

## COMMITTEE REPORT

**Date:** 18/4/2018                      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Parish Of Rufforth With  
                    Commercial Team                      Knapton

**Reference:** 18/02919/FULM  
**Application at:** Land To The West Of Redwood House Northminster  
Business Park Hackness Road Upper Poppleton York  
**For:** Erection of two storey building (mixed use class B1, B8) and  
detached workshop with access and associated parking  
**By:** Mr Alastair Gill  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 25 March 2019  
**Recommendation:** Approve after referral to Sec. of State

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application site is agricultural land to the south of the existing Northminster Business Park. Northminster Business Park contains a mix of warehouse type buildings, used for light industry, storage and distribution and more recently constructed 2-storey office buildings.

1.2 The site is accessed from Northfield Lane. The lane also provides access to Poppleton Park and Ride. On the east side of the lane are a terrace of 6 houses, which are just past the main entrance to the business park. Further south is Oakwood Business Park, which also contains industrial and warehouse units and 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 initially consisted of 3 existing warehouse buildings after the closure of the Challis Nursery. Planning Permission was granted in 1999 for a larger site to be used for business, and storage and distribution uses. The surrounding land on the west side of Northfield Lane is Green Belt.

1.4 In the 2005 Draft Local Plan this site was on 'safeguarded land' - this is land which is within the Green Belt. It is not allocated for development, but is identified as land which could accommodate development needs beyond the plan period if necessary. It was anticipated Northminster would be extended to the North, West and South.

1.5 In the Publication Draft Local Plan 2018 the site is within ST19 which is land designated for employment uses to meet identified need for employment land. ST19 along with sites ST26 (Elvington) and ST37 (Wigginton Road) are the three strategic sites allocated to accommodate B2 and B8 uses (general industry, storage and distribution).

1.6 The business park has been extended into the Green Belt over the years as follows -

- Extended to the south to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen house are now located in 2003 (03/00403/OUT).
- Extended to the west to accommodate Catherine House (Pavers shoes) in 2005 (04/03805/OUT) . A further extension to the west for a warehouse building was given outline planning permission in 2008 (07/02963/OUTM).
- South extension to accommodate Redwood House, for research and development, light industry and offices. Permission initially granted in 2009 (applications 09/02291/OUTM and 12/00024/REMM).
- Permission to develop the application site has been granted previously, under application 13/03170/FULM, for a two storey building accommodating research, development and production laboratories and offices (use class B1) This permission was implemented.

1.7 There is also a current application to relocate Unipart from York Central onto the business park (18/02158/FULM).

1.8 When expansion was previously permitted there were deemed to be very special circumstances to justify development within the Green Belt. These have been as follows when each proposal was judged on its own individual merits-

- The (relevant part of the site) had previously been developed
- Limited impact on the openness of the green belt.
- No appropriate sites available outside of the Green Belt
- The development was important for the local economy.
- The site had been identified in the Local Plan for possible development in future.

## PROPOSALS

1.9 This application is for a new headquarters for Future Cleaning Services (FCS). The business is currently at York Business Park but due to growth needs to expand. The business requires offices and facilities for the storage, servicing and maintenance of their fleet.

1.10 The business currently has 50 full time and 100 part time staff. It is envisaged that staff levels will increase in York over the next three years to over 75 Full time and 150 Part time staff.

1.11 The proposal consists of a two storey building of 1,487 sq m consisting of offices and storage facilities, along with a separate, detached workshop of 167 sq m. The office areas provide welfare facilities for all staff including a gym and canteen. The external areas include a car park for staff and visitors (with 54 spaces) and a service yard for deliveries and road sweeper storage / cleaning / maintenance (FCS currently own 5 no. Road Sweeping Vehicles).

## **2.0 POLICY CONTEXT**

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

2.2 The development plan for York comprises the Upper and Nether Poppleton Neighbourhood Plan (2017), Rufforth with Knapton Neighbourhood Plan (2018) and the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies 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.

2.3 The application site is not within the Upper and Nether Poppleton or Rufforth with Knapton Neighbourhood Plan areas.

2.4 The saved RSS policies 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.

2.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the 2018 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.

2.7 Key relevant Publication Draft Local Plan 2018 Policies 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

2.8 In accordance with the provisions of paragraph 48 of the 2018 NPPF, at this time, given the unresolved objections to the 2018 Draft Local Plan, only limited weight can be attached to the Green Belt policies of the emerging plan. As such it is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. The site therefore falls within the general extent of the Green Belt.

2.9 The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

2.10 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications.

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Flood Risk Management Team

3.1 Advise that the drainage plan provided is generally acceptable. In summary, foul water will discharge to public foul water sewer via existing onsite private system. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and an existing private piped watercourse is adjacent to the site. Surface water will discharge to this private piped watercourse with storage with a restricted discharge of 0.45 litres/second.

3.2 A condition is required to approve the site specific details. These include the surface water discharge rate, the below ground attenuation tank with surface water attenuation up to the 1 in 30 year event and the means by which up to the 1 in 100 year event with a 30% climate change allowance shall be achieved, and the future management and maintenance arrangements.

##### Highway Network Management

3.3 Verbally officers have confirmed they have no objection to the scheme, considering the anticipated traffic generation and as the site has an extant permission.

## Public Protection

3.4 Noise - officers advise due to the proposed operating hours and as the nearest residential properties are some 175 m there are no noise conditions required. An informative is recommended regarding construction noise and dust.

3.5 Air quality - City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. Spaces should be for the exclusive use of low emission vehicles.

## Strategic Planning

3.6 Officers comments explain the policies against which the scheme should be assessed, the status of relevant local plans and appraisal of the scheme.

3.7 It is against the NPPF (as revised) the saved RSS policies relating to the general extent of the York Green Belt and the Rufforth with Knapton and Upper and Nether Poppleton Neighbourhood Plans that this proposal should principally be assessed. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, we would advise that the policy requirements of emerging plan policies EC1, D1, D2, GI4, CC1, CC2, ENV2 and T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to Policy SS2 and SS23 at this time.

3.8 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent). The proposals amount to inappropriate development in the Green Belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.9 On the basis of our analysis of the applicant's very special circumstances we agree with their conclusions. There is a requirement for the release of this land from the general extent of the greenbelt now, in advance of the plan, in order to provide land to facilitate the expansion of an existing York based company providing local jobs. It is considered that the economic benefits of the development outweigh any potential harm to the general extent of the Green Belt. It is considered that changes to the general extent of the York Green Belt are required to meet development needs for employment and thereby contribute to achieving sustainable development.

## EXTERNAL

### Make it York

3.10 Are currently working with and supporting the Future Cleaning Services (FCS) to build a larger facility for their operation. Make it York have over the last three years, worked with and consulted a number of local property agents as well as use their own on-line search facility to identify an alternate site to accommodate the company's expansion. They have exhausted all avenues and even with the help of agents, have not been able to identify any suitable land site or existing building.

3.11 The company is experiencing exceptional growth and this year expect to grow their York based staff numbers by a further 20%. They are currently one of the city's fastest growing companies and last year climbed to number 30 in York's Top 100 company list. This growth is now being threatened by the lack of space in the current building and beginning to have an impact on staffing numbers and trading conditions. FCS is a local York company built up over the last few years and Make it York are keen to support their growth and more importantly job creation.

3.12 The proposed site is ideal for their expansion plans enabling FCS to maintain its growth projection as well as accommodate the specific requirements for different uses within a single unit. To this end Make it York support the current planning application.

### Internal Drainage Board

3.13 The board supports proposals to reduce surface water run-off to what appears to be a Greenfield rate.

### Yorkshire Water

3.14 Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site and the proposed amount of domestic foul water to be discharged to the public foul sewer network. It is noted that surface water would be drained to a private surface water sewer.

### Nether Poppleton Parish Council

3.15 Object on the following grounds -

- Site is in the Green Belt
- The land is highly productive Grade 1 agricultural land and therefore any commercial building development would be in contravention of the Green Belt policy of the Upper and Nether Poppleton Neighbourhood Plan. It is also in contravention of the NPPF paragraphs 83-85.

- While the original Northminster Business Park is lauded as a good example this extension would destroy the good relationship with the resident neighbours who are permanently in the original workers cottages of the farm and nursery that was on this site.
- Development would also destroy the open countryside aspect, the habitat and wildlife that is supported in this area.

### Upper Poppleton Parish Council

#### 3.16 Object on the following grounds -

- The proposal conflicts with the essential characteristics of Green Belts (their openness and permanence) and with the purposes of including land within the Green Belt by resulting in encroachment of development into the countryside, the sprawl, merging and coalescence of development harm to the openness of the Green Belt. The justifications for the proposal as presented do not clearly outweigh the resulting harm to the Green Belt and visual amenity and as such do not constitute the very special circumstances required to approve the application.
- The number and size of vehicles attempting to enter and leave the proposed development would exceed capacity at the junction with the A59 transport corridor causing increased congestion and delays at peak periods.
- There are six residential properties adjacent to the business park entrance. The proposed development would have considerable adverse impact on the quality of life for the residents.

### Rufforth with Knapton Parish Council

3.17 Object to the application because the site is in the Green Belt. No approval to develop this Green Belt land should be given until the Local Plan is adopted and only if the Green Belt status of the site is changed as a result. It is also noted that the Rufforth with Knapton Neighbourhood Plan considers that the proposed extension to Northminster Business Park, as identified in the Publication Draft of the Local Plan is too large.

### Publicity

3.18 There have been 5 objections to the application, which include representations from residents on Northfield Lane. The objections raise the following issues -

## Green Belt

- The site is in the green belt and there are objections to the proposed expansion of the business park, as proposed in the publication draft Local Plan. Residents note that they oppose the expansion due to amenity, traffic and loss of openness of the Green Belt.
- The Poppleton neighbourhood plan was against any expansion of Northminster Business Park. 91% of the voters approved the neighbourhood plan for Poppleton which clearly stated no further development should take place at Northminster Business Park outside existing boundaries.
- The land is highly productive Grade 1 land and therefore any commercial building development would be in contravention of the Green Belt policy of the Neighbourhood Plan. It is also in contravention of the NPPF para 83-85.

## Highways

- Northfield Lane is already relatively narrow and is used extensively by HGVs to/from the Business Park. Further development will increase traffic in and out of the business park without adverse effects on current traffic and residents on Northfield Lane ability to get to and from their homes. The road is already crowded at peak times. A lower speed limit of 30mph has been recommended; currently the limit is 40mph and 60mph south of the Park and Ride entrance.
- Increased development in the green belt and intensification of the site will have an adverse impact on neighbouring residents at Northfield Lane and the amenity of the lane which is used by walkers and cyclists.

## **4.0 APPRAISAL**

### KEY ISSUES

#### 4.1 The key issues regarding this scheme are -

- Principle of development / application of Green Belt policy
- Highway Network Management
- Ecology / biodiversity
- Amenity
- Sustainability
- Drainage



## ASSESSMENT

### Principle of development / application of Green Belt policy

4.2 Economic growth beyond 2018 is forecast in the Publication Draft Local Plan (2018 Draft Plan). Employment Land requirements and allocated sites to meet such demand are detailed in policy EC1 of the plan. York Central is the key strategic site for offices whilst research and development, industry and storage and distribution are directed to four other strategic sites. Northminster is one of the strategic sites; each of which are currently in the Green Belt. In addition to these there are smaller employment sites.

4.3 The employment sites have been selected following assessment of all sites put forward for development by interested land owners and tested through the site selection methodology. This methodology enabled the identification of a shortlist of sites in sustainable locations and has safeguarded the special character of the city and its surroundings.

4.4 Northminster has long been identified as a location for employment uses, hence the safeguarded land allocation in the 2005 draft plan and strategic site allocation in the 2018 draft. As part of the technical assessment on the suitability of employment sites Northminster was 4th highest for B1 uses (behind York Central, the university and Hull Road), and joint highest for B8 uses.

4.5 Policy SS23 of the 2018 Draft Plan relates to the business park and its growth. It states “land at Northminster Business Park (site ST19) will provide 49,500sqm across the B1, B2, B8 uses based on a split of approximately 40/60 B1a to B2/B8 which is the current ratio at the existing business park”. The policy requires schemes have high quality landscaping and promote sustainable travel. The latter involves optimising integration, connectivity and access through the provision of new pedestrian, cycle, public transport and vehicular routes to ensure sustainable movement into, out of and through the site, noting the need to connect with the Park and Ride.

### Whether the development is inappropriate within the Green Belt

4.6 The application site lies within the general extent of the York Green Belt and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Policy GB1 of the 2018 Draft Plan is also relevant.

4.7 NPPF paragraph 133 states that “the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence”.

4.8 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very

special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt.

4.9 Paragraph 145 advises that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. The scheme does not fall within any of these exceptions, and therefore represents inappropriate development within the Green Belt.

4.10 The Neighbourhood Plans for Poppleton and Rufforth with Knapton both raise objections to the enlargement of the business park as proposed in the 2018 Draft Plan.

#### Impact on the openness of the Green Belt

4.11 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;
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.12 The proposed development is an extension on the south side of the business park, with substantial buildings and areas of hard-standing on a previously open site. It would affect the openness of the Green Belt. The proposed development would conflict with two of the five purposes of the Green Belt as defined in the NPPF in that it would not -

- check the unrestricted sprawl of large built-up areas;
- assist in safeguarding the countryside from encroachment.

4.13 The proposal gives rise to harm to the Green Belt, by reason of inappropriateness and loss of openness, which should not be approved except in very special circumstances. The NPPF states that 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, is clearly outweighed by other considerations. Whether this is applicable is assessed in 4.33 onwards.

## Highway Network Management

4.14 The NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location. 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.

4.15 It 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. Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations”.

### Modes to encourage sustainable travel

4.16 Due to their nature the strategic employment sites are in peripheral locations. The business is relocating from York Business Park and this location is comparable in terms of being in a sustainable location. It is closer to the Poppleton Park and Ride and there is a cycle route from the South-East of the site (Moor Lane) leading into the city. A Travel Plan is necessary for this location to promote sustainable travel and this would be secured through condition. Policy compliant cycle parking (28 spaces) is proposed by the site entrance and a condition can secure electric vehicle charging points.

## Impact on the network

4.17 The site is identified for employment in the 2018 Draft Plan. In order for the plan to be sound, according to the NPPF, strategic polices must make sufficient provision for infrastructure for transport and overall be prepared with the objective of contributing towards the achievement of sustainable development. In other words the impact on the wider network will broadly need to be considered as part of the strategic allocation for the extension to Northminster Business Park. Highways Officers are looking at measures to reduce queuing on the A59 outside of this application.

4.18 The previous scheme for the site which was approved had less car parking (36 spaces) with 56 employees anticipated. The proposed development will include office space for the business staff and provide a base for the fleet of cleaning vehicles.

4.19 At the current FCS premises (where there are 50 full time staff and 100 part time staff) 60% of full time staff travel to work by car on a regular basis. Full-time staff numbers are expected to increase by 20% over the first 12 months of occupancy of the new premises. The full time staff trips at peak hours have consequently been predicted as -

18 am peak

16 pm peak

4.20 This trip generation would result in less than 1 vehicle ever three minute in the am and pm peak periods. Even if all vehicle trips arrived or departed during the peak hour it would be approximately one trip every other minute, the network can cope with this without change.

4.21 The majority of staff are part time / shift workers who are field based. The location is well suited to the proposed use, being close to the outer ring road. Associated vehicle movements will come and go at any time during the day between 5am and 6pm depending on the location of their site. These movements are inconsistent and will typically occur outside of peak hours. As the majority of such traffic will be outside of peak hours, there would not be a significant impact on Northfield Lane and the A59 junction.

4.22 The proposed site is preferred logistically for the business, the majority of associated vehicle movements are cleaning vehicles travelling to/from sites across the city. The number of staff travelling to site during peak hours will be low i.e. under 20. This operation will not have a significant impact on the network.

## Ecology / Biodiversity

4.23 The NPPF policy on biodiversity is that when determining planning applications, local planning authorities should apply the following principle: if

significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

4.24 The application includes an ecological impact assessment which summarises that the site is very low ecological value. The assessment advises that the scheme will not conflict with policy on the following grounds -

- There will be no impact on any protected or notable habitats due to the development. Habitats on site are entirely ploughed arable, which is of very low ecological value. The boundaries are generally poor, with no continuous hedgerows; hedgerows will be retained as part of the development.
- The risk of impact to Great Crested Newts is negligible, however as a precaution, recommend that reasonable avoidance measures are in place during work to prevent the building site increasing in value due to piled stored materials.
- As part of the redevelopment scheme and to enhance the site it is recommended that bat and bird boxes are installed on site to provide suitable new bat roosting and bird nesting opportunities.
- Boundaries will be gapped up with native hedgerow species; this will increase bird nesting habitat and foraging potential for bats.

4.25 Ecology enhancement shall be secured by conditions which require implementation of the proposed landscaping scheme which includes hedgerows on each side of the site and increased tree cover on the south and west sides of the site. The proposals are policy compliant with regards ecology.

### Amenity

4.26 The NPPF states that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

4.27 The nearest housing to the service yard is the farm by Oakwood Business Park some 160m away. Oakwood Business Park also has commercial / light industrial uses. The houses on Northfield Lane are some 200m away from the proposed service yard; there are intervening buildings and commercial uses closer to the nearest receptors.

4.28 This development has been proposed at the south end of the site on the assumption that it will be compatible with neighbouring offices and will not cause noise disturbance. The uses being applied for are offices and storage/distribution only which are compatible with the locality. Although the fleet of vehicles associated

with the business will be maintained on site all repairs would take place within the workshop. The intention is that lighting is of a low level and this will be secured through condition.

## Sustainability

4.29 Local requirements in the 2018 Draft Plan are set out below. These policies carry weight as they are consistent with both the 2012 and 2018 NPPF state that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change.

### Policy 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.

### Policy CC2

All new non-residential buildings with a total internal floor area of 100 sq m or greater should achieve BREEAM 'Excellent' (or equivalent).

4.30 Reductions in carbon emissions and BREEAM can be secured through condition. A BREEAM pre-assessment has been submitted which shows how the development could achieve BREEAM Very Good – this would have been policy compliant under previous guidance.

4.31 The applicants have advised that as a consequence of BREEAM requirements becoming more stringent in the 2018 update (schemes were previously assessed under the 2014 version), and as points cannot be obtained under some categories, due to the distance of the business park from other facilities and services (for example a post office or school) and as the development does not re-use brownfield land, the development could not achieve an Excellent rating. This has been scrutinised and officers are content reasonable evidence has been supplied that show due to the building type, and because the site is Greenfield at a peripheral location, BREEAM Excellent won't be achieved.

## Drainage

4.32 The site is in Flood Zone 1; it is not at risk of flooding. Surface water run-off from the business park is from the south-west corner of the site and the run-off rate has been agreed with the Internal Drainage Board. Soakaways are not suitable due to ground conditions. The intention is for underground water storage that will limit run off from the site. The site specific details of this arrangement will be secured through condition; to require the local standard requirement of no increased run off, compared to existing rates.

## Consideration of very special circumstances

4.33 As the site is in the general extent of the York Green Belt, the development is regarded as 'inappropriate. It also has an adverse impact on the openness of the Green Belt and conflicts with the Green Belt purposes of preventing encroachment into the countryside. The requirement of demonstrating very special circumstances therefore applies.

4.34 NPPF Paragraph 144 states "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". Substantial weight is to be given to any harm to the Green Belt.

4.35 The applicants operate a local business based at York Business Park. They have outgrown that site and continue to expand. Northminster Business Park is close to the existing headquarters and is preferred by the applicants, logistically and due to their association with York and Poppleton.

4.36 The applicants require a site which contains offices along with fleet maintenance and storage facilities. The applicants have been unable to find an alternative location in the city. This is re-iterated by Make it York who have provided support for the application, noting the growth of the company and that they have been involved for 3 years looking for a new site before arriving at Northminster.

4.37 The lack of suitable employment land in the city is acknowledged; all the strategic employment sites (in the 2018 Draft Local Plan) for uses of the type proposed in this application are currently in the Green Belt.

4.38 Northminster has long been identified as the Council's preferred location for employment growth being safeguarded in the 2005 Draft Local Plan and now a proposed allocation in the 2018 Draft Plan.

The need for employment land and the site selection process are within the evidence base of the emerging plan and explained in the background text to policy EC1. However it is noted the Northminster site allocation carries limited weight due to the Green Belt location and status of the Draft 2018 Plan.

4.39 It is desirable to accommodate and retain a growing local company. The lack of suitable alternative sites is apparent along with, despite the current Green Belt location, the otherwise suitability of the site. It is also a material consideration that this site already has an extant and implementable planning permission for development of a similar scale and type - 13/03170/FULM.

4.40 Substantial weight is given to the harm to the Green Belt. However, the desire to accommodate and retain a growing local business, lack of suitable alternative sites and the extant permission at the site are considered to cumulatively clearly outweigh the definitional harm to the Green Belt and the harm to the openness and permanence of the Green Belt.

## **5.0 CONCLUSION**

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness. The proposal would undermine two of the five Green Belt purposes by increasing a developed area and encroaching into the countryside. Substantial weight is attached to the harm that the proposal would cause to the Green Belt.

5.3 That the proposal would accommodate and retain a growing local business, the lack of suitable alternative sites (hence the business park being identified for expansion in the 2018 Draft Local Plan) and the extant permission at the site are considered to cumulatively clearly outweigh the harm to the Green Belt, including its openness when substantial weight is given to the harm. No other harm has been identified when considered against the NPPF. The very special circumstances necessary to justify the development therefore exist.

5.4 Other matters, associated with sustainable development, can be secured through planning permission. The scheme does not conflict with the NPPF in that there would be no severe impacts on the highway network and no significant impacts on residential amenity.

5.5 If members are minded to approve the application it will be referred to the Secretary of State under the requirements of section 77 of the Town and Country Planning Act 1990.

## **COMMITTEE TO VISIT**



## 6.0 RECOMMENDATION:

That delegated authority be given to the Assistant Director of Planning and Public Protection to:

- i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to
- ii. the conditions set out in this report with the Assistant Director granted delegated powers to determine the final detail of the planning conditions

### Conditions of approval -

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

### 2 Approved Plans

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

Location Plan	PL.100
Site Layout	PL.102 C
Proposed Elevations	PL.104
Landscaping	2429/2 G
Drainage strategy	17075-Y-DR-201-P3

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

### 3 Drainage

The site shall be developed with separate systems of drainage for foul and surface water on site.

Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works

Reason: In the interest of satisfactory and sustainable drainage and so that the Local Planning Authority may be satisfied that no foul and surface water discharges

take place until proper provision has been made for their disposal.

#### 4 Drainage – site specific details required

Prior to commencement of development details of foul and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with these approved details.

Details shall include –

- Details of any balancing works and off site works.
- Site specific details of the means by which the surface water discharge rate shall be restricted to a maximum rate of 0.45 (nought point four five) litres per second.
- Site specific details of the below ground attenuation tank by which the surface water attenuation up to the 1 in 30 year event and the means by which up to the 1 in 100 year event with a 30% climate change allowance shall be achieved.
- The future management and maintenance arrangements of the proposed drainage systems.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

#### 5 Landscaping

The approved soft landscaping 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, suitability and disposition of species within the site in the interests of the character and appearance of the area.

#### 6 Cycle storage

The cycle parking facilities as shown on the approved plans shall be provided prior to first use of the development hereby approved and retained for their intended use for the lifetime of the development.

The cycle shelters shall be Broxap Appollo (for the 8 space shelter) and Archimedes (for the 20 space shelter) unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate space for, and to encourage, cycle use, in accordance

with the National Planning Policy Framework.

## 7 Electric Vehicle Recharging Facilities

Before the occupation of the development two Electric Vehicle Recharging Points and associated car parking spaces, for the exclusive use of zero emission vehicles shall be provided onsite (parking bay marking and signage should reflect this). The facilities shall be appropriately maintained and made available for the lifetime of the development.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

### INFORMATIVE

- Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket.
- Each point should include sufficient cabling and groundwork to upgrade that unit and to provide for additional points of the same specification, should demand require this in this future.
- All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015).

## 8 BREEAM

Prior to first use of the development hereby permitted a final Design Stage Pre-Assessment Report showing that the development will achieve at least a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Within six months of first use of the development hereby permitted a Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

## 9 Energy Efficiency - reduction in carbon emissions

Prior to first use of the development hereby permitted it shall be demonstrated that the development will achieve a reduction in carbon emissions of at least 28%. This shall be achieved through the provision of renewable and low carbon technologies in the locality of the development or through energy efficiency measures.

Reason: To help increase the use and supply of renewable and low carbon energy and heat, in accordance with paragraphs 151 and 153 of the NPPF and policy CC1 of the Publication Draft Local Plan 2018.

## 10 Travel Plan

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development hereby approved. The plan shall be updated annually thereafter. The development shall operate in accordance with the aims, measures and outcomes of the approved Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

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

## 11 Lighting

The external lighting shall not exceed the recommended lighting levels for Environmental Zone E2 as specified in the ILP Guidance Notes for the Reduction of Obtrusive Light (Table 2 – Obtrusive Light Limitations for Exterior Lighting Installations – General Observers).

Reason: To avoid light pollution in the interests of the character of the area and general amenity, in accordance with paragraph 180 of the NPPF.

## **7.0 INFORMATIVES: Notes to Applicant**

### 1. Great crested newt 'Reasonable Avoidance Measures' (RAM's):

- a) Work should take place during the newt active season which runs from February to October (avoiding the hibernation period).
- b) The site should be kept mown short or ploughed for 6 weeks prior to the work to make the area less attractive to newts.
- c) Building materials should be stored on pallets
- d) Materials should be put in skips immediately or stored on pallets.
- e) Any trenches dug shall be filled in the same day to prevent any newts falling in or entering the soil piles overnight.
- f) Any topsoil stripped could be removed from site or put into its final position the same day.

g) If any great crested newts are found during the works, then all works must cease and further advice sought from the ecologist or Natural England.

## 2. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought revised plans and clarifications in order to make the scheme acceptable and through the use of planning conditions.

## 3. Control of Pollution Act

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

### **Contact details:**

Application Reference Number: 18/02919/FULM

Item No: 3e

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