

COMMITTEE REPORT

Date: 16 February 2017 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Murton Parish Council
Commercial Team

Reference: 16/02812/FULM
Application at: Rosti Automotive, Stamford Bridge, The Warehouse, Stamford
Bridge Road, Dunnington, York
For: Extension to existing warehouse
By: Rosti Automotive Stamford Bridge
Application Type: Major Full Application (13 weeks)
Target Date: 21 March 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 The Warehouse (formerly House of James) comprises a substantial profiled steel clad warehouse building lying in an open-countryside location within the York Green Belt to the east of the City Centre and accessed from the A166. The building is presently used as an intermediate storage facility for a major component supplier for Jaguar/Land Rover cars. Planning permission ref:- 12/01259/FULM has previously been given for erection of a loading bay extension to facilitate the efficient operation of the site. Planning permission is now sought for the erection of a 1,430 square metre extension to the west of the existing warehouse to provide additional storage for components for Jaguar/Land Rover cars.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CGP15A - Development and Flood Risk

CYGP9 - Landscaping

CYGB1 - Development within the Green Belt

3.0 CONSULTATIONS

INTERNAL:-

Public Protection

3.1 Raise no objection to the proposal.

Highway Network Management

3.2 Was consulted with regard to the proposal on 21st December 2016. Views will be reported orally at the meeting.

Strategic Flood Risk Management

3.3 Was consulted with regard to the proposal on 21st December 2016. Views will be reported orally at the meeting.

Planning and Environmental Management

3.4 Express concern with regard to the scale and location of the proposed extension within a prominent location within the Green Belt and object to the proposal in the event that no case for "very special circumstances" can be demonstrated to justify the proposal in Green Belt terms.

EXTERNAL

Murton Parish Council

3.5 Were consulted in respect of the proposal on 21st December 2016. Views will be reported orally at the meeting.

Yorkshire Water Services Ltd

3.6 Were consulted in respect of the proposal on 21st December 2016. Views will be reported orally at the meeting.

The Foss (2008) Internal Drainage Board

3.7 Raise no objection in principle to the proposal subject to the submission and prior approval of a detailed surface water drainage scheme.

4.0 APPRAISAL

KEY CONSIDERATIONS

4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the Green Belt;
- Impact upon the visual amenity of the surrounding landscape;
- Safeguarding the local economy/employment.

STATUS OF THE YORK DEVELOPMENT CONTROL DRAFT LOCAL PLAN (2005 4th SET OF CHANGES)

4.2 The York Development Control Local Plan (DCLP) was approved for Development Control purposes in April 2005. Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

STATUS OF THE EMERGING LOCAL PLAN

4.3 The public consultation on the Preferred Sites 2016 document and supporting evidence for the emerging City of York Local Plan has ended and the responses are being compiled and assessed. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the National Planning Policy Framework (NPPF). However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application. The NPPF is the most up to date representation of key relevant policy issues (other than the saved RSS policies relating to the general extent of the York Green Belt).

PLANNING POLICY CONTEXT

4.4 GREEN BELT:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. The NPPF states that when considering development proposals in the Green Belt Local Planning Authorities should ensure that substantial weight should 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, is clearly outweighed by other considerations. Policy GB1 of the (Emerging) Publication Draft Local Plan is also of relevance in this respect. Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.5 SAFEGUARDING LOCAL ECONOMY/EMPLOYMENT:- Central Government Planning Policy as outlined in paragraph 21 of the National Planning Policy Framework indicates that Local Planning Authorities should give significant weight to the safeguarding of existing business sectors particularly when expanding as well as planning positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high tech industries.

IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT

4.6 The site is located within the general extent of the York Green Belt as described in the RSS. The DCLP (2005) and the emerging local plan designate the site as Green Belt.

4.7 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, 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.

4.8 The site serves number of Green Belt purposes, namely assisting in safeguarding the countryside from encroachment and helping to preserve the setting and special character of York.

4.9 As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF. Additionally, Policy GB1 of the DCLP (2005) sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one

of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry.

4.10 The application site has for some years been used to provide intermediate storage for small manufactured components for use in motor vehicle assembly first on a contract basis under House of James and subsequently Potter Group and more recently directly for Rosti Automative. The premises lie at an intermediate location between the component supplier's manufacturing plants at Pickering and Stamford Bridge and the location of vehicle assembly primarily in the West Midlands. The components have been particularly used in the assembly of "high end" models such as the Range Rover Evoque. The proposed additional floor space is seen as necessary following on from a reconfiguration of production activities with a greater emphasis being placed upon the Stamford Bridge plant where there is less available on site storage.

4.11 The proposal envisages the erection of a 1,230 sq metre extension in green painted profile metal cladding directly to the west of the existing warehouse. The site lies at the foot of a prominent ridge carrying the York to Stamford Bridge Road directly to the east of the City. It is highly prominent in the open rolling agricultural landscape particularly in views approaching from the east. The area of the proposed extension is less prominent on account of the level of road side landscaping directly to the west of the site and a disused railway cutting associated with the Derwent Valley Light Railway. The site of the extension is only really visible in a glimpsed view directly to the west of the site access. The proposal envisages the relocation of the existing landscaped bund to the west of the complex to accommodate the new development. The proposal would give rise to some less than substantial harm to openness by extending the form of development into open countryside to the North West albeit in a modest fashion. At the same time the proposal would give rise to a modest level of encroachment into open countryside although it would not give rise to any material harm to the setting of the historic city.

4.12 The proposal falls within the forms of development that are identified by the NPPF as being by definition inappropriate development within the Green Belt. This creates a requirement within paragraph 88 for "very special circumstances" that would clearly outweigh any harm to the Green Belt resulting from the development by reason of inappropriateness and any other harm. Substantial weight is to be given to any harm to the Green Belt. Whether very special circumstances exist to clearly outweigh the identified harms to the Green Belt and any other harm is assessed from paragraph 4.15 of this report.

IMPACT UPON THE VISUAL AMENITY OF THE SURROUNDING LANDSCAPE

4.13 The application site lies at the foot of a prominent slope running south west/north east directly to the east of the built up area of the City. The main A166 York to Beverley road runs at the top of the slope and the existing building to be

extended lies directly to the north east of the alignment of the former Derwent Light Railway. It is constructed to a uniform pattern of scale and massing in dark green painted profile steel cladding at 90 degrees to the road way. The site is visually prominent in views from the east and north east from the open countryside and from the A166 west bound heading towards the City Centre. The proposed extension would be to the western elevation of the building which is largely shielded in views from outside of the site by the local topography and the landscaping of the alignment of the former Railway. It would only be directly visible in a glimpsed view from the former site of the level crossing for the Railway over the A166. The proposal envisages the relocation of the existing landscaped bund to accommodate the extension and it is felt that any impact arising from the proposal upon the surrounding landscape would be modest.

SAFEGUARDING THE LOCAL ECONOMY/EMPLOYMENT

4.14 Central Government Planning Policy as set out in the National Planning Policy Framework paragraphs 21 and 28 sets out a requirement to support existing business sectors and to support the sustainable growth and expansion of all types of business and enterprise in rural areas. The application site has been used as a warehousing and distribution hub since its initial permission in the late 1980s and has developed close links with local businesses as well as supporting a range of local employment. In recent years the site has been used for the distribution of motor components manufactured at plants in Pickering and Stamford Bridge and is now solely used for that purpose. The long term future of the operation and the employment it supplies has thereby been secured. Detailed information has been submitted by the applicant which clearly demonstrates that there are no readily suitable sites in the locality. As such the proposal is supported to secure compliance with paragraphs 21 and 28 of the NPPF.

VERY SPECIAL CIRCUMSTANCES - ASSESSMENT OF THE OTHER CONSIDERATIONS FORWARDED BY THE APPLICANT

4.15 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development in the Green Belt unless other considerations exist that clearly outweigh the potential harm to the Green Belt and any other harm so as to amount to very special circumstances. Substantial weight is to be given to any harm to the Green Belt.

4.16 The applicant has submitted a case for "very special circumstances" based around the business model which has involved recent expansion and the principal markets of the manufacturing plant at Stamford Bridge. This is supplemented by an analysis of suitable alternative sites for the facility and their location relative to the strategic road network. From the research it is concluded that no suitable alternative sites are presently available with the only site of the required size to where the facility could be relocated immediately being at Sherburn in Elmet which is poorly

located relative to the two manufacturing plants at Pickering and Stamford Bridge. The site presently has 12 full time employees and the proposal if implemented would secure their long term prospects.

4.17 It is therefore felt that a case for "very special circumstances" can be demonstrated which overcomes any harm to the Green Belt by reason of inappropriateness, and any other harm identified (see 4.11 above) , as required by paragraph 88 of the National Planning Policy Framework.

5.0 CONCLUSION

5.1 The development represents inappropriate development within the Green Development which by definition is harmful to its character as well as giving rise to less than substantial harm to the openness and giving rise to a degree of encroachment into open countryside. In the planning balance, substantial weight is attached to the harm that the proposal would cause to the Green Belt in accordance with paragraph 88 of the NPPF. In addition, the proposal would have a modest adverse impact on the visual amenity of the surrounding landscape.

5.2 The applicant has submitted a case for "very special circumstances" to seek to out weigh the harm caused to the Green Belt by reason of inappropriateness and any other harm as required by paragraph 88 of the National Planning Policy Framework. This concentrates on the usage of the facility as an intermediate component storage facility for a major motor component manufacturer who has a long running supply contract with Jaguar/Land Rover in the West Midlands. For an intermediate storage facility there are very specific locational requirements in terms of relationship to the host manufacturing site and the strategic highway network. At the same time the applicant has provided detailed information to demonstrate that the proposed extension to the facility could not reasonably be accommodated at either of the two local manufacturing plants and a detailed site search exercise which demonstrates that no other suitable non-Green Belt sites are available. It is felt that subject to appropriate landscaping the impact of the proposal upon the local landscape would be minimal and that the provision of the extension would safeguard local employment in the area.

Having attached substantial weight to the harm to the Green Belt in the overall planning balance, it is considered that the considerations in support of the proposal are of sufficient weight to clearly outweigh all the harms identified so as to amount to the very special circumstances necessary to justify an exception to Green Belt policy in this case. The proposal is therefore felt to be acceptable in planning terms and approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

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1 TIME2 Development start within three years

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

Drawing Refs:-5300/10; BS2870-06; BS2870-05 A.

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

3 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the development commences above foundation level and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

4 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development above foundation level. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

5 No development shall take place above foundation level until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees, shrubs and hard landscaping. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development 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,

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suitability and disposition of species within the site.

6 Trees shown as being retained on the approved plans shall be protected in accordance with BS: 5837 Trees in relation to construction.

Before the commencement of development, including demolition, building operations, or the importing of materials and any excavations, a method statement regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective fencing; phasing of works; site access for demolition/construction and methodology; type of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading); parking arrangements for site vehicles; locations for storage of materials; locations of utilities. Details of existing and proposed levels and surfaces shall also be included.

The protective fencing line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, mechanical cultivation or deep-digging, parking or manoeuvring of vehicles; there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, or pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscape works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

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

7 No development the subject of this permission shall be commenced above foundation level until the Local Planning Authority has approved a scheme for the provision of surface water drainage works for the development site. The scheme shall thenceforth be implemented to the reasonable written satisfaction of the Local Planning Authority before the development is first brought into use.

Reason:- To ensure that the development is provided with satisfactory means of surface water drainage whilst reducing the risk of flooding to the surrounding area.

8 The development hereby approved shall only be used for warehousing in conjunction with the existing use at the site and for no other purpose, including any other purpose permitted by Class B8 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: So that the Local Planning Authority may re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, and for which very special circumstances to clearly outweigh the harm to the Green Belt created by the inappropriate development have not been demonstrated.

7.0 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 (paragraphs 186 and 187) 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:

Clarification of the search exercise undertaken to identify possible alternative sites.

2. CONTROL OF POLLUTION ACT 1974:-

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

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