

## COMMITTEE REPORT

**Date:** 13 September 2018      **Ward:** Rural West York  
**Team:** Major and Commercial Team      **Parish:** Upper Poppleton Parish Council

**Reference:** 18/00565/FULM  
**Application at:** Pavers Ltd Catherine House Northminster Business Park  
Harwood Road Upper Poppleton  
**For:** Extension to existing warehouse with associated parking,  
loading, access, and sprinkler tanks  
**By:** Mr Jim Young  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 31 August 2018  
**Recommendation:** Approve following Sec of State Decision

### 1.0 PROPOSAL

1.1 The application is for an extension to an existing office and warehouse within Northminster Business Park. The original building was granted planning permission in 2005. The existing building has a footprint of 3632sqm and is 10.6 metres (max) in height. The larger part of the proposed extension would measure 96 metres by 44 metres that would be mostly warehousing with offices and canteen. The height would be 11.8 metres, the floor level would be the same as the existing building to allow level access for vehicles within the building. It appears that the land levels across the site slope gently down towards the west of the site resulting in the floor level at the western part of the building being 1.4 metres above ground level. The extension would be connected to the existing building by link building measuring 22 metres by 30.8 metres and 11.2 - 11.6 metres in height. The footprint of the proposed extension would be 4901.6 sqm and would be an increase in footprint of 135% on the existing building.

1.2 There would be a creation of a 75 vehicle parking spaces to the north and west of the proposed warehouse extension. The existing parking provision is to the front of the original building (38 spaces), currently vehicles park along the access road to the delivery yard and within the delivery yard. In addition 2 no sprinkler tanks (10 metres in height) would be sited in the north west corner of the site.

1.3 The proposed site currently has a circular concrete road and mounds of earth, the site is surrounded by a tall conifer hedge to the north, south, and west which forms part of the established boundary to the Northminster Business Park. Aerial photographs and maps show this part of the site being historically being used as a horticultural nursery.

1.4 The application site including the existing building is 2.1ha. The site is not within a conservation area, and there are no listed buildings in close proximity. The site is within Flood Zone 1.

1.5 In the Local Plan (2005) the site is proposed to be within the York Green Belt. In the proposals maps of the recently submitted draft Local Plan 2018 the site is no longer proposed to be within the York Green Belt but is instead within the existing adjacent business park. The site to the south is allocated (ST19) as an extension to the business park.

1.6 The proposed development does not comprise 'Schedule 1' development where an Environmental Impact Assessment is always required. The proposed development is however of a type listed at 10 (b) in column 1 of Schedule 2 (Urban Development Projects) of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The proposed development does fall within 1 of the 3 criteria set out in the Schedule 2 - The development includes more than 1 hectare of urban development which is not residential development – However in screening the proposal it is the view of officers that the proposed site is not within or adjacent to an environmentally sensitive area (as specified in the Regulations) and taking into account the characteristics of the proposed development, the location of the development, and characteristics of the potential impact and the proposed development would not result in significant environmental effects and therefore an Environmental Impact Assessment was not required.

1.7 Northminster Business Park started after an appeal was allowed in 1997 for business use of 3 existing warehouse buildings after the closure of the Challis Nursery (warehouse and distribution of plants) which previously occupied the site (granted planning permission in 1984). Subsequently outline permission was granted in 1999 for the larger site to be used for business, and storage and distribution uses.

1.8 Despite the land to the south and west of the site being in the general extent of York Green Belt, the business park was subsequently extended as follows -

1.9 In 2003 the site was extended by 0.66ha on the south side to accommodate the area where Acer House, Cherry Tree House, Maple House and Aspen House are now located (03/00403/OUT). It was determined there were special circumstances to allow the development in the green belt, on the grounds that:

- The site had previously been developed, as glasshouses (although these had been demolished).
- There would be limited impact on the openness of the green belt.
- There was a shortage of available employment sites in the city.

1.10 The site was extended to the west in 2005 (04/03805/OUT) to accommodate Catherine House. A further extension to the rear (west) of Catherine House (occupied by Pavers shoes) for a 2456 sq m warehouse building was given outline planning permission in 2008 (07/02963/OUTM). Again it was determined that special circumstances warranted an extension into the green belt. The grounds being that:

- The development was important for the local economy.
- There was no alternative site available.
- The site had been identified in the Local Plan for possible development in future.
- There would not be an undue adverse impact on the openness of the green belt.

1.11 The site was extended to the south of the business park (Redwood House) in 09/02291/OUTM and 12/00024/REMM to allow a new headquarters for Measurement Devices Limited (MDL), to be used for research and development, light industry and offices. The very special circumstances being:

- Economic benefits and employment
- No preferable sites
- The site had been identified in the Local Plan for possible development in future.

1.12 In 2016 Planning permission (15/02721/FULM) was again granted for an warehouse extension (4075.9sqm) to Pavers. No reserved matters followed the previous outline permission of 07/02963/OUTM. Planning permission 15/02721/FULM has not been implemented. The very special circumstances put forward for 15/02721/FULM were as follows:

- Principle set by 07/02963/OUTM planning permission
- Efficient operation of the business
- Economic benefits and increase in employment
- Within physical/visual boundaries of business park

1.13 During the application process a revised plan was submitted altering the layout, a revised drainage report, and a lighting assessment, together with the applicant's justification for developing in a Green Belt location.

## **2.0 POLICY CONTEXT**

2.1 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005:

- CYSP2 The York Green Belt
- CYSP3 Safeguarding the Historic Character and Setting of York
- CYSP6 Location strategy

- CYSP8 Reducing dependence on the car
- CYGP1 Design
- CYGP4A Sustainability
- CYGP6 Contaminated land
- CYGP9 Landscaping
- CGP15A Development and Flood Risk
- CYGP24 Safeguarded land
- CYNE1 Trees, woodlands, hedgerows
- CYGB1 Development within the Green Belt
- CYGB11 Employment devt outside settlement limits
- CYT4 Cycle parking standards
- CYT7C Access to Public Transport
- CYT13A Travel Plans and Contributions
- CYE3B Existing and Proposed Employment Sites

## 2.2 The Publication Draft York Local Plan (2018)

- DP2 Sustainable Development
- DP3 Sustainable Communities
- DP4 Approach to Development Management
- 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
- D1 Placemaking
- D2 Landscape and Setting
- GB1 Development in the Green Belt
- ENV1 Air Quality
- ENV2 Managing Environmental Quality
- ENV3 Land Contamination
- ENV4 Flood Risk
- ENV5 Sustainable Drainage
- T1 Sustainable Access
- T7 Minimising and Accommodating Generated Trips

2.3 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).

2.4 Please see the Appraisal Section (4.0) for national and local policy context.

## **3.0 CONSULTATIONS**

### INTERNAL CONSULTATIONS

## HIGHWAY NETWORK MANAGEMENT

3.1 No objections, the application is very similar in terms of highway implications to that approved in 15/02721/FULM. Request following conditions: HWAY18, HWAY19, and Travel Plan.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT) (following comments are based on the original scheme, comments if received will be reported at the meeting)

3.2 The width of planting along the western boundary should be deeper - at least 10-15m, in order to provide more fitting, long-term screening.

3.3 The conifer hedge provides a good screen, however this uniform type of planting is not in keeping with the surrounding rural arable landscape character. Management of the vegetation should aim to gradually replace the conifer belt to provide a mixed shelter belt in the long term, which would have greater aesthetic appeal - both from within and outside the site, and greater bio-diversity value; and would have a far better relationship with the landscape context.

3.4 There appears to be no provision of amenity space for the additional employees and this should be considered.

3.5 The proposed water attenuation system is too close to the existing conifers and screening belt, the roots of which would be affected by the excavations.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.6 An extended Phase 1 Habitat Survey of the site was undertaken in 2015. The results of this are still considered valid as habitats on site were found to be of low ecological value and unlikely to be able to support protected or notable species, and little appears to have changed on site in the intervening years. The development is acceptable in terms of ecology.

3.7 Support the recommendation for more native species in the landscaping scheme, as made by our landscape architect. An informative with regards to nesting birds and vegetation clearance should be used

FLOOD RISK MANAGEMENT TEAM

3.8 Object, Insufficient information has been submitted. The information does not establish or prove the suitability of an existing connection nor existing surface water run-off and the appropriate 30% reduction applied or its final discharge point

PUBLIC PROTECTION

3.9 The lighting report is acceptable, the lighting will provide an appropriate level of lighting for the premises in line with the CIBSE Lighting Guides, SLL Code for Lighting 2006 – Obtrusive Light Guide, Guidance Notes on Reduction of Light Pollution, and within the guidance levels set out by the CIE/ILP (International Institute On Illumination/Institute of Lighting Professionals) on illumination levels.

3.10 As the application includes parking facilities for 68 cars request condition seeking 2 electric vehicle recharging points. Request Developers Informative

## PLANNING AND ENVIRONMENTAL MANAGEMENT

3.11 The very special circumstances argument put forward by HTC Architects holds. The principal of development was already established through the 2015 planning application and they do consider that the proposed extension in this application would be materially different in Green Belt terms. It is understood why the extension needs to be connected to the existing Pavers operation. It is predicted that the proposal will also create an increase of 70 jobs since the 2016 application which is welcomed

## EXTERNAL CONSULTATIONS/REPRESENTATIONS

### UPPER POPPLETON PARISH COUNCIL

3.12 No objections

### ENVIRONMENT AGENCY

3.13 No comments

### YORKSHIRE WATER

3.14 No objections if constructed in full accordance with the FRA

### AINSTY INTERNAL DRAINAGE BOARD

3.15 Object, the IDB has been unable to determine from the submitted information precisely how the existing drainage arrangements on the site operate and how this relates the proposed development. The Board is concerned to note that the attenuation storage for the proposed building appears to be under an area of hardstanding this is contrary to the Boards expectations as it raises concerns regarding the ability for that facility to be maintained in the future. The Board add that they would usually seek betterment on the existing drainage discharge whenever a development takes place, whereas this application appears to show the applicant simply maintaining the current level of discharge.

3.16 Therefore the Board objects on the grounds that: The proposed development would result in an increased rate of discharge to an existing surface water sewer and lead to unacceptable flow conditions in the receiving watercourse thereby increasing the risk of flooding downstream; and Insufficient information has been provided by the Developer to determine the potential impact the proposals may have on the existing drainage systems.

## PUBLICITY AND NEIGHBOUR NOTIFICATION

3.17 No representations were received within the consultation period

## **4.0 APPRAISAL**

### KEY ISSUES

- Planning policy
- Green belt and consideration of very special circumstances
- Design and landscape considerations
- Impact to residential amenity
- Highways
- Drainage

### ASSESSMENT

#### PLANNING POLICY

4.1 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises 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. The 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.

- PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 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. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

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

4.4 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. 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.

- DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

POPPLETON NEIGHBOURHOOD PLAN (2017)

4.6 The supporting text within the Plan states that it is not for the Neighbourhood Plan to define the Greenbelt boundaries and this is a matter for the Local Planning Authority to determine through the Local Plan process. The revised wording of Condition PNP1 'Green Belt' states that '*The general extent of the York Greenbelt within the Plan area is shown on the Policies Map*' which shows the site as unallocated. The Neighbourhood Plan goes on to say that "*the Neighbourhood Plan needs to be in general conformity with the strategic policies of the development plan*". Currently this would be policies YH9(C) and Y1 (C1 and C2), the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) which illustrate the general extent of the greenbelt. Whilst the Neighbourhood Plan does have statutory weight, in respect of greenbelt the examiners report is clear that it is for York's Local Plan to define the detailed boundaries of the greenbelt and until that time should continue 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). Therefore it is considered that the site is within the general extent of the greenbelt

4.7 Policy PNP 7 states Proposals for new business development on established business parks in the Plan Area will be supported where they provide car parking for staff and customers to City of York Council standards at the time of the determination of the applications. The supporting text of the policy states "Expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt."

#### POPPLETON VILLAGE DESIGN STATEMENT (2003)

4.8 The Poppleton Village Design Statement was adopted as supplementary planning guidance in 2003 following consultation. It has a number of relevant design guidelines including: Any further commercial and industrial development within or within direct influencing distance of Poppleton should be well screened and not exceed existing height, for example, Northminster Business Park is predominantly viewed from Red Lion Bridge and any proposed extension should protect the open views of the surrounding flat landscape; The existing quiet and peaceful atmosphere should be preserved; The attractive green corridor approach to York along the A59 should be protected and development along this road should be discouraged.

#### OPENNESS AND PURPOSES OF THE GREEN BELT

4.9 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves 5 purposes:

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

4.10 In the Draft Local Plan (2005) the site is designated as reserved/safeguarded land for post 2011 development to ensure the greenbelt boundaries did not have to be altered. Policy GP24a (Land Reserved for Possible Future Development) states that "Until such time as the Local Plan is reviewed, planning permission on sites designated as reserved land, will only be granted for development that is required in connection with established uses, or alternative uses which will preserve the open nature of the land and will not prejudice the potential for the future comprehensive development of the site". The supporting text to the policy states: it is not allocated

for development at the present time but will be brought forward with a review of the plan and therefore should be kept free from any development that would prejudice future development following the review of the Local Plan.

4.11 In the draft Local Plan 2018 the site is not within the Green Belt, is not allocated for a use but viewed as part of the existing business estate, the land to the south is allocated (ST19) as an extension to the business park .

4.12 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.13 Additionally, when the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined it serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built up areas; to preserve the setting and special character of historic towns. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF (2018).

4.14 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions, including the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. By virtue of the proposed increase in size in comparison to the existing building it is not considered to fall within this exception. The proposed development is not considered to fall within the exception of limited infilling or the partial or complete redevelopment of previously developed sites, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The NPPF defines previously developed land as land that is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or has been occupied by agricultural or forestry buildings. From the aerial photographs the land did not have any permanent structures associated with the previous horticultural use, in addition this use ended in 1997. The proposed extension and associated hard landscaping by virtue of their scale and mass would have a significantly greater impact on the openness of the Green Belt and the purposes of including land within the greenbelt than the existing building. Therefore the proposed development is not considered to fall within any of the exception criteria of paragraphs 145 and 146 of the NPPF.

4.15 The proposed extension therefore is inappropriate development in the Green Belt. The proposed development by virtue of the use and structures would result in an increase in the built form and a coalescence of development and encroachment of development into the Green Belt therefore resulting in harm to the openness and permanence of the greenbelt.

4.16 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.17 The fundamental purpose of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The proposal gives rise to harm to the green belt by reason of inappropriateness which should not be approved except in very special circumstances. Additionally, the proposal would result in harm to the openness and permanence of the Green Belt. It also conflicts with the Green Belt purposes of preventing encroachment into the countryside and coalescence of development. 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 very special circumstances exist is assessed at paragraphs [4.26 to 4.31] below.

## DESIGN AND LANDSCAPE CONSIDERATIONS

4.18 The proposed site is not classified as agricultural land by DEFRA. The surrounding landscape is flat and open, with the exception of the application site and the adjacent Northminster Business Park which are bounded by a tall evergreen hedge which screens much of the business park from the surrounding public vantage points. The proposed development would result in limited change in landscape character. The current building (of a similar height to the proposed) is barely visible from outside of the site by virtue of the screening conifer hedging. The plans show the conifer hedging being retained (and its retention can be conditioned) together with additional soft landscaping to the boundaries and this would screen the proposed building in a similar manner to the host building. The siting of the host building would result in the proposed building not being visible from within the business park. By virtue of the screening it is not considered there is harm to the landscape.

4.19 The design and proposed materials are similar to the existing building, the height of the building is to accommodate a level floor space throughout the building as the majority of the existing and proposed building would be used for warehousing and the level floor plate allows use through out the building for fork lift trucks and more efficient business operation.

## IMPACT TO RESIDENTIAL AMENITY

4.20 The proposed development would result in more traffic to Northfield Lane, however the increase is not considered to be sufficient as to cause a nuisance or disturbance to the terrace of dwellings opposite the business park entrance resulting in harm to their residential amenity. A business split over 2 sites would be likely to result in a greater increase in traffic than the proposed development.

## DRAINAGE

4.21 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced. Unfortunately the drainage information that has been submitted is not acceptable and the applicant has been unable to demonstrate adequate drainage of the site. Further information has been requested from the applicant to enable officers to assess if a drainage scheme can be sought via a condition. At the time of writing this had not been received. If information is received committee members will be advised at the meeting.

## TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.22 NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. 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

4.23 Planning decisions should ensure:

- 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;
- and 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.

4.24 The business park is not served by public transport, the nearest bus route (Poppleton Park and Ride) operating approximately every 15 minutes. The bus stop is approximately 900 metres from the proposed development. However the wider

area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the units on the grounds of lack of access to public transport would be defended at appeal given the surrounding development.

4.25 The application was accompanied by Transport Statement and Travel Plan. The Highway Network Management Officers have confirmed they have no objections to the proposed development from a highways point of view. The access is existing.

4.26 No vehicle recharging points are shown on the plans. The Public Protection Team advise that 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. Therefore Public Protection have requested 2 vehicle recharging points, it is considered the recharging points can be sought via condition.

#### ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

4.27 The Applicant has forwarded the following factors to be considered as very special circumstances:

- Efficient operation of the business
- Economic benefits and increase in employment

4.28 Over the last 5 years Pavers has opened 40 new stores, with a 5% increase in online sales for the same period. Pavers have acquired Jones the Bootmakers which has seen an increase in turnover of 50%. The office side of Jones has moved to York and is currently in local and remote 3rd party buildings to accommodate staff and stock. The business expects that given this growth and its current business plan that its storage requirements are expected to double over the next 5 years. The current stock holding is 575,000 pairs of shoes, the business has out grown this and is using shipping containers in the service yard and 3rd party warehousing which the applicant states is inefficient and uneconomical. The expected holding requirements are predicted to increase to 1,200,000 pairs of shoes to service the target of 200+ stores pairs of shoes over the next 5 years. They state that a single centralised facility is required for efficient operation of the business, as well as the environmental benefits of single site operation. The scale of the proposed extension is required to take account of predicted growth of the business. The current business employs 190 people; the proposed extension of the business would provide an increase of 40 jobs within 5 years.

4.29 For both the previous planning permissions 07/02963/OUTM (2008) and 15/02721/FULM (2016) application they were considered to be inappropriate development in the green belt. However it was considered there were economic factors that outweighed the harm. Green Belt policy has not significantly changed in subsequent national policy (Revised NPPF). As the previous outline permission has

lapsed, and there little remaining time on the 2016 planning permission the current application still needs to be properly considered on its own merits and prevailing economic factors assessed. As set out in 4.27, there will in fact be significant additional employment resulting from the development, with a consolidation and expansion of the business at the site. Rather than the existence of a previous permissions, it is this that is considered to be material to the overall assessment of very special circumstances.

4.30 No evidence of consideration of other sites has been submitted; however in the supporting information it is stated that to consider larger sites would necessarily lead to assessment of sites outside of the York area closer to motorway/distribution networks. They also argue that the cost of moving to a larger site is prohibitive.

4.31 It is an established successful business that currently exists on the site and whilst the proposed development would be a significant increase on the existing host building, it would be sited within the confines of a tall screening conifer hedge that marks the boundary of the rest of Northminster Business Park. The site by virtue of the existing enclosure forms a natural extension to the business park, and already appears as part of the business park.

4.32 The economic benefits and job creation, the existing business already established on the site and the significant screening/ containment of development within the perceived boundary of the existing Business Park are considered to be cumulatively 'very special circumstances' that are considered to clearly outweigh the definitional harm to the greenbelt 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 and that the proposal would undermine three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

5.3 It is considered that cumulatively the considerations put forward by the applicant: the economic benefits and job creation, the successful business already established on the site, and the significant screening are considered to be very special circumstances that are considered to outweigh the definitional harm to the openness and permanence of the greenbelt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

5.4 If councillors consider that the principle of the recommendation of approval is acceptable it is recommended that the application be delegated to officers to seek an adequate drainage method or sufficient details to condition a drainage scheme. The Town and Country Planning (Consultation) (England) Direction 2009 requires that proposals that constitute inappropriate development within the Green Belt, and are recommended for approval, are referred to the Secretary of State for consideration.

**6.0 RECOMMENDATION:** Delegated Authority to be given to the Assistant Director (Planning and Public Protection) to approve the proposal subject first to agreement relating to the resolution of the surface water drainage, and any resultant additional conditions that may be required in respect of this issue, and no objection following referral to Secretary of State.

1 TIME2 Development start within three years

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

Drawing Number C100 Revision B 'Proposed Ground Floor Plan' received 23 August 2018;

Drawing Number C101 Revision B 'Proposed First Floor Plan' received 23 August 2018;

Drawing Number C200 Revision D 'Proposed Elevations' received 23 August 2018;

Drawing Number C450 Revision A 'Site Plan' received 23 August 2018;

Drawing Number 1645/2 Revision A 'Details Landscape Proposals: Phase 2' received 21 August 2018;

Drawing Number P102 Revision A 'Proposed Roof Plan' received 14 March 2018;

Drawing Number P001 'Location Plan' received 14 March;

Drawing Number D34382/JP/A received 27 July 2018;

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

3 The external materials of the proposed development shall be in accordance with the materials schedule set out in Drawing Number C200 Revision D (received 23 August 2018).

Reason: So as to achieve a visually cohesive appearance.

4 The landscaping shall be in accordance with Drawing Number 1645/2 Revision A (received 21 August 2018). This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

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

5 The existing boundary hedge, which bounds the site to the north, south, and west boundary of the site and shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018) shall not be removed or reduced in height below 11.00 m in height.

If in the circumstances that a the hedge or part of the hedge is removed details illustrating the number, species, height and position of the replacement trees and/or shrubs shall be submitted to and approved in writing by the Local Planning Authority. This replacement planting shall be implemented within a period of six months of the original removal of the tree/s and/or hedge.

Reason: In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

6 Before the commencement of and during building operations, adequate measures shall be taken to protect the hedges shown as being retained on Drawing Number 1645/2 Revision A (received 21 August 2018) and Drawing Number C450 (received 20 July 2018). Land levels should not be altered (raised or excavated) within the root protection areas. A site specific tree protection method statement shall be agreed in writing with the Local Planning Authority and shall be implemented prior to the stacking of materials, the erection of site huts or the commencement of building works.

Reason: The existing planting is considered to make a significant contribution to the amenities of this area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the warehouse within the Green Belt.

7 HWAY18 Cycle parking details to be agreed

8 HWAY19 Car and cycle parking laid out

9 Prior to first occupation of the development hereby approved, a Full Travel Plan should be submitted and approved in writing by the Local Planning Authority.



The travel plan should be developed and implemented in line with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. In formulating the Travel Plan consideration should be given to the following options, and used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager:

Within 12 months of occupation of the site a first year travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of yearly travel surveys shall then be submitted annually to the authority's travel plan officer for approval.

Reason: To ensure the development complies with advice contained in local and national planning and transportation policy, and to ensure adequate provision is made for the movement of vehicles, pedestrians, cycles and other forms of transport to and from the site, together with parking on site for these users. The travel plan submitted with the planning application lacked some details.

10 Two electric vehicle recharge point shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the extension. The location and specification of the recharge points and an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years shall be submitted to approved in writing with the Local Planning Authority prior to installation

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 Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. 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)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

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

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

Application Reference Number: 18/00565/FULM

Item No: 4b

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:

- Request revised plans
- Request additional information
- Use of conditions

## 2. INFORMATIVE:

(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

## 3. INFORMATIVE ON BREEDING BIRDS

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

Trees and scrub are likely to contain nesting birds between 1st March and 31st

August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**Contact details:**

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