

COMMITTEE REPORT

Date: 3rd November 2022 **Ward:** Rural West York
Team: West Area **Parish:** Upper Poppleton Parish Council

Reference: 21/02804/FULM
Application at: Pavers Ltd Catherine House Northminster Business Park
Harwood Road Upper Poppleton
For: Extension to warehouse (B8 Use with ancillary office/welfare space) with service yard, vehicular and cycle parking, and landscaping
By: Pavers Holdings
Application Type: Major Full Application
Target Date: 28 November 2022

Recommendation: Refuse

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.

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

1.5 Both the 2005 and 2018 draft Local Plans are not adopted (at this time). The application site is within identified Green Belt in both plans. The application site is regarded as being within the general extent of the Green Belt. The approach is consistent with how other applications to extend the business park have been determined.

Proposals

1.6 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.

1.7 The proposals are for a warehouse extension to the west of the existing building providing a further 11,275m² floorspace. The scheme would include associated works including an extended servicing area (8 loading bays and turning space for HGV's), vehicle and cycle parking, and landscaping, including native tree and shrub planting at the site boundary.

1.8 Recent growth has seen expansion of Pavers' retail portfolio to over 180 stores and increases in online sales by over 700% in the last 3 years. Storage requirements are expected to double over the next 5 years. The company has already reached capacity at its Northminster Business Park base; current operations rely on off-site storage facilities. The applicant's position is that additional warehouse facilities are essential on-site; a single warehouse facility is necessary for efficient business operations.

1.9 A new distribution facility for DPD is under construction on the land to the south of the Pavers site. The facility provides 5,570m² and will be some 11m high (approved under 21/00796/FULM). This means the Pavers site is unable to expand (and remain on a single site) within the existing Northminster employment land allocation (site ST19). The economic benefits of allowing Pavers to grow are put forward by the applicants as benefits to justify development within the Green Belt.

Relevant Planning History

1.10 Northminster Business Park has been extended into the Green Belt on multiple occasions, 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 Compensation 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. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

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 the 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 Publication Draft City of York Local Plan 2018 (2018 eLP)

2.9 Key relevant Publication 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.

3.0 CONSULTATIONS

Carbon Reduction Team

3.1 In this instance consider a BREEAM Score of 'Very Good' acceptable given the justification provided within the BREEAM Pre-assessment and given the nature of a development of this type.

3.2 No comments or anticipations have been provided surrounding Policy CC1 relating to the achievement of a 28% reduction in carbon emissions. Energy/sustainability statements have not been provided at this stage. If

Economic Growth Team

3.3 Support the application. Comments are based around economic growth only, as the team are aware that this application is to develop on agricultural land in the Green Belt, and not on designated employment land as per the draft Local Plan.

3.4 Pavers Shoes is a home-grown business, established in York by the family 50 years ago. The company has gone from strength to strength and now trades on a global scale, whilst retaining roots firmly in the City.

3.5 The application proposes a large extension to the existing infrastructure, totalling 120,000ft² and creation of 100 new jobs. The site is well situated, near to the major road network, Poppleton Bar Park and Ride and York's cycle network, allowing ease of access for goods and labour.

3.6 The availability of suitable employment space is vital to ensuring that York remains a great place to do business. Both anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation across York, especially industrial units as they infrequently come onto the market for either rent or purchase.

Flood Risk Management Team

3.7 Officers agree with the Ainsty drainage board comments; that surface water discharge from the site should be 3 l/sec as agreed previously for the site (reference application 18/00565/FULM). The foul pumping station requires a maximum

discharge rate of 2l/sec. Swales are proposed as part of the surface water drainage strategy. There are no details of the swale's capacity. To enable maintenance of the swales, tree planting (contrary to as shown on the plans) would not be permitted within such areas. The drawings show the swales in the same location of the planting proposed to screen the site.

Highway Network Management

3.8 Officers raised the following issues – the bin store and collection point should be within the site / cycle parking needs to be covered / the main entrance to the business park should be wide enough to allow HGV's to pass.

Local Plans Team

3.9 The site falls within the general extent of the Green Belt as defined by RSS. On the basis of analysis of the very special circumstances put forward by the applicant officers raise a policy objection to the principle of development in this green belt location. Development in this location would be detrimental to the openness of the green belt and its purposes.

3.10 The application site has been considered through the Local Plan development plan process, as part of a larger site, as follows: Site 689, Site 764, Site 793 with the latter two submitted at preferred options stage 2013. Site 793 was proposed as safeguarded land in the Further Sites Consultation (2014). However, the preferred sites consultation 2016 removed all safeguarded land from the plan, instead the plan identifies sufficient land, including land for flexibility, to accommodate York's development needs across the plan period, 2012-2032 and beyond to 2037 to provide green belt permanence. Allocations are justified in meeting development needs over the plan period, with additional provision; to allow for flexibility in choice of premises, the loss of existing outdated buildings as well as a 5% vacancy factor and additional 2-year land supply to allow time for developments to complete.

3.11 This approach was joined up with further technical officer consideration of the adjoining land at ST19 which analysed employment demand through the Employment Land Review and proposed that a 15ha site for up to 60,000sqm of B1C/B2/B8 floorspace be allocated to the south of the existing Northminster Business Park.

3.12 A full assessment of the Green Belt boundary in relation to the application site is presented in Annex 4 to the Green Belt Topic Paper Addendum [local plan examination document EX/CYC/59f].

3.13 Northminster Business Park is allocated in the emerging Local Plan as a strategic employment site (ST19). Annex 4 of the Green Belt Topic Paper Addendum proposes Northminster Business Park be inset from the Green Belt Boundary. This annex details that the (existing) densely developed area of Northminster Business Park does

not contribute to the openness of the Green Belt and is therefore inset within the Green Belt. It also states that to deliver “long term permanence for the York Green Belt it has been determined that there is potential for an expansion of the business park to the south” in-line with the settlement pattern.

3.14 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.

Features of the western boundary are described as:

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

3.15 In defining the boundary of the expanded Northminster Business Park (ST19), the assessment of Green Belt has been prepared in order to mitigate the potential harm of the Green Belt and as such it is said of the western boundary, where the application site lies, that it will have an increased importance to remain permanently open.

Public Protection

3.16 Land contamination – a desk-based assessment recommending site investigation has been issued. Investigation and a remediation strategy should be secured through condition.

3.17 Construction management – measures to minimise noise, dust and vibration during construction requested.

3.18 Noise – the assessment is unclear as to possible effects of vehicle movements at night-time (23.00 to 07.00). Clarification is requested.

3.19 Electric Vehicle facilities – recommend provision of six EV charging points. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles.

Design, Conservation, and Sustainable Development - Archaeology

3.20 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

3.21 Great Crested Newts - There are multiple ponds and ditches within 500m of the application site. These areas have now been subject to survey work (by the applicant under application 22/01555/FULM) which concluded a negative

3.22 Nesting Birds - the application site offers suitable habitat for nesting birds. Precautionary methods to ensure active nests are not destroyed during any vegetation clearance or tree works are required. This can be dealt with through condition.

3.23 Bats - The existing boundary vegetation has the potential to be used by light sensitive species, such as bats. Although a lighting plan has been provided, the plan indicates that the light levels on and through the new linear planting will be high enough to act as a deterrent to such species. Recommendations on suitable lighting have been made in the applicant's ecological impact assessment. It is recommended that the applicant continues to work with a consultant ecologist to ensure an appropriate lighting scheme can be provided.

3.24 Biodiversity Net Gain - Through the provision of native planting, as shown with detailed planting plan 21102-TLP-400, it is considered that the proposed development can achieve a Biodiversity Net Gain in-line with the National Planning Policy Framework. A condition to secure such is recommended.

Design, Conservation, and Sustainable Development - Landscape

3.25 Officers advise that 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.

3.26 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.

3.27 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).

3.28 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

Ainsty Internal Drainage Board

3.29 Advice on standard drainage requirements provided.

3.30 Surface water drainage - The previous application for the Pavers site proposed that the existing pumping capacity of 5 litres per second was sustained. As 5 litres per second appears to be the existing maximum flow constraint of the existing system, the 12.9 litres per second proposed in this application would not be supported by the Board.

3.31 Foul drainage - The Board notes that the applicant is proposing to use an existing foul water pump manhole for the disposal of foul sewage. If Yorkshire Water is content with the proposed arrangement and is satisfied that the asset has the capacity to accommodate the flow, then the Board would have no objection to the new proposed arrangement.

Yorkshire Water

3.32 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.

3.33 Surface water discharge – if discharge to the public sewer is proposed it must be evidenced that infiltration or via a watercourse are not practical. There is a watercourse remote from the site. Connection into such has been discounted due to 3rd party land ownership – Yorkshire Water consider permission must be sought. Yorkshire Water do not agree to the proposed discharge rate of 12.9 l/sec. There are inadequate details on surface water management.

Rufforth with Knapton Parish Council

3.34 Object and make the following comments -

- The site is not in the parish

- 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 Publication Draft Local Plan 2018 (2018 eLP).
- 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 (as the land is not proposed for development in the 2018 eLP).
- Development on the proposed site 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

3.35 Object as the development is contrary to the Poppleton Neighbourhood Plan. Support the representations from local residents especially regarding highways safety issues.

4.0 REPRESENTATIONS

Make It York

4.1 Support the application

- The applicant is a major local employer
- Expansion will be good for the local economy
- Welcome the applicant's ambitious growth targets, committing to both online and physical retailing

Cllr Hook

4.2 The expansion is into good agricultural land and will create an odd shape, which, should a precedent be set by approving this proposal, will soon attract further applications from elsewhere to "square it off" resulting in continuing expansion of the business park and erosion of the Green Belt, contrary to the Local Plan when it comes into force.

4.3 Northfield Lane is a cul-de-sac with 9 residential properties and a great deal of pedestrian and cycle traffic, making use of the cycle/footpath from Knapton to Rufforth. This pedestrian and cycle traffic will grow when the new Community Woodland is established, because visitors will be encouraged to use sustainable transport options to reach the area. Such vulnerable traffic does not mix well with large heavy goods vehicles (or any form of motorised transport) able to move at 60 mph. This poses a real danger, which should not be allowed to get worse.

Further representations

4.4 Two objections from residents in Northfield Lane and one general comment advise as follows -

Light pollution

Concerns of impacts. Noted that there is a high level of light pollution from the existing Pavers Unit. The Park & Ride site has a controlled effect from its lighting – the applicant should also be able to cause similar effect.

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.

Traffic generation

Northfield Lane is already congested and not designed to accommodate the number of HGV vehicles associated. Discouraging for pedestrians and cyclists.

Quality of agricultural land

Loss of Grade A land. (DEFRA 2002)

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues regarding this scheme are -

- Application of Green Belt policy
- Economic benefits
- Highway Network Management
- Ecology / biodiversity
- Sustainable design and construction
- Drainage
- Public protection matters
- Consideration of very special circumstances

Application of Green Belt policy

5.2 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.

5.3 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.

5.4 The saved RSS policy Y1C: York sub area policy advises that “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”.

5.5 The *Wedgewood 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 a defining Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally in order 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.

5.6 Applying *Wedgewood* only strengthens the position the site be regarded as within the Green Belt.

5.7 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”.

5.8 In the emerging plan (2018 eLP) 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.

5.9 Features of the proposed western boundary 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.

5.10 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.

5.11 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.

5.12 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”.

5.13 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

5.14 The Urban Design & Conservation Landscape Architect officer comments in section 3 advise 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.

Five Green Belt purposes

5.15 Policy SS2 of the 2018 eLP 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.

5.16 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.

5.17 The boundaries for Northminster Business Park are 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.

5.18 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. It is of note also that openness of the land to the south has already been effected by development; the DPD site (where development has commenced) and three substantial agricultural/industrial buildings. The visual impact of the latter buildings is illustrated in the LVIA appendix 3 – visualisations view 3.

5.19 For the reasons above the 2018 eLP evidence base determined that 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 be in 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.

5.20 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 eLP acknowledges that the development needs of the city will require Green Belt land.

5.21 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.

5.22 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

5.23 The applicant’s case for the scheme is as follows -

- The Company employs over 1,700 people nationwide, including 270 employees based at Northminster Business Park and more than 20 staff at Pavers’ two stores in York. The Company is expected to have an annual turnover of £200m in 2022 and is planning for a turnover of £350m by 2028.
- Recent growth has seen expansion of its retail portfolio to over 180 stores and increases in online sales by over 700% in the last 3 years. Pavers’ storage requirements are expected to double over the next 5 years. The Company has already reached capacity at its Northminster Business Park base, with current operations having to rely on off-site storage facilities. It has an essential need for additional accommodation on site.
- Planning permission (21/00796/FULM) has recently been granted for a new distribution facility for the DPD Group on land to the south of the Pavers premises. This means the Pavers site is unable to expand (and remain on a single site) within the existing Northminster employment land allocation (ST19) in the publication draft Local Plan.

Business and operational needs

- Need for the development arising from the continued growth of a key York business.

- The need to connect with complex linear automation processes at the existing warehouse and lack of suitable alternative (single) site that is on land currently proposed for employment allocation in the emerging Local Plan.
- Landscape and visual effects of the proposed development can be mitigated.

Economic benefits

- Supporting local businesses and growth in the wider York economy.
- Directly creating 100 jobs in the local economy.
- Directly contributing to economic growth during the construction phase.
- Unlocking potential for future expansion of Pavers' offices within the Business Park, leading to further job creation and economic growth.

5.24 The applicant's storage requirements have increased due to business growth but also wider economic issues, regarding shipping and growth of internet sales, which mean that more storage space is required. Providing further storage capacity will allow the business to be more efficient and would reduce traffic movements, compared to the current arrangement where goods need to be moved between satellite warehouses (currently some 250,000 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 and (the applicants advise) represents a cost of over £250,000 per year to the business).

5.25 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. 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.

Highway Network Management

5.26 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.

5.27 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.

Impact on the network

5.28 The proposed development would, according to the applicant's documentation, create an additional 100 staff employees, resulting in a total number of 370 staff. The increase will equate to an additional 60 office staff and an additional 40 warehouse staff.

5.29 The applicants advise that many of the warehouse staff will arrive / depart outside of the established network peak hours.

5.30 The Transport Assessment includes traffic survey data which concludes the existing development has some 75 vehicles entering the site at the am peak. A further 33 are anticipated as a consequence of the proposed development. The travel survey (54% staff surveyed in December 2021) found that 78% staff travel by car alone.

5.31 HGV movements are currently 5-6 during the peak hours. It is expected the increase in HGV movements will be spaced over the day. In relation to HGV movements the applicants Vision Statement document notes that business growth has resulted in excess of 1,500 pallets of shoes being stored in off-site storage which are then transported to / from the site for picking and distribution. Pallet storage off-site results in additional trips currently travelling to other storage sites and back to the development site which is an inefficient system both economically and environmentally.

5.32 The applicant's Transport Assessment (TA) reviews impact on A59 junction (taking into account committed development with a base year of 2026). The outputs show a degree of saturation at no more than 80%. This illustrates the junction will not exceed capacity. Highway Network Management have raised no issues in respect of traffic generation and impact on the network.

Parking facilities

Cycle storage

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

5.34 Local parking standards are contained in the 2005 Draft Local Plan. Cycle parking standards require a minimum of 1:300 for B8 & 1:60 for offices. Minimums in LTN1/20 differ and are 1:500 & 1:200 respectively.

Comparisons of cycle parking requirements

	CYC	LTN 1/20
Warehouse	61	36
Office (existing)	18	5
Total	79	41

Proposed	70	
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Car parking

5.35 The proposed layout shows car parking as follows –

- 110 spaces opposite the proposed extension
- 50 spaces opposite the existing warehouse
- 38 spaces in front of the building

Total 198 spaces

5.36 There is also an overspill car park not shown on the plan. The current application for the office extension (22/01555/FULM) shows the existing 38 spaces in front of the building replaced with a scheme providing 30 spaces and a further 52 spaces in the proposed south car park. Both schemes therefore show 242 spaces in total.

5.37 Local car parking standards are contained in the 2005 Draft Local Plan. These state parking should be provided at a ratio of 1 space per 300m² for B8 (storage/distribution) and 1 per 30m² for the office element (assuming the site is classed as outside the built-up area, otherwise 1 per 45m²).

5.38 The local standards would equate to the following maximum number of cap parking spaces –

Site with warehouse extension	85 (98 if 1 space per 30m²)
Site with warehouse and office extensions	132 (167)
Proposed	198

5.39 The strategic policy in the 2018 eLP for Northminster Business Park expansion establishes key principles of a sustainable business park, the promotion of sustainable transport solutions. The Transport Assessment included with this application advises 78% staff travel to work by car alone. The Travel Plan targets a reduction to 70%. Highway Network Management advise that 2019 survey data they hold had 61% staff travelling by car alone. The application advises the extension would lead to 60 further FTE jobs in the warehouse.

5.40 The NPPF in paragraph 110 states it should be ensured appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. This does not appear to be the case in this application given the combination of the excessive amount of car parking proposed and the lack of aspiration in the Travel Plan for promoting sustainable travel, in the context of a trend for an increase in staff commuting by car alone.

5.41 The scheme illustrates 6 EV charging points and 6 disabled parking bays. Proposed are 198 car parking spaces; in excess of 5% car parking would have EV charging and in excess of 5% parking would be accessible.

Ecology / biodiversity

5.42 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.

Biodiversity Net Gain

5.43 The applicants have supplied a detailed planting plan, that the Council's ecologist considers would deliver biodiversity net gain. However, this planting is on land proposed in the drainage strategy for swales; there is a conflict in this respect as the land cannot accommodate both landscaping and drainage. There is also the issue (set out in the protected species paragraph below) that light pollution could affect bats.

Loss of agricultural land

5.44 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.

5.45 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.

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

5.47 There is no specific policy in the neighbourhood plan or the 2018 eLP 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.

Protected species

5.48 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.

5.49 Bats – Mitigation is considered necessary to avoid loss of potential foraging habitat for bats. The existing boundary vegetation has the potential to be used by light sensitive species, such as bats. The lighting plan provided indicates that the light levels on and through the new linear planting will be high enough to act as a deterrent to such species. There would be some loss of existing hedge (to accommodate the extension westward) leading to loss of potential foraging habitats for bats. The applicants Ecological Impact Assessment recommends mitigation and should permission be granted, it could be subject to a condition seeking to reasonably minimise light pollution.

Sustainable design and construction

5.50 Policies CC1 and CC2 of the 2018 eLP establish the following requirements in respect of sustainable design and construction –

- CC1 - New buildings must achieve a reasonable reduction in carbon emissions of at least 28% unless it can be demonstrated that this is not viable. This should be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.
- CC2 - All new non-residential buildings (with a total internal floor area of 100m² or greater) should achieve BREEAM 'Excellent' (or equivalent).

5.51 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 it is noted very good 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

5.52 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.

5.53 The surface water run-off rate for the site was established as 5 l/sec in previous application to extend the site (18/00565/FULM). The site drainage would be updated if the extension were to be implemented. Because part of the site is already

developed and part Greenfield officers have requested a surface water run-off rate of 3 l/sec, for the entire site. Evidence the pumping station (where surface water is discharged) can accommodate such is required.

5.54 The drainage scheme for the previous extension included an attenuation tank which will need to be removed to accommodate the proposed extension. The updated strategy includes a new attenuation tank and swales to accommodate surface water. The strategy is not workable presently because the proposed swales are at the site boundary where landscaping is proposed. The two land uses are not compatible; swales need to be free from vegetation to continuously provide storage.

Public protection

5.55 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

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

Air quality

5.57 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. A condition is necessary to secure the active provision; the 6 EV points as shown on the proposed site layout.

5.58 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

5.59 There are houses opposite the main entrance to the business park. Public Protection officers advise the applicant's noise assessment was unclear in respect of noise from HGV vehicles during the night-time period.

5.60 The noise assessment for the storage and distribution site to the south of Pavers (for DPD under approved application 21/00796/FULM) undertook a specific assessment of HGV delivery noise. The assessment determined –

- Most significant noise impact will occur from HGVs entering and exiting the wider Northminster Business Park site and transiting through the business park. This is in addition to stopping and restarting vehicles at the loading bays, any external manoeuvring, and the loading and unloading of vehicles.
- HGV noise will be similar in character to the existing road noise which pervades the site, any reversing alarms could be considered just perceptible at the NSRs in terms of tonality, so a 2dB penalty from 'just perceptible tonality' has also been included.
- The predicted change in ambient noise, from all sources of vehicle noise assessed cumulatively during the night-time, is a maximum of 1.7dB. On this basis the cumulative noise contributions are considered to be below the LOAEL and 'Not Significant' with the outcome requiring no further adjustment or additional mitigation (the impact was lower during the daytime).

5.61 For Pavers, HGV movements would be spaced over the day and consolidating the operation to a single site would mean deliveries from other storage sites (to this site) would no longer be required. However there is no cumulative impact assessment taking into consideration the extra HGV movements associated with the increased scale of the Pavers site. The stopping and restarting of vehicles may also be affected due to proposals for extra security at the main entrance to the business park (planning permission for a security cabin by the entrance gate was considered at Planning Committee B on 1.9.2022).

Consideration of very special circumstances

5.62 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".

5.63 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.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated (in addition to tree cover and biodiversity net gain). That drainage is unresolved is contrary to NPPF paragraph 169 and eLP policy ENV5: Sustainable Drainage.
- Due to the conflict between drainage and landscape proposals the scheme is not evidentially in compliance with NPPF paragraph 174d and Publication Draft Local Plan 2018 policies D2: Landscape and Setting and GI2: Biodiversity and Access to Nature (in respect of landscape and visual impact and biodiversity net gain).
- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are contrary to NPPF paragraphs 107-113 and 2018 eLP policies SS1 and T1)
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats (contrary to NPPF 179).
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

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 on what is currently open agricultural land within the general extent of the Green Belt.

6.2 The land is proposed to remain Green Belt in the emerging local plan which is currently at examination.

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. The expansion of the existing site can only take place on Green Belt land.

6.4 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".

6.5 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.

Other identified harm

- The drainage design is unresolved in respect of the agreed run-off rates and how on-site attenuation (in respect of swales) would be accommodated.
- Due to the conflict between drainage and landscape proposals the scheme does not evidentially provide space for a drainage solution and the landscaping proposed. The landscaping is proposed by the applicants to mitigate landscape and visual impacts and to deliver biodiversity net gain.
- Sustainable travel promotion is lacking in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel.
- Proposed lighting strategy would lead to loss of potential foraging habitat for bats.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance.

6.6 Officers recommendation is that the reasons for the scheme and the economic benefits proposed do not amount to Very Special Circumstances that clearly outweigh the identified harm to the Green Belt along with the other identified harm. To this effect the scheme is in conflict with policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan in addition to NPPF Green Belt policy.

7.0 RECOMMENDATION:

1 The proposal by reason of its location within the Green Belt would constitute inappropriate development in the Green Belt as set out in Section 13 of the National Planning Policy Framework (NPPF). Inappropriate development is by definition harmful to the Green Belt. The proposal would result in a detrimental impact on openness of the Green Belt and conflict with three of the Green Belt's purposes, as identified in NPPF paragraph 134.

Other identified harm has been identified as follows -

- The drainage scheme and how the proposed landscaping can be accommodated (landscaping is proposed to provide mitigation in respect of landscape and visual impact and to achieve biodiversity net gain) are unresolved. As such the scheme is not evidentially in compliance with NPPF paragraphs 169 and 174d and Publication Draft Local Plan 2018 policies ENV5: Sustainable Drainage, D2: Landscape and Setting and GI2: Biodiversity and Access to Nature.
- Sustainable travel promotion is lacking, in particular due to over provision of car parking and the lack of aspiration in the travel plan for promoting alternative to private car travel. To this extent the proposals are not in compliance with NPPF paragraphs 107-113 and Publication Draft Local Plan 2018 policies SS1:

Delivering Sustainable Growth for York and T1: Sustainable Access).

- The proposed lighting strategy would lead to loss of potential foraging habitat for bats, contrary to NPPF paragraph 179.
- The noise assessment is not robust in evidencing noise from HGV movements would have no undue effect on the dwellings adjacent the business park entrance, contrary to NPPF 185a.

The site is not one which has been identified for development in the Publication Draft Local Plan 2018 (which is at examination stage). The Local Plan process did consider the site for development and determined it was necessary to remain in the Green Belt, taking into account the spatial strategy for delivering sustainable growth for York.

The benefits put forward by the applicant do not, either individually or cumulatively, clearly outweigh the totality of the harms identified above and therefore do not amount to very special circumstances necessary to justify the proposal for the purposes of the NPPF. The proposal is, therefore, considered contrary to advice within the NPPF, in particular section 13 'Protecting Green Belt land', policy PNP1 of the Upper and Nether Poppleton Neighbourhood Plan and policies SS1, SS2: The Role of York's Green Belt and GB1: Development in the Green Belt of the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

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. However, the principle of development was not acceptable resulting in planning permission being refused for the reasons stated.

Contact details:

Case Officer: Jonathan Kenyon

Tel No: 01904 551323