

COMMITTEE REPORT

Date: 16 May 2024

Ward: Rural West York

Team: West Area

Parish: Upper Poppleton Parish
Council

Reference: 23/00823/FULM

Application at: Pavers Ltd Catherine House Northminster Business Park
Harwood Road Upper Poppleton

For: Extension to provide storage, integrated distribution and logistics centre (B8 Use) with ancillary office/welfare space, service yard, parking areas, and landscaping (resubmission)

By: Pavers And Northminster Properties

Application Type: Major Full Application

Target Date: 21 June 2024

Recommendation: Approve

1.0 PROPOSAL

Application site

1.1 The application site is agricultural land, used for grazing, located beyond the west extent of the existing Pavers warehouse and the Northminster Business Park. The site is within the general extent of the Green Belt.

1.2 The business park access is from Northfield Lane. The lane also provides access to Poppleton Park and Ride, some 300m to the north. To the south-east of the site there is a pedestrian and cycle route (which passes under the outer ring road) connecting into Knapton Village and the west side of the city. On the east side of Northfield Lane are a terrace of houses, located just past the main entrance to the business park. Further south is Oakwood Business Park, which also contains industrial and warehouse units, associated car parking and vehicle storage, the latter extends to the south end of Northfield Lane.

1.3 Northminster Business Park has been in operation since 1997. It has since extended west (to accommodate Pavers) and to the south. The business park now accommodates over 45 businesses involved in commercial and industrial activities.

Draft Local Plan context

1.4 In the Draft Local Plan 2018 Northminster Business Park is identified for expansion. The allocation ST19 - designated for employment land uses – is to the

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south of the existing business park only, expanding to Moor Lane. The application site is not within land allocated for development; it is land proposed to remain in the Green Belt. The site is within the general extent of the Green Belt until the plan is adopted. The plan is currently at examination; there are no proposed modifications to the Green Belt around the business park.

Proposals

1.5 The proposals are to extend the Pavers shoe warehouse. Pavers have been based at the business park since 2001. The existing Pavers building was first granted permission in 2004 (reserved matters approval granted in 2005) and subsequently extended further west following planning permission 18/00565/FULM. The initial development provided some 3,980m² floor space; the extension a further 4,370m².

1.6 The proposed warehouse extension would provide a further 11,015sqm floorspace. The scheme would include associated works including an extended servicing area (8 loading bays and turning space for delivery vehicles HGV's), vehicle and cycle parking, and landscaping, including native tree and shrub planting at the site boundary.

1.7 This application is a resubmission. In relation to the previous scheme (application 21/02804/FULM which was refused) the amount of proposed floorspace has reduced from 11,275sqm to 11,015sqm. The additional car parking has reduced from 110 spaces to 75.

1.8 The application is made as recent growth has seen expansion of Pavers' retail portfolio to over 180 stores and increases in online sales by over 700%. Storage requirements are expected to double. The company has already reached capacity at Northminster Business Park; current operations rely on off-site storage facilities. The applicant's position is that additional warehouse facilities are essential on-site; the company's automated logistics system requires a single warehouse facility for efficient business operations. A distribution facility for DPD is on the land to the south of the Pavers site. Consequently, the Pavers site is unable to expand (and remain on a single site) within the Northminster employment land allocation (site ST19). The economic benefits of allowing Pavers to grow are put forward by the applicant as benefits to justify inappropriate development within the Green Belt.

Environmental Impact Assessment

1.9 Under the Environmental Impact Regulations, the scheme is regarded as Schedule 2 development (due to the area of development exceeding 05ha). National Planning Practice Guidance advice is that if the project is listed in Schedule 2 and the relevant thresholds are exceeded (as is the case here), the proposal needs to be screened by the local planning authority to determine whether

significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Then guidance states that only a very small proportion of Schedule 2 development will require an Environmental Impact Assessment. A screening assessment has been undertaken. The site is not in a sensitive area, as defined in the regulations, and the local planning authority has determined that an EIA is not required, regarding the characteristics of the development, its location and the types and characteristics of the potential impact.

Relevant Planning History

1.10 This application is a resubmission following refusal of application 21/02804/FULM at planning committee on 3.11.2022. The reason for refusal was the harm to the Green Belt. There were not found to be very special circumstances that outweighed the harm to the Green Belt and other identified harm. The other identified harm was specified as –

- Sustainable travel promotion lacking (over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel).
- Lighting strategy would lead to loss of potential foraging habitat for bats.
- Noise assessment not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

1.11 There is updated information within this application in respect of sustainable travel, lighting and noise and these are assessed in section 5.

1.12 An application for an office expansion at the site - 23/01267/FULM – was also made in 2023. The application was withdrawn as Paver's have occupied office space elsewhere in the city.

1.13 Northminster Business Park has been extended into the Green Belt previously, although in each case the application site was (in the relevant draft local plan) either reserved/safeguarded land or within the ST19 allocation. Pavers has previously been extended as follows -

- Business Park extended to accommodate Pavers shoes in 2005 (04/03805/OUT).
- Further extension for a warehouse extension to Pavers, granted on multiple occasions (07/02963/OUTM, 15/02721/FULM and 18/00565/FULM) (only the latter implemented).

2.0 POLICY CONTEXT

2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise.

2.2 The development plan for York relevant to this application comprises the Upper and Nether Poppleton Neighbourhood Plan (2017) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

Saved Yorkshire and Humber Regional Spatial Strategy (RSS) policies

2.3 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York.

2.4 The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York.

2.5 The saved RSS policies are YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

POLICY YH9C: Green Belts

The detailed inner boundaries of the Green Belt around York should be defined in order to establish long-term development limits that safeguard the special character and setting of the historic city.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- Define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Upper and Nether Poppleton Neighbourhood Plan (2017)

2.6 In respect of Green Belt the plan (in 4.1.10) states the “plan continues to apply the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005) on an

interim basis until such times as the emerging Local Plan is adopted. This will ensure that the preparation of the emerging Local Plan is used as the mechanism for the detailed identification of the York Green Belt boundaries in accordance with national planning policy”. The application site is within ‘Reserved Land’ in the 2005 plan. Reserved Land is not allocated for development i.e. it is regarded as general extent of the Green Belt. The policy for considering proposals within the Green Belt, in the neighbourhood plan, is consistent with the NPPF.

2.7 Policy PNP 7 - Business and Employment states new business development on established business parks will be supported where car parking is provided to City of York Council standards. In respect of Northminster Business Park Section 8 – Employment developments states expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt.

NPPF

2.8 Key sections of the NPPF are as follows –

- 4. Decision-making
- 6. Building a strong competitive economy
- 13. Protecting Green Belt land

The Draft City of York Local Plan 2018 (2018 DLP)

2.9 Key relevant Draft Local Plan 2018 Policies (in respect of the principle of development) are as follows -

- | | |
|------|--|
| SS1 | Delivering Sustainable Growth for York |
| SS2 | The Role of York’s Green Belt |
| SS23 | Land at Northminster Business Park |
| EC1 | Provision of Employment Land |
| GB1 | Development in the Green Belt |

2.10 The Green Belt Topic Paper 1 Approach to defining York’s Green Belt addendum 2021 is the evidence base that underpins the proposed Green Belt boundaries in the 2018 eLP and is relevant to consideration of the proposals and the impacts on the Green Belt.

2.11 The 2018 DLP policies can be given weight in accordance with NPPF paragraph 48, taking into account the stage of the plan, the extent of unresolved objections and degree of consistency with the NPPF. The plan has been subject to examination and the following modifications have been consulted on. The plan is therefore advanced, however there remain some unresolved objections to its Green Belt policies.

3.0 CONSULTATIONS

Carbon Reduction Team

3.1 The team commented on the previous application and advised that in this instance the proposed BREEAM rating of 'Very Good' is acceptable given the justification provided within the BREEAM Pre-assessment and the development type.

3.2 No comments or anticipations have been provided relating to the achievement of a 28% reduction in carbon emissions (as required under policy CC2). Energy/sustainability statements have not been provided at this stage.

Economic Development

3.3 Support the proposals. The proposed expansion of Pavers Headquarters at North Minster Business Park is a development which aligns to the York Economic Strategy and supports the growth of the city's economy. The planning application is accompanied by an Economic Benefits Assessment 2022 and supplementary Economic Statement by URBEC, which includes a comprehensive overview of the strong economic arguments for the on-site expansion as well as a full assessment of alternative options for growth.

3.4 Pavers is a well-respected family-owned business with strong roots within the York business community. Already a large employer for York employing over 300 staff on site, in a variety of roles, the proposed expansion will create an additional 130 roles in York and generate c£51m Gross Value Added (GVA) to the local economy per year. The proposed expansion is central to enabling the business to implement an ambitious company-wide growth plan, which in turn will support new job creation across a full range of job types within the business.

3.5 Operational concerns and constraints will not be resolved by a split site operation; indeed, this would exacerbate business inefficiencies and undermine the existing business model and growth plan. The Economic Statement sets out the case for disinvestment in York and a relocation to a single-site facility outside of the York if permission cannot be secured at North Minster. This is a viable economic argument, especially given the variety of relevant property options in neighbouring localities in West and South Yorkshire which could offer Pavers a cost effective, clean site to enable future growth. Economic Development believe the case for disinvestment in York is a real risk in the long term if the application cannot be supported. As such, maintaining Pavers in York, safeguarding the existing roles and enabling the growth plan to be realised is a significant economic factor to consider in determining the application.

Flood Risk Management Team

3.6 No objection; request condition that development be carried out in adherence drainage strategy revision P6.

3.7 The Drainage Strategy shows foul water connected to the public foul sewer via downstream site at a pumped rate of 2 litres per second (l/sec) and surface water connection to local watercourse that crosses the site and diverted around the site at a restricted rate of 2.55 l/sec with appropriate attenuation up to and including the 1 in 100 year event with 30% climate change event surface water will discharge via appropriate storage up to and including the 1 in 100 year + 40% climate change event to a private land drain.

Highway Network Management

3.8 Recommend conditions as follows –

- Cycle parking must comply with LTN 1/20. Details required for approval.
- Detailed drawings for the footpath connecting carpark/cycle parking and the entrances to the building required.
- Vehicular tracking/swept path required for the car park.
- Condition required to prevent the egress of water and loose material onto the public highway.
- HWAY23 – Sightlines to be provided in the interests of road safety.
- HWAY29 – No gate to open into the highway; to prevent obstruction to other highway users.
- Method of Works: Due to the development location, a statement identifying the programming and management of site clearance/preparatory and construction works is required. The statement shall include at least the following information:
 - Measures to prevent the egress of mud and other detritus onto the adjacent public highway.
 - Where contractors will park
 - Where materials will be stored within the site.
 - Details of the organisation in control of the development and the individual responsible for the works.
 - How the work and the access off the highway will be managed;

- The location of the works, its boundaries, means of access and how it is segregated from the area,.
 - Plant and equipment required.
 - The handling and storage of materials and pollution prevention procedures.
 - The method for safeguarding highway structures.
- Ask that no vehicle associated with the construction of the development enter or leave the site between 17.30 pm and 9.30 am.

Local Plans Team

3.9 In the Draft Local Plan 2018 the application site is shown to fall within the Green Belt adjacent to the western boundary of the existing business park. The Topic Paper (which informed proposed Green Belt boundaries) considers that land to the northern and western boundaries to the existing business park are well defined with a substantial hedge and provide containment for the business park. Land to the north and west of the Business Park should remain permanently open, to reduce the significant impacts on the openness of the Green Belt, particularly when viewed from the A59 and York – Harrogate railway line.

3.10 The applicants have considered a number of options, including a separate facility elsewhere in York, a separate facility outside York, full relocation elsewhere in York and full relocation outside York, with a preferred option of an integrated logistics and distribution centre adjoining the Pavers HQ. Discussions with the Council's Head of Economy have verified the operational need for having the whole business on a single site, rather than a split site, due to the way the business operates, with a conveyor belt system for putting orders together, from an automated collection process in the warehouse, which physically could not operate on a split site. Additionally, the economic benefits to York and its labour market (presented on the basis of both the warehouse and office extension and the number of jobs created/retained overall) were confirmed to be substantial.

3.11 The operational requirements and likely economic benefits are accepted. Local Plan's initial position was no evidence was presented with the application to thoroughly demonstrate that the full relocation to ST19 is unviable. It is estimated approx. 10ha of the 15ha allocation is available (with some of the site being actively marketed). Following on from the comments by Economic Development it was accepted by Local Plans that the option of full relocation to ST19 had been explored and reasonably discounted.

3.12 In respect of decision-making the case officer should consider whether these arguments set out by the applicant amount to very special circumstances (following NPPF paragraph 148), which would outweigh the harm to the Green Belt of the proposed development (and any other identified harm).

Public Protection

Land contamination

3.13 A desk-based assessment recommending site investigation has been issued. Investigation and a remediation strategy should be secured through condition.

Construction management

3.14 Measures to minimise noise, dust and vibration during construction requested.

Noise

3.15 Since the previous application a further technical note regarding HGV vehicle noise has been issued. Officers advised that before any final comments are made on noise the cumulative assessment of noise should consider the HGV movements from Pavers proposed extension and the impact this will have on residential receptors. The data used should also consider other approved B8 developments in the Northminster Business Park area. Once this information is provided further comments will be available.

3.16 Officers were asked for further clarification on the noise matter because the submission was precise in outlining the anticipated number of HGV movements and noise impacts. Officers advised as follows –

- Application 23/01267/FULM (for the proposed office application, now withdrawn) is acceptable due to the limited HGV movements, with only 1 at night between 6-7am. It is advised that the overall HGV movements for the site will reduce due to this providing a single site operation within York.
- Application 23/00823/FULM (this application) - officers have not provided updated comments on this however assume that the noise predictions for this are the same as above. If so officers will update comments. No further comments were received.

Electric Vehicle facilities

3.17 Recommend 5% of total parking provision includes active EV charging points. Charging points should be in a prominent position and for the exclusive use of zero emission vehicles.

Lighting

3.18 The external lighting plan demonstrates lux levels at the boundary would be less than 1 lux, which is acceptable.

Design, Conservation, and Sustainable Development - Archaeology

3.19 Comment on previous application was that based on-site investigation (at this site and the site to the south) a limited programme of trial trenching is requested to complete site evaluation. This could be secured through planning condition.

Design, Conservation, and Sustainable Development - Ecology

3.20 No objections subject to conditions in respect of biodiversity enhancement and nesting birds. Enhancement measures should include a minimum of four bat boxes suitable for crevice dwelling species, four boxes for nesting birds and two invertebrate hibernacula.

3.21 An external lighting plan has been provided in support of this application. As the proposed lux levels are sufficiently low to minimise significant impacts on light sensitive species, such as bats.

Design, Conservation, and Sustainable Development - Landscape

3.22 Comment on previous application - The proposed development would have a significant effect on landscape character, from a component of an open agricultural landscape, to a built industrial landscape. The development would have a negative influence on the adjacent landscape character since it would interrupt the line of open fields to the east of Burlands Lane which are directly linked with the wider arable landscape to the west of the city.

3.23 To the west of the existing business park is an expansive network of fields that form part of the rural context of the city, especially as seen on the A59 approach – a major arterial route into the city and also experienced from Moor Lane, a recreational route connecting Knapton with Harewood Whin and Rufforth.

3.24 Due to the scale and direction (expanding west) of the proposed development, it would reduce the compactness of the existing business park and increase the extent of peripheral development around the edge of the city outside of the ring road. Development would impact on the compactness of the city (compactness being a key component of the historic character and setting of the city as identified in the Heritage Topic Paper and the Green Belt Topic Paper 2021).

3.25 In respect of the landscape and visual impacts officers also refer to the notably long straight lines of vegetation (which are existing / proposed to screen the business park); that the proposed extension does not adhere to existing field boundaries; that proposed boundary treatment would take some 15 years to fully

establish, although in the winter months the business park would be visible from surrounding roads and footpaths; and the landscape impacts of the external lighting.

EXTERNAL

Active Travel England

3.26 No objection subject to conditions.

3.27 The Travel Plan outlines a series of facilities and measures to encourage staff to walk and/or cycle. The delivery of this Travel Plan should be secured by a planning condition. There may also be merit in specifically conditioning the provision of staff changing rooms, showers, drying rooms and lockers to be delivered prior to first occupation of the extension, as from the proposed plans, the location of these is not explicitly shown.

3.28 The extension would facilitate an increase in the number of employees and the 2022 Employee Travel Survey found that 20.3% commute by bicycle. This would suggest that (up to) 80 cycle parking spaces are needed to meet demand.

Ainsty Internal Drainage Board

3.29 No objection, based on the revised drainage strategy (P6) dated October 2023. There is agreement to the proposed land drain diversion around the site and the proposed run-off arrangements. Recommend conditions to secure a drainage scheme and a 3m easement either side of the diverted drain.

Yorkshire Water

3.30 No objection to the revised drainage strategy (P6) dated October 2023. Officers note that previous comments requested surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design.

Rufforth with Knapton Parish Council

3.31 The site is not in the parish but object -

- The site is Green Belt and the proposed development is significant in size. The Parish Council objected to the extent of extension to the business park proposed in the Draft Local Plan 2018.
- The objective of the Local Plan is to plan development in a managed and balanced way and to protect the Green Belt around the historic City of York.

Approval of this proposal would create a precedent for an unmanaged sprawl of the business park

- Development would have a significant adverse effect on the openness of the Green belt and specifically on views from the Rufforth to Knapton cycle path, a facility much used and enjoyed by residents of our Parish and the wider York area.

Upper Poppleton Parish Council

3.32 Object

- Increase in traffic; traffic is already a significant subject of complaint by the residents.
- The extension will be outside the curtilage of the Northminster Business Park and consequently not in accordance with the Poppleton Neighbourhood Plan.

4.0 REPRESENTATIONS

4.1 There have been 5 letters in support of the scheme and 3 objections.

Northminster Business Park

- Pavers have been situated at Northminster Business Park for over 20 years. This application has come about as a requirement to further grow the business creating another significant number of new jobs and local economic growth. This application represents a sensible expansion of the site, utilising existing technology and facilities, already built into the existing premises. In carrying out this extension Pavers will reduce the need to transport stock around different storage locations, reducing carbon emissions because of reduced transport needs and also increasing efficiencies in not having to run split sites.

York & North Yorkshire Chamber of Commerce

- York & North Yorkshire Chamber of Commerce welcomes the decision from Pavers to once again seek permission to invest in the region. The Chamber is fully supportive of the exciting expansion plans proposed and feel this is exactly the type of project that City of York Council should be backing. Pavers is a massive York success story and its expansion and continued success needs to be backed by the Council. The company's proposals will see 130 jobs created in York and represent a £19m expansion for the firm.

Julian Study MP

- This scheme would retain and deliver new high-quality jobs and help to scale up a major local business which contributes significantly to York's economy. The development would represent a £6.44m annual GVA boost for the local economy. Pavers' growth in online activity over recent years has seen operational capacity reached at Northminster Business Park. There is a clear and compelling rationale for expansion here in York. If York is to retain major businesses like Pavers, we should not put blockers in their way to sustainability and sensibly expand.

York Civic Trust

- Support due to compliance with local and national policy in achieving very special circumstances for development in the Green Belt. The company is experiencing significant growth and is a commercial success story. The city has seen closure of other industry and there is a risk this business would relocate. Company growth could not have been anticipated in 2018, therefore Pavers could not have been expected to participate in proposals for defining the Green Belt boundary as part of the emerging local plan. A common-sense approach would be to allow this scheme and if necessary reconsider other Green Belt land allocated for development. There are very special circumstances in this case, just as there have been on other occasions when expansion of the business park has been permitted.

Objections

Traffic Generation

- The extent of the business park and traffic disturbance to neighbours in Northfield Lane is subject to a formal complaint to the Council. There has been an adverse effect on residential amenity and no further growth should be permitted until a traffic management plan that segregates the business park from residential properties is established.
- Houses already suffer from noise and vibration due to traffic.
- Northfield Lane is already congested and not designed to accommodate the number of HGV vehicles associated. Discouraging for pedestrians and cyclists. Northfield Lane traffic should not increase as it will become an important pedestrian route to the community woodland (proposed to the south of Moor Lane bridleway)

Green Belt

- The Poppleton Neighbourhood Plan is adopted and does not support expansion of the business park. The plan had 91% support from residents. This scheme is

in conflict with the plan and would effectively remove any Green Belt boundaries to the business park.

Scale of development

- Excessive growth of the business park and adverse effect on the Green Belt.
- The 2016-2036 Poppleton Neighbourhood Plan does not support any development outside the current curtilage of the business park. 91% of the village neighbours who voted supported the details and constraints in this plan. If the boundaries are extended here, then effectively there will no longer be boundaries.

Quality of agricultural land

- Loss of Grade A land. (DEFRA 2002)

5.0 APPRAISAL

KEY ISSUES

5.1 Key issues regarding this scheme are -

- Principal of Development
- Landscape and visual impact
- Economic benefits and Pavers operational requirements
- Highway Network Management
- Ecology / biodiversity
- Sustainable design and construction
- Drainage
- Public protection
- The case for very special circumstances
- Public Sector Equalities Duty

Principal of Development

5.2 The site is regarded as being in the general extent of the Green Belt, until adoption of the Draft Local Plan 2018. The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York. The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained. The

Upper and Nether Poppleton Neighbourhood Plan, whilst adopted and therefore part of the development plan, is clear that it does not intend to establish Green Belt boundaries as these are a matter for the Local Plan (see paragraph 2.6).

5.3 The *Wedgwood v City of York Council* Judgment, March 2020 is a material consideration in respect of the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of an adopted Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to –

- The 2005 Draft Local Plan incorporating the full set of changes
- The emerging Local Plan, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.4 Applying *Wedgwood* confirms the position the site be regarded as Green Belt (and this is not disputed in the submission).

5.5 The application site lies within the reserved/safeguarded land identified in 2005 Draft Local Plan policy GP24a. The background text to the policy advised “it is important to recognise that Reserved Land is not allocated for development at the present time but will be brought forward with a review of the plan”. The 2005 Draft Local Plan carries increasingly less weight as the 2018 plan nears adoption.

5.6 In the emerging plan - 2018 DLP the application site is within the Green Belt. In allocating the land to the south as part of site ST29 the Green Belt appraisal identifies an increased importance to keep the land to the west (i.e. the application site) permanently open. The 2018 DLP has been subject to full examination and the inspectors have provided advice on the Green Belt boundaries (making recommendations to change two boundaries elsewhere). No amendments are proposed to the relevant boundaries.

5.7 Features of the western boundary of the Green Belt at the business park are described as:

- The boundary follows the extent of the 20th century development before following historic field boundaries to Moor Lane.
- The boundary is recognisable and is easily determined on OS maps and on the ground.
- The boundary offers permanence.

5.8 The existing business park has a strong sense of enclosure. The application site is to the west; it contains agricultural land not previously developed. The site has a rural character, evidentially beyond the demise of Northminster Business

Park. Given the land use, openness and agricultural character of the surrounding area the application site is evidentially rural and forms part of the countryside.

5.9 The site is regarded as within the general extent of the Green Belt. NPPF Green Belt policies therefore apply. The tilted balance in favour of sustainable development (in NPPF paragraph 11) will not be engaged if the proposal conflicts with the application of Green Belt policy.

5.10 NPPF paragraphs 149 and 150 identify development which can be appropriate in the Green Belt. Other development is inappropriate, which is harmful by definition, and should not be approved except in very special circumstances. The proposed development does not fall into any of the exceptions in paragraphs 149 and 150. It is inappropriate development in the Green Belt. NPPF paragraphs 147 and 148 therefore apply –

- That “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.
- That “substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.11 The essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Openness

5.12 The proposed extension is approximately 180m by 64m and 12m high on currently open agricultural land. The overall scheme includes 75 car parking spaces and a loading area for 8 HGV’s. It would have a significant adverse effect on openness and would be highly prominent from the public bridleway to the south (Moor Lane) which is a popular recreational route for walking and cycling between Rufforth and Acomb.

Landscape and visual impact

5.13 NPPF paragraph 180 states planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes

(and this is not restricted to designated landscapes) and recognising the intrinsic character and beauty of the countryside. The Urban Design & Conservation Landscape Architect officer has advised on the landscape and visual effects of the proposed development and the adverse effect on the openness Green Belt that would result. Key impacts are as follows –

- Landscape character change from a component of an open agricultural landscape, to a built industrial landscape. Change in character is derived from the building proposed, ancillary servicing and parking areas, site lighting and associated traffic generation. The light pollution and activity associated with the operation will have a constant and permanent effect as the use is a 24-hour operation.
- Development would interrupt the expansive network of open fields to the east of Burlands Lane which are directly linked with the wider arable landscape to the west of the city.
- The landscape forms part of the rural context of the city, especially as seen on the A59 approach – a major arterial route into the city; and also experienced from Moor Lane, a recreational route connecting Knapton with Harewood Whin and Rufforth. Burlands Lane is less frequented than the other two key viewpoints, but the impact on views would be more direct due to the closer proximity.
- Proposed boundary screening comprises of long straight lines of trees/vegetation; this effects openness compared to the prevalent character of agricultural fields bounded by lower hedgerows with intervening trees.
- Boundary screening would take some 15 years to establish. However even when fully established there would still be a visual and experiential awareness of the change in land use and its extension into the open countryside, particularly for the 5 months of the year when leaf cover is reduced.

Green Belt purposes

5.14 Policy SS2 of the 2018 DLP states the primary purposes of the Green Belt are to safeguard the setting and the special character of York and to delivering the Local Plan Spatial Strategy.

5.15 The Topic Paper 1 Approach to defining York's Green Belt addendum 2021 provides further clarification of the methodology informing the proposed Green Belt boundaries for York. It identifies Strategic Principles which informed the detailed boundary setting and the site assessment and selection processes. Most relevant to the application site are -

- SP4 - The starting point for scoping the detailed inner boundary should be the edge of the main contiguous urban area of York where built development meets more open land.
- SP7 – Relates to compactness and landscape character and setting which are relevant to the historic character and setting of the city.

- SP9 – Outside the clusters of built development analysis has shown that the whole of the authority area is of an open agricultural countryside nature with open views across the flat open landscape and therefore relevant to the consideration of protecting the countryside from encroachment, subject to the overall consideration of strategic principles.
- SP11 - Where new sites for development are identified these should be those which cause the least harm to the primary purpose of the York Green Belt and have regard to sustainability objectives expressed through the local plan strategy.
- SP13 - Detailed boundaries will be defined clearly, using physical features that are readily recognisable and likely to be permanent.

5.16 The boundaries for Northminster Business Park were reviewed in Annex 4 of the Topic Paper. The appraisal determines that an extension on the south side of the business park can be accommodated. It concluded against an extension to the west, including the land on which the application site is located, and that this land remain as Green Belt. The key reasons for this conclusion were as follows –

- Openness to the north and west of the business park is important in respect of compactness and the rural setting of the city. The Green Belt boundary is drawn to contain the scale of the existing business park, maintain the rural setting and open approach into the city along the A59. Also to maintain independence, separation, and prevent coalescence between the business park, the Park & Ride and the village of Poppleton.
- The north and west boundaries are important in respect of safeguarding the countryside from encroachment.
- An extension to the west (and the extension proposed in this application) would fail to be defined clearly, not using physical features that are readily recognisable and likely to be permanent.

5.17 The identified expansion of the business park to the south was on the basis that the resultant boundaries would be considerably more recognisable (both on OS maps and on the ground) and permanent and would have a lower impact on the compactness and rural setting of the city. Also, the openness of the land to the south has already been affected by development.

5.18 The 2018 DLP evidence base determined the land the subject of this application, taking into account the methodology in the topic paper, continue to be designated as Green Belt. This evidence base is directly relevant to the application; and allows a conclusion to be drawn that the proposed development would conflict with the following three Green Belt purposes –

- to check the unrestricted sprawl of large built-up areas.
- to assist in safeguarding the countryside from encroachment.
- to preserve the setting and special character of historic towns.

5.19 The two purposes not affected are to prevent neighbouring towns merging into one another; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land. In respect of these Green Belt purposes there would be no threat of separate towns merging (the merging of surrounding villages and the main urban area is considered under purpose 4) and the 2018 DLP acknowledges that the development needs of the city will require Green Belt land.

5.20 The identified harm to the Green Belt is therefore as follows –

- Inappropriate development, which is harmful by definition.
- Harm to openness.
- Contrary to three of the five Green Belt purposes.

5.21 In order for the proposals to be NPPF compliant, paragraph 148 advises ‘very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Economic benefits and Pavers operational requirements

5.22 The applicant’s case for the scheme is set out in the Paver’s statement on business operation dated May 2023 and is summarised below. There are economic benefits of the warehouse expansion, fundamentally the operator requires a single site to be acceptably efficient; they have demonstrably outgrown the existing premises. The applicants advise a split-site is not an option and if they were forced to relocate it would be outside of York because of the potential economic benefits in moving to an Enterprise Zone (or similar) with less constraints, in a logistically and geographically preferable location. The argument has been advanced since the previous scheme, which was refused, both in terms of the economic benefits of the expansion and the risk of relocation outside of York.

Financial benefits

- The warehouse expansion would increase FTE staff on-site by 30.
- Indirect financial benefits, deriving from a warehouse expansion and an increase in office jobs at the company (off-site but potentially on-site in future) include 23 jobs each year and local supply chain expenditure of £3.4m (the proposed extensions leading to a £0.39m increase). The applicants report the cumulative benefits from their growth have been assessed as being worth a total of £51.99m GVA to the York economy annually.

Business and operational needs

- Pavers' storage requirements are expected to double over the next 5 years. The company has already exceeded capacity at its Northminster Business Park base, having to rely on off-site storage facilities. Further storage capacity will allow the business to be more efficient financially and environmentally. Expansion would reduce traffic movements, compared to the current arrangement where goods need to be moved between multiple satellite warehouses. Currently some 600,000 pairs of shoes are stored off-site. This represents 'dead stock' unavailable for sale until it is transported to the headquarters for picking. This is neither economically or environmentally sustainable in terms of road transportation and temporary hire of offsite facilities. The applicants advise this inefficiency represents a cost of over £3m per year to the business. These numbers have increased since the previous submission, when it was reported some 250,000 shoes were off-site and the annual cost implications £250,000.
- The scheme involves an 11,015sq.m expansion of the logistics and storage accommodation. Pavers operate an automated system; it is critical for efficiency the warehouse is a single location. The current arrangement is economically unsustainable for the business. The previous extension cost some £10m and includes bespoke automation systems. Expanding the existing warehouse is more practical and cost efficient compared to relocating the entire operation to new premises. For the applicants there is also the risk of being unable to find a purchaser for the existing facility.
- If the business were to relocate, the applicants advise this would likely be in the form of other distribution centres nationwide, however the preference is for the business to remain in York. Whilst there is space within the ST19 allocation (at Northminster Business Park) for a single new facility, this is not regarded an economically viable option for the applicants given the cited economic, logistical and operational benefits an alternative UK location could benefit from. A split-site has been discounted as an expansion option. The applicant advises that an alternative location would be away from York and would likely take advantage of economic benefits such as Enterprise or Freeport status, capitol grants. In terms of location, it would be less spatially constrained, have improved motorway access and better positioned in terms of proximity to the south. The applicants have calculated that operating costs would be 10% lower if they relocated outside of York. The Council's Economic Development team have acknowledged this position is valid and have put forward their strong support for the scheme and retain of Pavers in York.

Highway Network Management

5.23 The NPPF states that in assessing applications it should be ensured that:

- Opportunities to promote sustainable transport included where appropriate.
- Safe and suitable access to the site can be achieved for all users.

- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

5.24 The NPPF also states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this respect conditions recommended conditions by highways officers could be imposed, provided they met the tests of being relevant to planning, necessary to avoid refusal of planning permission, precise, and enforceable. The nation planning guidance is also clear that conditions should not cover topics/requirements that fall under other legislation.

5.25 This application proposes fewer car parking spaces than the last application and is supported by an updated Travel Plan, that includes staff travel surveys from 2022. It advises as follows on parking -

Cycle parking	40 proposed in addition to the 20 existing.
Car parking	58 spaces proposed in addition to the 105 existing.

Impact on the network

5.26 The Travel Plan submitted is on the basis that the expansion would create an additional 30 warehouse staff. Employment site-wide will increase from 300-330 FTE staff.

- The applicants advise that many of the warehouse staff will arrive / depart outside of the established network peak hours.
- The Transport Assessment includes traffic survey data which concludes the existing development has some 75 vehicles entering the site at the am peak.
- HGV movements are currently 5-6 during the peak hours. It is expected the increase in HGV movements will be spaced over the day. There will only be one HGV movement at night between 6am and 7am.

5.27 The applicant’s Transport Assessment (TA) reviews impact the business park access and on the A59 junction. The outputs show a degree of saturation at no more than 80% at the A59 junction. The assessment determines junction will not exceed capacity. Highway Network Management have raised no issues in respect of traffic generation and impact on the network. The highways consultation response recommended a number of conditions regarding the layout of the access and the car park and construction management. The car park is sufficiently set out and the site access is existing. Conditions in this respect to approve further details are not necessary as the drawings are sufficient. In terms of construction management, a number of the requests relate to matters controlled by highways legislation or are not necessary due to the location, and will not be requested.

Access

5.28 Active Travel England have provided advice on the scheme. Their remit is related to the Government's vision for cycling and walking to be the natural first choice for many journeys with half of all journeys in towns and cities being cycled or walked by 2030. Active Travel England's responsibilities for walking also extend to "wheeling", such as the use of wheelchairs (self-propelled or powered) and mobility scooters. They have not raised any access issues in respect of the site. Disabled parking spaces for cars make up over 5% of the provision and are located closest to building entrance points. A condition could require approval in detail of the cycle parking, with 5% being for over-sized cycles.

Parking facilities

5.29 The key figures from travel surveys report as follows -

Mode	2021	2022	Travel Plan target
Car	78%	62.4%	58.2%
Cycle	11%	20.3%	22.5%
Walk	3%	4%	5%

Cycle storage

5.30 The proposals include 50 cycle parking spaces in addition to the existing spaces on-site (20 quoted in the Transport Assessment).

Minimum parking standards as recommended in LTN1/20 would amount to 41 spaces for the existing office, warehouse and the warehouse extension proposed. LTN 1/20 contain recommendations only and the travel plan data is site specific. A target of 23% of the 330 staff cycling to work would equate to demand for 76 cycle parking spaces. An increase in cycle parking spaces could be secured through planning condition if planning permission were approved. Showers and changing facilities (recommended by Active Travel England) could be secured through condition also.

Car parking

5.31 The proposed layout shows 163 car parking spaces There is also an overspill car park not shown on the plan. The strategic policy in the 2018 DLP for Northminster Business Park expansion establishes key principles of a sustainable business park, the promotion of sustainable transport solutions. The Travel Plan targets a reduction to 58% staff arriving by car (single occupancy). The car parking provision and aspirations for sustainable travel are reasonable.

5.32 The scheme illustrates 6 EV charging points; in excess of 5% car parking would have EV charging in accordance with City of York Council – Low Emissions Supplementary Planning Guidance Updated June 2022.

Ecology / biodiversity

5.33 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for, biodiversity and recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.34 An updated ecological impact assessment dated April 2023 has been issued to support this application. This proposes mitigation and enhancement measures, which compared to the baseline condition will secure biodiversity net gain and therefore be policy compliant in this respect. The scheme includes a detailed planting plan, which includes the species recommended in the assessment and a lighting scheme which takes into account impact on bats and proposes habitat.

5.35 Great Crested Newts – No adverse effect would occur. There is one pond within 300m of the site, which scored 0.51, classifying it as ‘below average’ quality for GCN using Habitat Suitability Index (HSI). The pond appears to be managed for wildfowl, reducing the value for amphibians. An eDNA test for Great Crested Newts returned a negative result.

Loss of agricultural land

5.36 The application site comprises of what may be regarded Best and Most Versatile Land. The Natural England Maps are general and region wide. The mapping provides an estimate of land quality and are clear in advising that more detailed surveys are required for site specific assessments.

5.37 Natural England are a consultee where the loss of 20ha or Best and Most Versatile Land and where proposals are not in accordance with an approved development plan. They are not therefore a consultee in this instance.

5.38 Natural England Yorkshire & Humber Agricultural Land Classification Maps estimate the land as Grade 2 - Very good.

5.39 There is no specific policy in the Upper and Nether Poppleton Neighbourhood Plan or the 2018 Draft Local Plan that prevent the development of land of a specific agricultural quality. It is noted ST19 is on land of similar agricultural quality and such land is widespread around the city. The loss of agricultural land is not considered a reason to oppose the scheme.

Sustainable design and construction

5.40 Policy CC2 of the 2018 draft Local Plan establishes all new non-residential buildings (with a total internal floor area of 1,000m² or greater) should achieve BREEAM 'Excellent' (or equivalent) and a 28% reduction in carbon emissions, over and above the requirements of the Building Regulations 2013. The latter unless it is demonstrated such reductions would not be feasible or viable.

5.41 A BREEAM pre-assessment report has been undertaken (related to new construction of commercial / industrial buildings). The assessment concludes that only a very good rating is practical given the type of warehouse type building proposed. This position has been verified by the Council's Carbon Reduction team as reasonable and a very good rating was also accepted for the DPD scheme (to the south of the site) which is for a comparable building typology. BREEAM and the required reduction in carbon emissions could be secured through planning conditions.

Drainage

5.42 Policy ENV5 of the 2018 eLP sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 70% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.43 Because the site is greenfield (defined in the York Sustainable Drainage Systems Guidance for Developers as undeveloped land in a city or rural area used for agriculture, recreational grassland or natural rough) officers have requested a surface water run-off rate of 2.55 l/sec. This is proposed.

5.44 The drainage scheme has been revised since the previous application. Surface water will eventually discharge into a watercourse; this follows the sustainable drainage hierarchy in the NPPF (soakaways not suitable). The run-off rate will be restricted (with underground attenuation tanks and flow control device) and initially connect into a land drain that would be diverted. The arrangements are functional and have the support of the Internal Drainage Board, who are responsible for the watercourse into which surface water would discharge. The scheme would be safe from flooding and would not increase flood risk elsewhere. The site is in Flood Zone 1.

Public protection

5.45 Section 15 of the NPPF, regarding the natural environment advises that planning decisions should contribute to the natural and local environment by

preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution. Paragraph 186 states opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. Paragraph 187 states decisions should ensure that new development can be integrated effectively with existing businesses and community facilities.

Land contamination

5456 A desk-based assessment recommending site investigation has been issued. Investigation and a remediation strategy should be secured through condition.

Air quality

5.47 In respect of Electric Charging facilities the local guidance - draft Low Emission Planning Guidance requires a minimum of 5% of all parking spaces (or 1 space, whichever is greater) to be provided with EV charge points – this exceeds minimum requirements for active EV charge point provision as set out in the Building Regulations Approved Document S (non-residential buildings under the regulations only need to provide 1 'active' space if over 10 spaces are proposed). Passive provision is now dealt with under the Building Regulations. The site plan shows 6 EV spaces which exceeds the required 5% provision.

5.48 The site is not in an existing area of air quality concern. Taking into account 2018 eLP policy ENV2: Managing Environmental Quality and the proposals for parking and highways impact, Public Protection Officers have not required a further air quality assessment.

Noise

5.49 NPPF paragraph 185 states decisions should ... ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment ... In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

5.50 There are houses opposite the main entrance to the business park. Public Protection officers reserved judgement on traffic noise grounds and asked for an assessment of the impact on traffic from the entire business park. This goes beyond what is reasonable as this scheme must be assessed on its merits. On the companion office application officers have advised that they do not object based on the proposed vehicle movements; the same as those stated in this application.

5.51 The submission states as follows in respect of traffic movements -

- HGV Deliveries will take place between 06:00-14:00 each day of the week.
- Assumed typically one HGV moving in any 1-hour period (i.e. in and out equates to 2 movements per hour) during the daytime and night-time (early morning) period.
- Smaller courier vans / 7.5 tonne lorries arrive throughout the day which will vary on a day-to-day basis.

5.52 This application is supported by a technical note which provides advice on predicted noise from HGV vehicle movements. The note advises vehicles from the site (as proposed) will not have an adverse effect on extant noise levels. This is on the assumption that at night-time there will be no more than one HGV delivery, and this will be between the hours of 06.00 and 07.00. A condition could be imposed that prevents deliveries between 23.00 and 06.00 and that there be no more than 1 HGV arrival and departure per hour.

The case for very special circumstances

5.53 NPPF paragraph 148 states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

5.54 The identified harm is as follows -

Green Belt

- Inappropriate development which is, by definition, harmful.
- Harm to openness.
- Harm to 3 of the 5 Green Belt purposes.
- Landscape and visual harm.

5.55 The NPPF requirement is for substantial weight to be attributed to the adverse effects on the Green Belt. For very special circumstances to exist, other considerations (which in this case are the economic benefits of the scheme) must clearly outweigh all identified harm.

5.56 The benefits in favour of the application scheme are set out below. These each carry significant weight when applying NPPF economic policy. Even when attaching substantial weight to the harm to the Green Belt and harm to landscape character, cumulatively there are very special circumstances which, as required by the NPPF, clearly outweigh the harm to the Green Belt and the other identified

harms. It is considered that very special circumstances exist which justify the development. The benefits amount to very special circumstances in this particular case, because they are specific to Pavers operational requirements and the impacts on the York economy.

- Operational requirements mean Pavers require a single site which is fundamental in terms of financial efficiency and beneficial in reducing traffic on the network; the latter by consolidating stock at a single site which benefits from their bespoke automated systems.
- It is accepted that expansion of the existing facility is the only viable option; there are not alternative non-Green Belt sites in York and relocation would be unviable for the company.
- An increase in 30 jobs in the warehouse combined with associated job creation across the business, based in York.
- Growth would have a cumulative impact of contributing £51.99m GVA to the York economy annually.

Public Sector Equalities Duty

5.57 Section 149 of the Equality Act 2010 contains the Public Sector Equality Duty (PSED) which requires public authorities, when exercising their functions, to have due regard to the need to:

- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share relevant protected characteristic and persons who do not share it.

5.58 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to the characteristic;
- b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

5.59 The PSED does not specify a particular substantive outcome but ensures that the decision made has been taken with “due regard” to its equality implications. Officers have given due regard to the equality implications of the proposals in making this recommendation.

6.0 CONCLUSION

6.1 The proposals are for a warehouse extension of significant scale (11,275sqm floorspace) which is over double the size of the existing premises, along with associated car parking and loading bays for HGV’s on what is currently open agricultural land within the general extent of the Green Belt. The land is proposed to remain Green Belt in the draft Local Plan 2018 which remains subject to examination. There would be adverse effects on the openness and rural character of the Green Belt due to the amount and scale of development proposed. Further to adverse effects on the Green Belt there is landscape and visual harm due to the scale and type of the proposed building in its countryside setting. Technical matters can all be addressed through the use of planning conditions.

6.2 This is a resubmission of 21/02804/FULM which was for a comparable proposal and was refused because very special circumstances were not identified that outweighed the identified harms. In the previous application there was further harm in respect of drainage, sustainable travel measures and lighting. Each of these issues are addressed in this submission. The submission also advances the applicants case for very special circumstances.

6.3 The applicants have provided a business case demonstrating the benefits of the existing premises being able to expand, allowing growth and increased efficiency of the business with up to 30 extra jobs. In addition to jobs in the warehouse the business also involves office-based jobs, both at the application site and at additional offices in York. Pavers would employ up to 430 employees in York and contribute in the region of £51,99m annually to the York economy. There are considerable economic and environmental benefits in enabling a local business to continue to expand and it is accepted, it is not financially viable for this to occur at a different site within York. The economic benefits and lack of a deliverable alternative York site have been advanced since the previous application and result in an officer recommendation to approve.

6.4 The financial benefits of the proposed extension have been advanced and as the company grows, the inefficiencies and costs of storage off site increases. Officers now accept there are not viable options for the company to either operate multiple sites or fully relocate within the city. The Council’s Economic Team have outlined their strong support to enable the business to grow and have verified the

applicant's case for expansion of the existing site. Furthermore, the scheme has strong support from the Council's Economic Development Team and local amenity bodies; the York Civic Trust, York & North Yorkshire Chamber of Commerce and the local MP.

6.5 The NPPF in respect of the economy advises "policies and decisions should help create conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

6.6 NPPF Policy requires substantial weight to be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

6.7 The NPPF requirement to give substantial weight to Green Belt harm would typically outweigh the significant weight applicable to supporting economic growth. In this particular case though there is a robust argument in favour enabling expansion of a local business experiencing significant growth. It is accepted it would not be viable for such growth at an alternative location in York outside of the Green Belt and there is a tangible risk the business could relocate outside York if it is unable to expand.

6.8 Officer's recommendation is that in this particular case the reasons for the scheme and the economic benefits proposed (as set out in paragraph 5.22) do amount to very special circumstances that clearly outweigh all identified harm; the identified harm to the Green Belt and the landscape and visual harm. As such the scheme can be supported when applying policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan, the NPPF and local Green Belt policy.

6.9 Should members decide to approve the application then referral to the Secretary of State would be required to determine whether the application be called-in for consideration, as the development is considered to be inappropriate development in the Green Belt and the proposal would consist of floorspace in excess of 1,000m², following the Town and Country Planning (Consultation) Direction 2024 and Section 77 of the Town and Country Planning Act 1990.

7.0 RECOMMENDATION: That delegated authority to be given to the Head of Development Services to:

- To determine the final detail of the planning conditions below.
- Refer the application to the Secretary of State for Communities and Local

Government under the requirements of Section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to planning conditions.

1 TIME2 Development start within three years

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

Proposed site plans - PL408 A and PL402 E

Proposed floor plans / layout - PI 409 B

Proposed elevations and sections - PL200 C

Tree protection plan - BA10946TPP A

Lighting plan - D44550/JB/E

Landscape / planting plan - 21102-TLP-400A

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Construction management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- Details of measures to keep the highway clean - wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards and times of working.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event

that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk

- Dilapidation survey - Prior to works starting on site a dilapidation survey of the highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties and business, in accordance with Policy ENV2 of the City of York Publication Draft Local Plan.

4 Archaeology

Prior to any groundworks a written scheme of investigation (WSI) for archaeological evaluation shall be submitted to and approved by the local planning authority in writing and undertaken in accordance with the approved details. The WSI shall adhere to the following measures -

- The WSI to conform to standards set by LPA and the Chartered Institute for Archaeologists.
- A site investigation and post investigation assessment to be completed in accordance with the programme set out in the Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition.
- A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion.
- Where archaeological features and deposits are identified proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. There shall be presumption in favour of preservation in-situ wherever feasible.

Reason: This condition is imposed in accordance with Section 16 of NPPF. The site lies within an area of archaeological interest. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ.

5 Land contamination

Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) shall be undertaken to assess

the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons. A written report of the findings shall be produced, submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Land contamination - remediation scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7 Land contamination - verification

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

8 Nesting birds

No tree works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful and detailed check of suitable habitats for active nests immediately before the works commence. Written confirmation shall be submitted to the local planning authority, detailing where works within suitable habitats have been undertaken within the nesting bird period, the outcomes of checking surveys, and identify requirements for protection measures.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

9 Biodiversity enhancement

A biodiversity enhancement plan shall be submitted to and approved in writing by the Local Planning Authority prior to the construction of the building hereby permitted. The plan shall include a minimum of four bat boxes suitable for crevice dwelling species, four boxes for nesting birds and two invertebrate hibernacula. The approved works shall be completed prior to first use of the development hereby permitted.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, in accordance with Paragraph 180 of the NPPF, to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

10 Landscaping

The approved landscaping scheme; drawing 21102-TLP-400A shall be fully implemented prior to first occupation of the development. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives

are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area and biodiversity.

11 Lighting

External lighting shall at no times exceed the illumination levels as set out on approved drawing D44550/JB/E.

Reason: To avoid light pollution and to minimise and mitigate impacts on biodiversity in accordance with NPPF paragraphs 180 and 191.

12 Carbon reduction

The development hereby approved shall achieve the following (unless it is demonstrated that such reductions would not be feasible or viable)

- a 28% reduction in carbon emissions over and above the requirements of Building Regulations (2013).
- BREEAM 'Very good'.

Evidence that the above measures have been achieved, including a copy of the BREEAM certificate, shall be submitted to the Local Planning Authority within 12 months of the first use.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of Policy CC2 of the Draft Local Plan.

13 Drainage

The development shall be carried out in accordance with the details shown on the submitted Drainage Strategy and Calculations report by Dudleys - 21396-CALC01 (P6) dated October 2023 which shows surface water run-off with a restricted rate of 2.55 litres/second.

Reason: In the interest of satisfactory and sustainable drainage in accordance with draft local plan policy ENV5.

14 Cycle parking facilities

Notwithstanding the approved plans prior to construction of the building hereby permitted full details of the cycle parking facilities and amenities on site shall be submitted to the Local Planning Authority for approval in writing. The details shall

include the following measures -

- Staff changing rooms, lockers, showers and a drying space provided within the building.
- At least 5% cycle provision to be for over-sized cycles (as described in LTN 1/20 section 11).

The approved facilities shall be fully installed prior to first use of the development hereby permitted and be kept available for the use of staff for these purposes.

Reason: To comply with Policy T1 of the City of York Local Plan - 2018 Draft Local Plan and the guidance in LTN 1/20 on Cycle Infrastructure Design.

15 Electric vehicle charging

The electric vehicle charging spaces as shown on the approved site plan shall be provided with electric vehicle charging facilities prior to first use of the development hereby permitted.

Reason: To ensure provision of EV charging facilities in line with the National Planning Policy Framework (NPPF) and CYC's Low Emission Planning Guidance.

16 Travel Plan

The development hereby permitted shall be carried out in accordance with the Pavers Travel Plan ref 21-352-006.02 by Bryan G Hall, including the monitoring report(s) which shall be prepared, submitted to, and approved in writing by the Local Planning Authority to meet the timescales detailed in the Action Plan. The monitoring reports shall include a review of the modal split targets and measures to be taken should progress not be made on achieving these targets.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework and policies DP3: Sustainable Communities and T7: Minimising and Accommodating Generated Trips of the 2018 Publication Draft Local Plan.

17 Layout of roads and footpaths etc

The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles) 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 and to promote sustainable travel.

18 Deliveries

There shall be no HGV deliveries to/from the site between 23.00 and 06.00 the following day.

Reason: To prevent noise disturbance and in accordance with the proposed development, as set out in the Noise technical note version 2.1 April 2023 by Metrica.

19 Unexpected contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20 Car parking - oil interceptor

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water shall not pass through the traditional 'stage' or full retention type of interceptor/separator (it is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required).

Reason: To avoid pollution of the water network in accordance with NPPF sections 14 and 15.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought further advice in respect of very special circumstances and through the use of conditions.

2. Drainage

The applicant should be advised that the York Consortium of Drainage Board's prior consent is required (outside and as well as planning permission) for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in, divert or make a discharge (either directly or indirectly) to the watercourse will also require the Board's prior consent.

3. Electric Vehicle facilities

All active and passive electric vehicle charging facilities should be installed in accordance with Building Regulations approved document S - Infrastructure for the charging of electric vehicles.

4. Protected species

Nesting birds: The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

Hedgehogs: Hedgehogs are of priority conservation concern and are a Species of Principal Importance under section 41 of the NERC Act (2006). An important factor in their recent population decline is that fencing, and walls are becoming more secure, reducing their movements and the amount of land available to them. Small gaps of approximately 13x13cm can be left at the base of fencing to allow hedgehogs to pass through. Any potential hibernation sites including log piles should be removed outside the hibernation period (which is between November and March inclusive) in order to avoid killing or injuring hedgehogs. Habitat enhancement for hedgehogs can easily be incorporated into developments, for example through provision of purpose-built hedgehog shelters or log piles.

<https://www.britishhedgehogs.org.uk/wp-content/uploads/2019/05/developers-1.pdf>

Contact details:

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Application Reference Number: 23/00823/FULM

Item No: 4c

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