

COMMITTEE REPORT

Date: 1 September 2022 **Ward:** Rural West York
Team: West Area **Parish:** Upper Poppleton Parish Council

Reference: 22/00794/FUL
Application at: Northminster Business Park Harwood Road Upper Poppleton York
For: Installation of timber clad container for use as security cabin.
Construction of gravel path.
By: Mr Alastair Gill
Application Type: Full Application
Target Date: 18 August 2022
Recommendation: Approve

1.0 PROPOSAL

1.1 Planning permission is sought for the installation of a timber clad steel container to serve as a security cabin to be positioned in front of the gated entrance to Northminster Business Park on Harwood Road. The proposal includes the construction of a gravel pathway replacing a section of grass verge.

1.2 The container will have a height of 3 metres with a base measuring 5 metres in length by 3 metres in depth comprising of a floor area of 15 square metres. Its external appearance will be clad in timber and will include one window with a dark grey frame and dark grey UPVC external door.

1.3 The Business Park was granted planning permission on appeal in 1998. The Public Inquiry followed the decision of the Local Planning Authority to refuse planning permission for the erection of buildings for business (B1), general industrial (B2) and storage/distribution (B8) (ref: 97/01513/OUT) on 15.08.1997. Outline permission was granted for a revised scheme for erection of buildings for business (B1) general industrial (B2) and storage/distribution (B8) in October 1999 (97/02578/OUT).

Councillor Call - In

1.4 The application has been brought to Area Planning Sub Committee by Councillor Anne Hook on grounds that the proposal may lead to an extension to the opening hours of the site which would increase the noise and disturbance for the residents of Northfield Lane caused by the movements of large vehicles during the evenings and weekends. Councillor Hook requests a planning condition to control the hours for deliveries, dispatches, stacking etc "except between the hours of 0800 and 1800 Mon-Fri, 0800-1300 Saturday and not at all on Sunday".

2.0 POLICY CONTEXT

2.1 The adopted Upper and Nether Poppleton Neighbourhood Plan (2017)

PNP1 Green Belt Policy
PNP 7 Business and Employment Policy

2.2 The Publication Draft Local Plan (2018). Relevant policies are:

SS2 The Role of York's Green Belt
SS23 Land at Northminster Business Park
D1 Place making
GI4 Trees and Hedgerows

3.0 CONSULTATIONS

INTERNAL

Design, Conservation And Sustainable Development (Landscape Architect)

3.1 No objection.

Design, Conservation And Sustainable Development (Ecology and Countryside Officer)

3.2 Due to the small size of the application site detailed ecological surveys are not required. However, as vegetation clearance will likely be required the applicant is reminded that nesting birds may be impacted by the proposed works. It should also be noted that all developments should aim to improve biodiversity following the completion of works. Based on the information provided there are no objections to

the application, subject to conditions to control site clearance for the protection of nesting birds.

Public Protection

3.3 Public Protection has considered this application in terms of all environmental impacts (noise, air quality, contaminated land and dust) and have no objections to the application.

EXTERNAL

Upper Poppleton Parish Council

3.4 Object. This application will facilitate 24/7 operation of the business park. It was CYC policy at one time that activities would be restricted to certain hours and days and this was reflected in the restrictions imposed during the planning processes. Thus several businesses are still operating under those conditions. However if 24 /7 operation is now facilitated more businesses will, despite the existing restrictions, feel entitled to work unrestricted days and hours and the local residents will suffer therefrom.

4.0 REPRESENTATIONS

Neighbour Notification and Publicity

4.1 A response has been received on behalf of all occupants residing at nos: 1- 6 Northfield Lane who are collectively objecting to the proposal. The grounds for objection are outlined below:

- The creation of Northminster Business Park has resulted in residents being subjected to noise and vibrations of heavy vehicles entering the site.
- The houses on Northfield Lane have stood for a 100 years, over the last 30 years it has been transformed from a quiet dead- end country lane into an increasingly noisy, unpleasant and risky race – track.
- The proposed building will facilitate more night time activity to the site. It is understood that “blanket conditions” have been included on other planning applications to control times of deliveries, dispatches and stacking of materials. It is requested that this condition should be attached to this application, in order to give residents respite from noise and allow enjoyment of their homes. It is believed this is a basic right quoted in the “Human Rights Act”

- Northfield Lane is unsuitable for an access road. New alternative routes from connecting roads should be considered from either A59 or A1237.
- Northfield Lane should be closed to traffic except for pedestrians and bicycles.

5.0 APPRAISAL

The key issues are:

- Green Belt
- Neighbour Amenity
- Design
- Ecology

POLICY CONTEXT

5.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan comprises the Upper Poppleton and Nether Poppleton Neighbourhood Plan (adopted 2017) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS).

Upper and Nether Poppleton Neighbourhood Plan (2017)

5.2 Policy PNP 7 Business and Employment Policy states that proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications.

Yorkshire and Humber Regional Spatial Strategy

5.3 The saved policies YH9 and Y1 state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas. The key diagram shows that the site within the general extent of the Green Belt.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) (July 2021)

5.4 The revised National Planning Policy Framework was published on 21 July 2021 (NPPF) and its planning policies are material to the determination of planning applications. In respect of proposals in the Green Belt paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 includes defined exceptions to the general policy that the construction of new buildings should be regarded as inappropriate. This includes paragraph 149(g) which allows for limited infilling of previously developed land, whether redundant or in continuing use which would not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt.

THE PUBLICATION DRAFT LOCAL PLAN 2018

5.5 The Publication Draft Local Plan ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

APPRAISAL

5.6 The proposed timber clad container will be situated in front of the main entrance gates into Northminster Business Park on a section of grass verge set back from Harwood Road in the region of 25 metres from the junction with Northfield Lane.

5.7 The container will serve as a security cabin to provide a base for a full time night time security guard/ gate keeper to assist with the entry of vehicles during the night period. At present the night time vehicle entry into the site is by a fob key because the gates are closed and locked. This requires the driver to leave the vehicle to manually activate the gates. This system has proven unsatisfactory resulting in occasions whereby vehicles are made to wait outside of the gates until private security firms arrive to allow for entry into the site. The justification for the on-site

provisions of a security guard is to ensure traffic flows freely in and out of the site and in doing so will assist in preventing vehicles standing stationary awaiting entry into site.

GREEN BELT

5.8 The application site and the Business Park is shown as not being within the Green Belt in the draft 2018 Local Plan currently at examination. However the site is currently considered to be in the general extent of the Green Belt. The proposal, because of its location and small scale, is considered to fall within the exception to NPPF paragraph 147 / 149 and is not inappropriate development.

DESIGN

5.9 Within the context of the Business Park, the container will not appear overly assertive nor impact unacceptably upon the streetscene. It will be located within a well-maintained landscaped setting within the back-drop of extensive dense boundary hedge separating the site from Northfield Lane.

NEIGHBOUR AMENITY

5.10 Paragraph 130(f) of the NPPF seeks to achieve a good standard of amenity for all existing and future occupants. Policy GP1 of the 2005 Development Control Draft Local Plan and policies D1 of the 2018 Draft Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents.

5.11 A letter of objection has been received from the resident of no.6 Northfield Lane. The context of the letter explains the occupants of the terraces experience problems with noise and vibrations from heavy vehicles entering the site which conflicts with the enjoyment of their home and gardens and causes disturbance during the night. As a consequence of these issues the grounds for objection relate to concerns that the proposed building would facilitate further night-time operation to the site.

5.12 The original appeal decision allowing outline planning permission for development of the Business Park included a condition that

“there shall be no deliveries to the site or dispatches from the site or external stacking or loading activities or movement of stored materials within the site outside

the hours of 0800 to 1800 on Mondays to Fridays or 0800 to 1300 on Saturdays not at any time on Sundays, Bank or Public Holidays.”

5.13 This condition was applied to a later re-submitted outline approval. The condition applies to developments implemented under reserved matters approvals pursuant to these outline planning permissions. However, any new buildings constructed under later planning permissions would not be subject to the condition unless it was included in the decision notice for that development. Of note, the Pavers warehouse and the DPD distribution facility are not subject to any conditions regarding hours of delivery or dispatch. Furthermore, the conditions applied to the original outline planning permissions does not restrict the hours of operation of the uses to which it applies within the Business Park (other than as outlined in 5.13 above) or the arrival or departure of employees.

5.14 As outlined above a number of the developments within the Business Park are not subject to planning controls restricting dispatch and deliveries. There are no existing planning conditions regarding the operation of the gate. The purpose of a permanent base for a security guard will likely ease the standing and waiting of large vehicles and vibration from engine noises that can occur at present. Accordingly, for this reason it is considered to assist in mitigating unwanted disturbance for residents particularly at night periods. The hours of delivery and dispatch condition would continue to apply to those buildings subject to the earlier planning permissions.

5.15 It is not considered that a condition seeking to restrict delivery or dispatch access to the Business Park site could be reasonably attached to a planning permission for the gatehouse.

ECOLOGY

5.16 The Council's Ecology Officer has requested precaution methods will be required where works are to take place within the nesting bird season. In this respect Officers have advised conditions for No vegetation clearance works within the application site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

6.0 CONCLUSION

6.1 The application site lies within the general extent of the Green Belt but due to the scale and location of the proposal it is not considered to constitute inappropriate development. The proposed gatehouse is not considered likely to harm neighbour amenity. Subject to conditions for precaution methods to protect nesting birds the proposal complies with the Neighbourhood Plan, the National Planning Policy Framework, and the Publication Draft Local Plan 2018.

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

2852.P401 D

2852.P100C

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

3 No vegetation clearance works within the application site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: As the vegetation within and alongside the site boundary provides suitable habitat for nesting birds, precaution methods will be required where works are to take place within the nesting bird season.

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) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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Item No: 4b

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