OF YORK LOCAL PLAN
EXAMINATION IN PUBLIC**

**STATEMENT OF CASE
PHASE 3 HEARINGS**

**PREPARED ON BEHALF OF
WILLIAM BIRCH & SONS LTD**



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5 July 2022

MATTER 6 – NON- RESIDENTIAL STRATEGIC SITES

6.1 Is the allocation and associated Policy SS21 relating to ST26 soundly based?

We wish to offer our support in principle for the allocation of additional land at the Elvington Airfield Business Park to provide 25,080 sqm of B1B, B1c, B2/B8 employment floorspace under reference ST26. The Park is an established commercial and employment hub located on the east side of York. There is established demand for the expansion of the business park from both existing and new businesses, which is now confirmed by the allocation of land as an extension to the established business park.

However, we are concerned that insufficient land has been allocated to meet demand on the Park over the life of the Plan. City of York Council is aware of how demand for land at the Park is currently pent up due to the constraint created by the current Green Belt designation. The Council is also aware of the proposed Masterplan for the future development of the Park, as representations have been made throughout the Plan process to explain how the Park is to expand in response to demand. To this end, we have included a copy of the Masterplan under Appendix One, which was first supplied to the Council in June 2014. This shows how development of the Park is expected to roll out to deliver a comprehensive scheme over 15ha to include a mix of commercial uses, landscaping and a pond to serve surface water drainage.

Through the drafting process, the Council omitted safeguarded land and reduced the allocation to exclude phases 3 and 4 of the Masterplan for the Park. In doing so, the Council is constraining demand for space at the Park where demand is high which is evident from regular enquiries for potential occupants.

Over the years, a number of large employers have approached the owners of the business park for land, but the constraint of Green Belt has meant they have located outside York. Companies have had to move outside York due to the main industrial parks being washed over by Green Belt. Having to demonstrate special circumstances and why an exception to Green Belt policy should be made has proved to be too costly and to take up too much time, so businesses have chosen to take the easier option to move outside the York district. A recent example is how the Green Belt constraint meant that Paragon, who had been located on the Park, has now moved outside the district to larger premises. Paragon was an important local employer but also a part of the creative industry that the City of York is eager to capture in order to grow the creative and science industry. Paragon's loss has therefore been a setback for the economy of York.

The same situation could have occurred if the Council had not accepted very special circumstances and granted planning permission for Sheppee International to move from within the business park to part of the proposed allocation under reference 18/02839/FULM. Gaining planning permission secured the existing 48 full-time equivalent jobs for the district (where 85% lived within the York district postcode) and maintained the relationship Sheppee International has had with York over the last 100 years or so. There are, however, other existing and new businesses who wish to move to Elvington but are currently unable to do so because the allocation has not yet been confirmed due to the draft status of the Plan.

We have attached a masterplan under Appendix One for the planned expansion of Elvington Airfield Business Park, which was submitted to the Council in 2014 and 2016 in response to the further sites consultation. It makes clear the extent of land required to accommodate the size of employers expected to move to the Park. The current allocation of land provides less than half the land required to accommodate planned growth at the Park. This is based on known pent up demand from new companies and also space requirements for existing businesses that wish to expand.

It is important to allocate a larger area of land in order to accommodate even just the expansion of existing businesses on the Park who wish to move into larger premises. If their expansion is not accommodated then they will simply move out of York, just as Paragon has already. It is important to note that if the growth of existing businesses can be accommodated by providing them with larger premises, then their existing premises will become available for smaller companies to move into. At this point churn is created in the market, which benefits the wider economy.

In reference to the detailed criteria of Policy SS21, despite raising a number of points in relation to the submitted version of the Local Plan, we remain concerned with the nature of the criteria listed that have not subsequently been updated. We therefore believe the policy is currently unsound because it will not be effective in providing an appropriate policy framework against which a planning application might be determined. This is because of the following matters, which we have previously raised with the Council.

In relation to criterion (ii), reference is made to the retention and enhancement of historic field boundaries. However, there are no historic field boundaries within the extent of the allocation. The criterion is therefore meaningless and should be deleted given it is misleading to say the least.

The airfield was constructed during WWII by the MoD. At that time, they laid the airfield out in the way in which much of it still appears today. As a result, any historic field boundaries were removed to make way for the airfield and the needs of the MoD. Furthermore, within the last 20 years, the current owners have undertaken works including hedge planting.

The current field boundaries cannot, therefore, be considered to be historic due to the alterations made over the last few decades. Consequently, there is no justification for retaining the existing field boundaries, especially as any planning application would include a landscaping scheme to aid integration of the proposal within the wider landscape.

We would therefore suggest the criterion is removed given criterion (iii) refers to undertaking landscape works to mitigate against the visual impact of the proposal. This is more appropriate in the circumstances.

In relation to criterion (iv) there appears to be a fundamental misunderstanding as to the nature and volume of traffic generated by the proposal. Traffic, generated by the businesses on the site, is usually travelling in the opposite direction to peak morning flows. Also, traffic movements are usually outside peak flows. One of the main purposes of preparing a Local Plan is so the cumulative impact of development across a district can be quantified and assessed to ensure the effects are acceptable and appropriate mitigation can be identified. However, we are concerned that the proposed allocation is

being considered in isolation from other proposed allocations that will have much more impact on the network. Consequently, any improvement works will not be appropriately co-ordinated.

With regard to criterion (v), the nature of the existing businesses needs to be appreciated, along with the types of business that will be attracted to the extended business park. Since it was first established, Elvington Airfield Business Park has attracted certain types of business due to the opportunity offered by the location to provide access to the highways network, and also because the lack of sensitive receptors in the immediate area means they are able to operate in an unconstrained manner.

Many of the businesses operate on a 24-hour basis that requires external lighting and some also incorporate processes that produce noise. It is therefore concerning how criterion (v) suggests that, in reference to noise and light, future restrictions might be placed on operations that would make the Business Park unattractive to exactly the type of businesses it wishes to attract and is expected to accommodate by the nature of the allocation. To introduce restrictions would be harmful to the supply of land for B2 land uses within the district on a site that does not justify the introduction of planning restrictions, especially in light of the number of businesses on the Business Park who are not currently constrained and cannot be constrained by planning in retrospect.

A copy of a decision notice granting planning permission for industrial units on the Park is attached as evidence to show how the current use is unconstrained in terms of hours of operation, light and noise emissions.

In order to be sound, the criterion needs to be qualified within the explanation, or reference to light and noise removed.

In relation to criterion (v) we are unclear as to why reference is made to air quality and there is no commentary within the explanation to help with our understanding. Please note that any emissions from development would be the subject of a license or permit from either the Council or Environment Agency to ensure they are within reasonable limits, so we do not understand the need for any additional consideration, particularly if any proposal came forward for development that did not produce emissions and did not require any kind of external vent.

With regard to criterion (vii) please note that my client has already undertaken preliminary investigations and has an initial design of the drainage system, which has previously been detailed in previous representations in support of the allocation. Consequently, the intention is to direct surface water towards the south and the River Derwent. This is instead of taking drainage north through the village of Elvington. It is therefore considered that surface water drainage can be addressed satisfactorily and it is not an issue.

Technical, environmental and landscape information submitted in June 2014 has established how the land is suitable, available and developable, which is why land has been allocated. However, the Policy now needs to be amended in order to ensure that it is sound and it will be effective in shaping delivery of the site by incorporating more land and also with the changes proposed to the criteria above, especially as a number of the criteria have not been properly explained or justified given the nature of the existing Park and the businesses that will be attracted to the Park in the future.

The allocation also needs to be updated because planning permission has now been granted for some of the allocation to accommodate a new building for Sheppee International under application 18/02839/FULM. The extent of the application site is shown on the location plan under Appendix Two. An excerpt from the site plan has also been included to show how the scheme is intended to be laid out.

6.4 Where relevant, are the Green Belt boundaries of these sites reasonably derived?

We believe the Green Belt boundaries for the allocation at Elvington Airfield Business Park have not been reasonably derived. Instead, the boundary is superficial and allows for only the amount of land the Council intends to allocate rather than reflecting existing land features and defensible boundaries. Simply referring to an aerial photograph of the area makes clear where boundaries naturally occur to determine the extent of land to be excluded from the Green Belt, which has been adopted to define the extent of the proposed business park within the Masterplan.

The photograph included under figure one below quite clearly shows the extent of the existing business park in the foreground (east) where the established service road hooks round before extending into the distance to serve two existing industrial buildings (that are located to the west on a map and on the north side of the existing access road). Please note north is to the right of the photograph and south to the left.



Figure One: Aerial Photograph of Elvington Airfield Business Park

Within the extent of the Masterplan area, the fields are large and open, and boundaries between the fields are poorly defined. There is little enclosure of the land to either side of the existing access road that runs through the existing Park and into the wider Masterplan area. This is because of the previous use of the land as an airfield during the WWII.

There is a mature woodland to the north side of the business park, which creates a defensible boundary. On the south side of the woodland and north side of the access track, most of the land is previously developed due to the history of the site. The ground is heavily scarred and poor in quality, which is visually evident. There are then three ploughed fields to the south of the access which are bounded by an access track to the south along which is a belt of trees and also field boundaries.

The Proposals Map shows the existing Park to already be excluded from the Green Belt, including the two buildings to the west of the main body of the Park. The allocation then sits between the two developed areas to connect the two existing areas of development.

It would, however, make more sense to follow the existing land features in order to exclude land that clearly does not fulfil any of the purposes of the Green Belt given the defensible boundaries that are clearly evident. This would be preferable and accord with policy unlike the Council's current approach which is simply to exclude existing development and land required for development. On such a basis, the current approach does not accord with the requirements of the NPPF which makes clear how land should not be included within the Green Belt where it is unnecessary to keep it permanently open. Additionally, boundaries are expected to be based upon physical features that are readily recognisable and likely to be permanent.

The Council's own evidence in support of the drafting of the Local Plan can be relied upon as evidence in support of amending the proposed Green Belt boundary. Early in the Local Plan process, the Council was minded to safeguard land that did not fulfil Green Belt purposes and would meet development needs beyond the Plan period. Phases 3 and 4 of the Masterplan were identified for safeguarded land on the basis that the land did not harm the purposes of Green Belt and would be required to meet future development needs beyond the Plan period. In relation to the area of the Masterplan, the Council's Safeguarded Land Technical Paper (June 2013), states "The site boundaries follow clear features on the ground. The site does not impinge on any areas of primary constraint." Consequently, the statement confirms that excluding the extent of the Masterplan area would not conflict with the five purposes of Green Belt.

However, after the Council removed safeguarded land from the Plan in 2016 with a view to allocating five years' worth of land beyond the Plan period instead then the land associated with development of phases 3 and 4 of the Masterplan was returned to the Green Belt.

Circumstances have, however, not changed in respect of the presence of land features and defensible boundaries. Also, there is no doubt the Council will need land for development after the current Plan period ends. As such, the extent of the Masterplan area should still be excluded from the Green Belt because, irrespective of how much development land the Council needs now, the land still does not satisfy the purposes of Green Belt policy.

We therefore believe that if the Plan is to be found sound, then the land included within the extent of the Masterplan should be excluded from the general extent of the Green Belt, taking into account the defensible boundaries and character of the land. This would then comply with the requirements of the NPPF to ensure Green Belt boundaries are to endure.

MATTER 7 – LAND WEST OF ELVINGTON LANE

7.1 Is the allocation and associated Policy SS13 relating to ST15 soundly based?

In respect of the two questions above, we wish to raise how we have previously objected to the allocation of land to the west of Elvington Lane due to the potential impact the proposed development could have on the existing businesses at Elvington Airfield Business Park irrespective of the planned expansion of the Business Park. We maintain our objection on the basis that the Council has ignored our concerns both in relation to the assessment of the site and as no amendments have been made to the Policy that might address our concerns.

To the east of site SS13 is Elvington Airfield Business Park, which is currently home to some 28 companies where a number of the businesses currently operate on an unrestricted basis. This means current operations take place on a 24-hour basis and the buildings and grounds are externally lit through the night. Furthermore, many of the businesses conduct processes that omit noise on a continuous basis. It is therefore necessary to maintain appropriate distances between the Business Park and any residential development in order to protect the ability of the businesses to operate and to prevent residents from suffering any disturbance.

We are most concerned to learn that during the process of the drafting the Local Plan, the proposed allocation of land associated with SS13 has been moved closer to the existing Elvington Airfield Business Park and the proposed allocation of SS21. Any new residential development really does need to be maintained at sufficient distance to ensure new residents are unable to hear operations at the Business Park otherwise a potential noise or light issue could arise. The distance might appear to be sufficient on a plan, but we have found no evidence of any assessment being undertaken as to the necessary distances required to protect the existing businesses and potential new residents.

If the new residents of the planned houses raise a complaint with the Council's Public Protection team, then it will impact on the existing businesses. This is because they will be required to invest in their operation to reduce noise or odour emissions or else their operating hours would have to be altered. Any implications would be at the cost of the existing businesses whose operations would be detrimentally affected. The implications could even extend to the businesses needing to move or else jobs being lost. For the Council to create such a situation is totally unacceptable, especially as it has been brought to their attention. The Council has a statutory duty to ensure that both the existing and proposed developments can coexist without nuisance arising to either party.

We therefore suggest it would be sensible to require the developers of SS13 to undertake noise and light assessments ahead of allocating land West of Elvington Lane, and also as part of the application process. The purpose would be to ensure any new houses are not constructed within proximity to any of the business that omit noise, odour or light, and might therefore cause a potential nuisance.

In addition, consideration needs to be given to incorporating screen planting as part of allocation SS13 so that external lighting associated with the Business Park cannot cause nuisance to the new houses.

Criterion (xi) to policy SS13 refers to the need for the proposed development to address all transport issues and reference is made as to the cumulative impact of this site alongside a number of other allocations. The list of sites fails to include reference to SS21, even though they both feed into the same road network. We would therefore like to request that SS21 is added into the list of sites referred to under criterion (xi). We raised this point at the Publication stage, but note that through the subsequent Proposed Modifications, the Council removed reference to site ST35, but did not add in reference to site SS21.

What is also apparent from reading through the list of criteria associated with the allocation of SS13 is how the requirements are not consistent with the requirements being made of other allocations. For example, where is reference to surface water drainage or archaeology? Both of these are matters relevant to this site. We would therefore request that Officers review each of the policies associated with the allocation of land to ensure all relevant matters have been identified, and that there is consistency in relation to the matters to be addressed, at the application stage.

At the present time, the Policy will not be effective as it will fail to ensure the proposed development will be protected from the potential nuisance caused by noise travelling from Elvington Airfield Business Park. Given the NPPF sets out how under how planning should always seek a good standard of amenity for all existing and future occupants of land and buildings then the matters raised really do need to be addressed through the allocation.

APPENDIX ONE: AIRFIELD BUSINESS PARK, ELVINGTON, MASTERPLAN

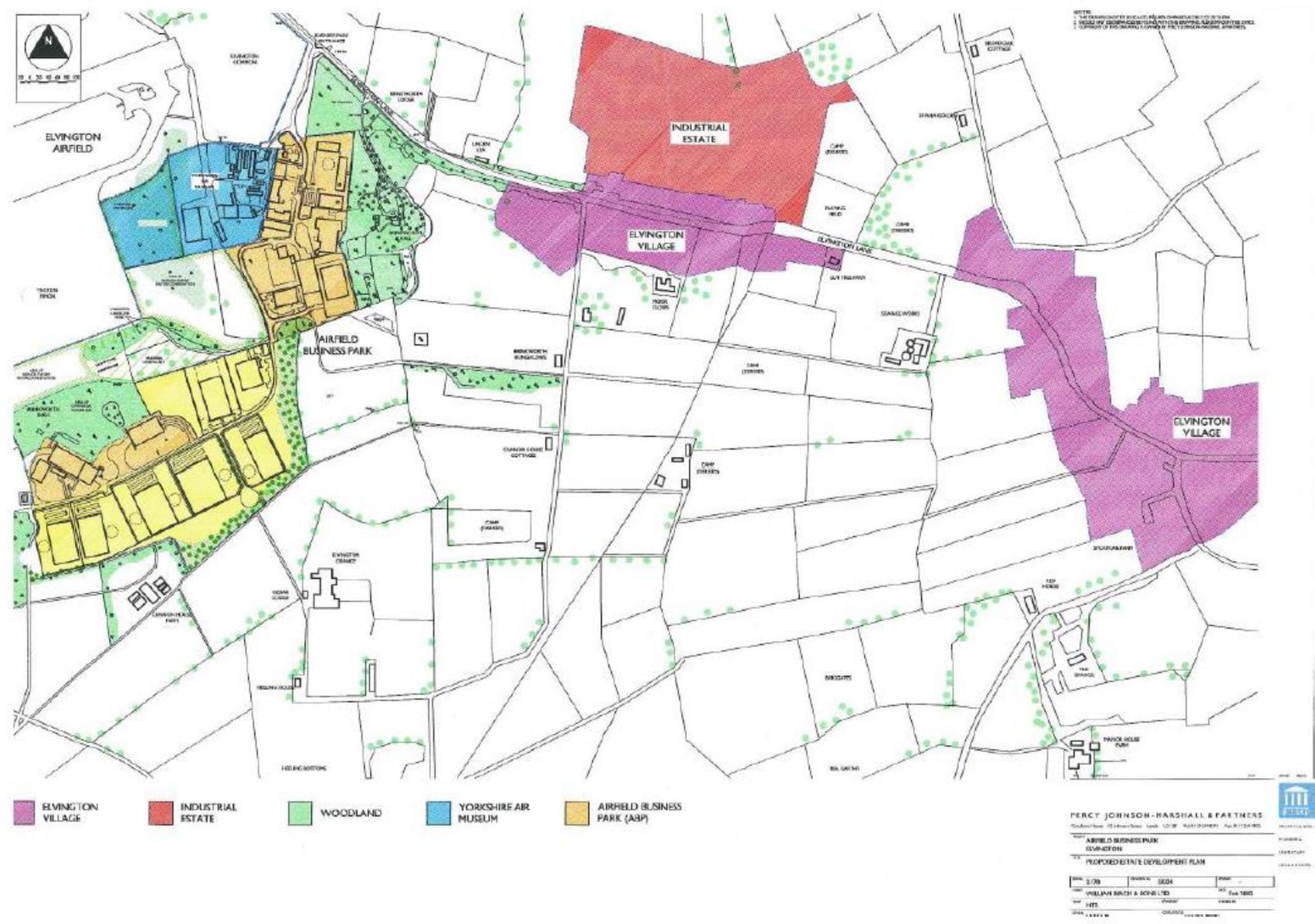
Airfield Business Park, Elvington
Development Strategy
Phases 3 and 4



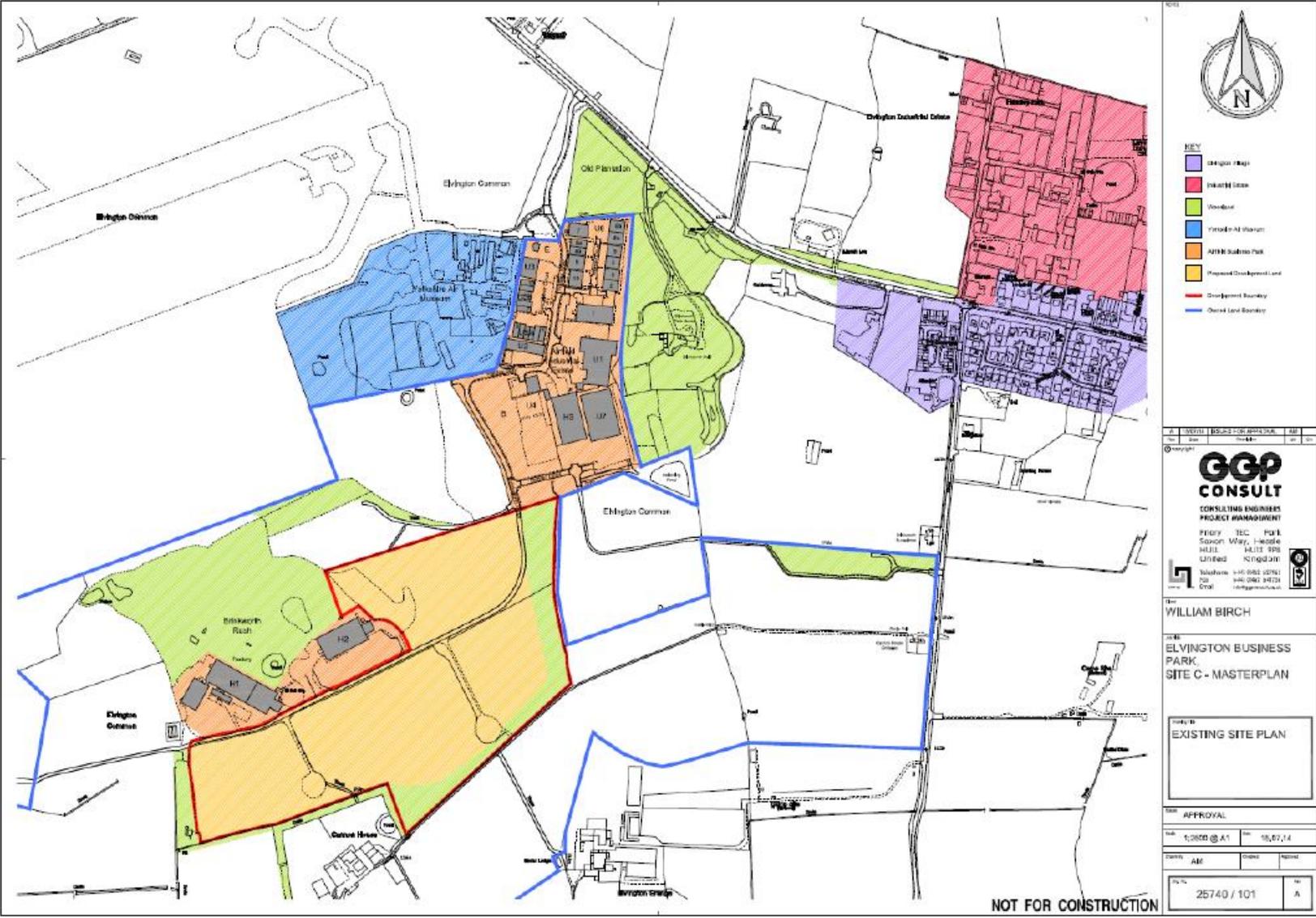


Plan showing land owned by William Birch and Company Ltd

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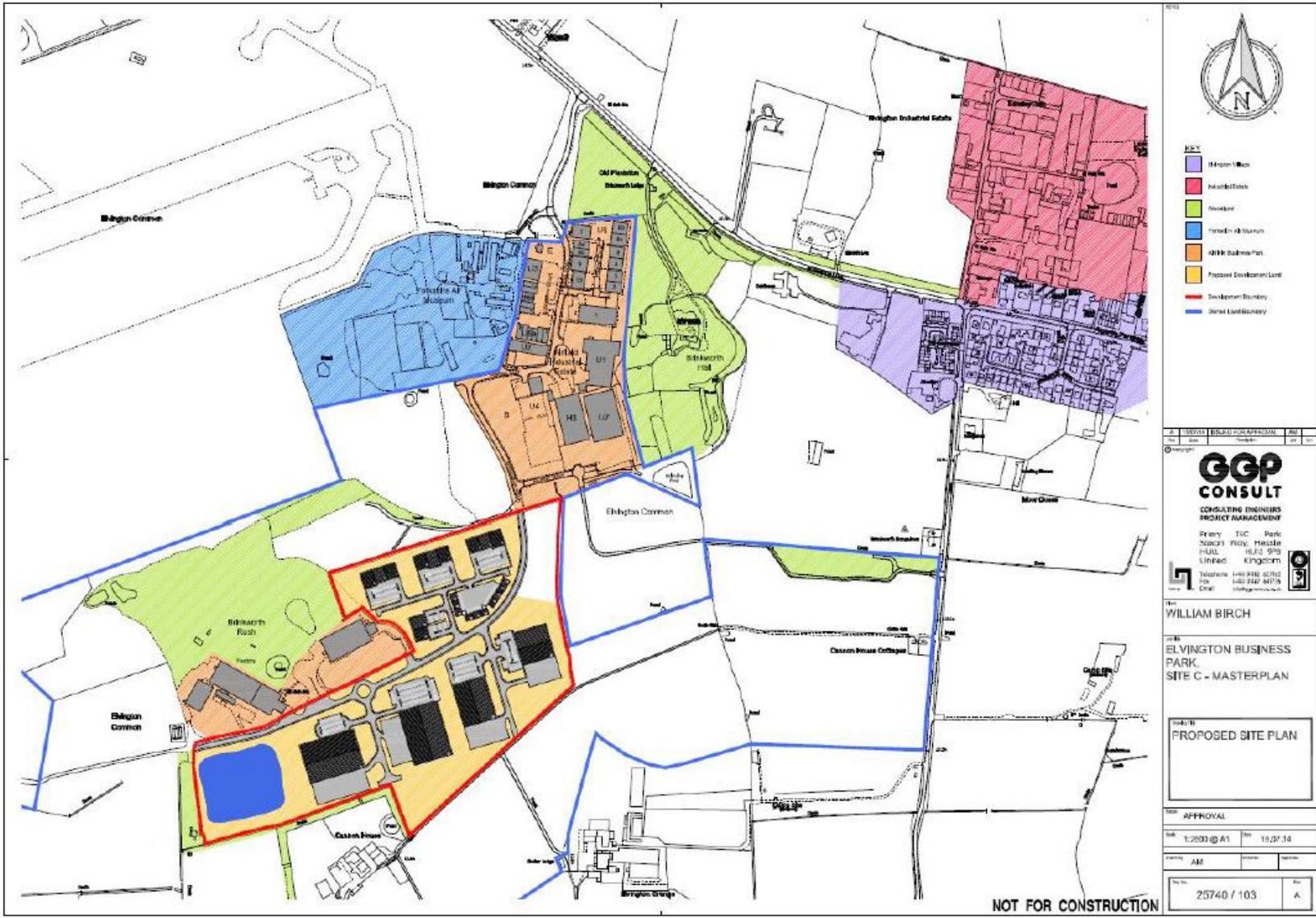


Initial Masterplan 2002



Existing Site Plan for the Extent of the Draft Local Plan Allocation and Safeguarded Land

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Proposed Masterplan for Phases 3 and 4

VISION FOR DEVELOPMENT OF PHASES 3 AND 4

1.0 History

1.1 Airfield Business Park (ABP) has been developed over the last 15 years to provide a high quality business environment for local and incoming companies.

1.2 The success of Phase 1 and Phase 2 at the ABP is evidenced by:

- The number of businesses which have expanded on the site
- The very low turnover rate of businesses
- Low vacancy levels.

1.3 Reasons for the popularity of ABP have been:

- Location on the South side of York and accessibility
- Proximity to labour force
- High quality environment
- Good quality buildings
- Space to expand.

1.4 One area where Elvington has had major advantage over other employment sites has been the ownership of the site by William Birch and Sons which has acted as both Developer and Construction Company. The company has been particularly enlightened and supportive in enabling businesses to move up to larger premises and for some of the bigger occupiers land has been set aside to enable future expansion. York Mailing, The Potter Group and Star Tubes, have all benefited from this foresight.

2.0 Ownership

2.1 William Birch and Sons have owned land on Elvington Airfield since the 1950s with a view to establishing a thriving and attractive business park, to serve demand for B1(b), B1(c), B2 and B8 uses to the south side of York. Over the years wartime buildings have been replaced enabling the construction of a modern business park over the last 15 years.

2.2 The blue line on the Masterplan for Site C includes the full extent of land which has or is owned by William Birch and Sons since the 1950s. Much of the land associated with the areas of the business park which have already been built and are occupied have, however, now been sold.

2.3 The area proposed for development, approximately 15 ha (outlined in blue on Plan A) is wholly within the ownership of the company who are committed to the long term development of the Phases 3 and 4 of the ABP following the success of Phases 1 and 2.

3.0 Infrastructure

3.1 The commitment to the ABP by William Birch and Sons is evident by the investment which has been made in establishing the necessary infrastructure to service the future of ABP. This includes the construction of a spine road, the provision of substantial electrical capacity, foul and surface water drainage, etc.

4.0 Development principles

4.1 The following are a set of general principles which have informed the preparation of the Masterplan for Phases 3 and 4 of Airfield Business Park:

- Occupiers will be within the B1(b), B1(c), B2 and B8 use classes
- Buildings will be of high quality to attract aspirational local companies and to provide an environment suitable for national and international companies
- The natural environment will be protected and enhanced to become one of the major features of ABP, and in order to protect the existing habitats
- A range of unit sizes will be provided to attract a broad range of businesses and to provide opportunities for expansion
- Some of the larger units will be provided with additional land for future expansion
- Sites will be available for low density uses
- Buildings will be available both for sale and to let.

5.0 Phasing

5.1 The existing infrastructure allows for a very considerable degree of flexibility in determining the phasing of the development and will allow the Developers to respond to specific requirements without having to incur a disproportionate level of costs in relation to infrastructure.

5.2 The presence of an existing spine road through the area to be developed helps provide this flexibility.

5.3 The Masterplan shows the site divided into a series of blocks capable of accommodating a building of up to 4,500 sq m or a courtyard development of smaller units, similar in scale to the existing Harrier Court. Larger requirements can be accommodated by aggregating blocks to provide future proofing for occupiers. This would require vacant plots to be left between the largest units to accommodate expansion. These plots will be capable of being developed independently if any anticipated expansion does not materialise.

5.4 B2 uses will be located at the western end of the allocation at the furthest point from residential property.

6.0 Demand Assumptions

6.1 The figures used in the employment reports prepared as part of the Evidence Base by Entec and others have assumed the following correlations between Uses and employment:

B1(b)	1 job per 29 sq m
B1(c) and B2	1 job per 34 sq m
B8	1 job per 50 sq m

6.2 The Entec report qualifies these figures:
“The relationship between floor space and employment (the employment density) for traditional (B2) is not as close as it is in office based sectors. This is due to these uses employing a wide variety of processes and producing a wide variety of products. This means that industrial uses tend to have a greater relationship with productivity/inventory and floor space than between employment and floor space.”

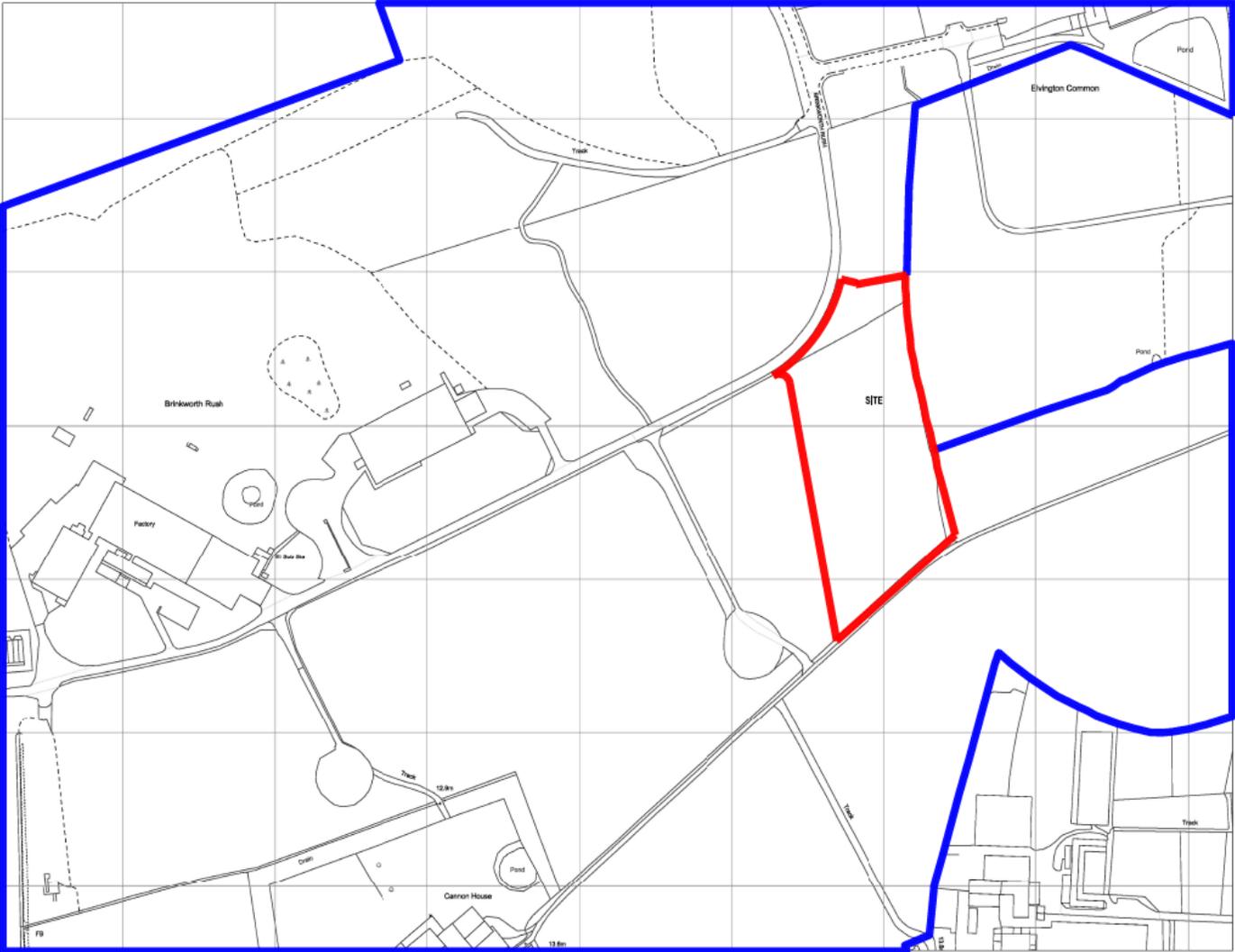
6.3 This qualification applies to ABP. The net area developed to date is just under 14 ha. The number of people employed over the whole Business Park is around 450 persons. This gives an average of 33 jobs per hectare. This average density is increased by the largest employer on ABP which operates a shift system. A future average of 30 jobs per ha is therefore realistic.

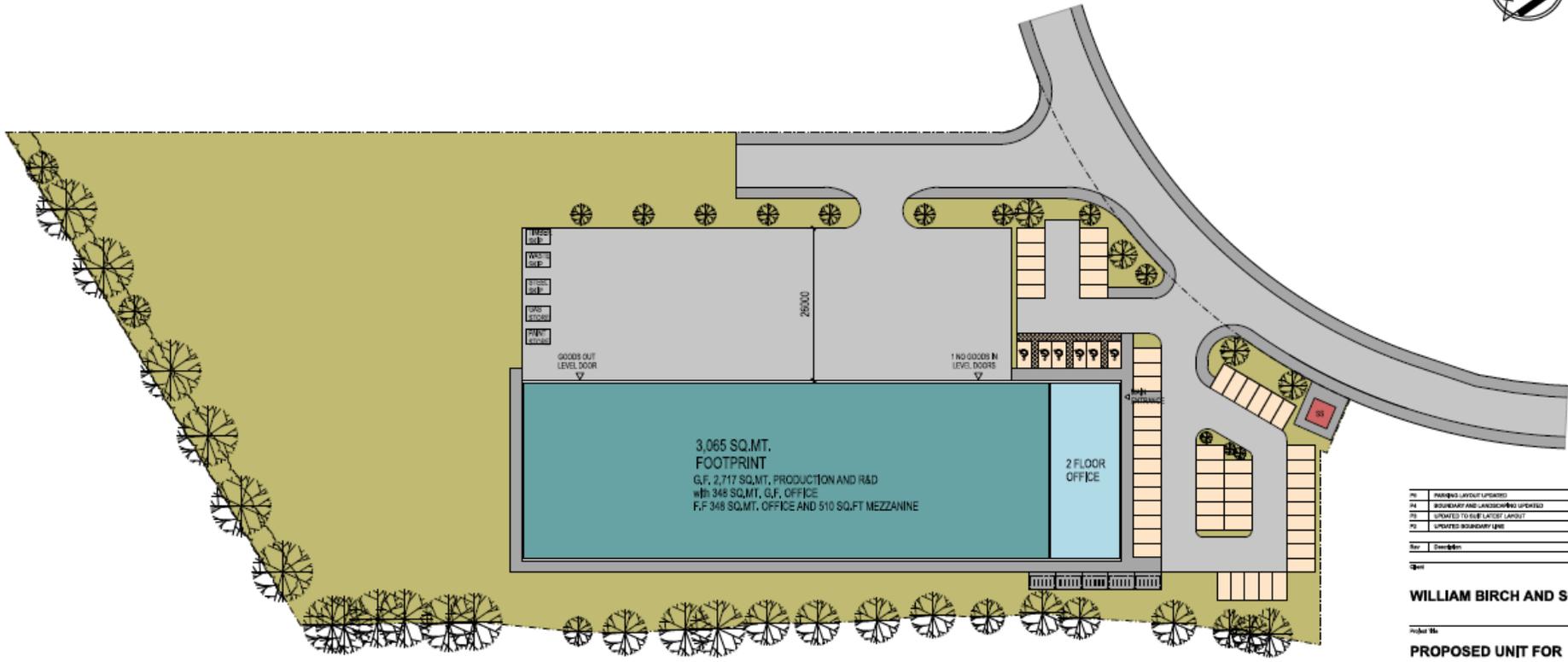
6.4 The existing occupiers at Elvington include one pure warehouse operation. The other occupiers all combine a combination of production and storage in their uses. To provide the quality environment envisioned it is anticipated that the average density of development will be 3,300 sq m per ha. Approximately 1.5 ha will be required to meet existing parking and known lorry parking and open storage requirements.

Jobs per ha	30
Floorspace per ha	3,300 sq m
Gross area proposed	15 ha
Allowance for roads and landscaping	4ha
Net developable are	11 ha
Lorry parking and open space uses	1.5 ha
Net developed area	9.5 ha
Total floor area	31,350 sq m
Potential employment	285

6.5 It is anticipated that demand for properties will cover a similar range to the initial phases with units ranging from 150 sq m, to 3,000 sq m. Units similar to Buccaneer Court will be built on a speculative basis, whilst larger units will be built to meet specific requirements.

APPENDIX TWO: LOCATION PLAN AND PROPOSED SITE PLAN FOR PERMISSSSION 18/02839/FULM





SITE AREA - 2.27 ACRES

70	PARKING LAYOUT UPDATED	DR	JR	25/04/19
74	BOUNDARY AND LANDSCAPING UPDATED	DR	JR	28/04/19
75	UPDATED TO REF LATEST LAYOUT	DR	JR	28/04/19
76	UPDATED BOUNDARY LINE	DR	JR	28/04/19

Rev	Description	By	Date
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WILLIAM BIRCH AND SONS LTD

Project No:
PROPOSED UNIT FOR SHEPPEE INTERNATIONAL

Drawing No:
PROPOSED SITE PLAN