

COMMITTEE REPORT

Date: 11 February 2020 **Ward:** Wheldrake
Team: East Area **Parish:** Elvington Parish Council
Reference: 18/02744/OUTM
Application at: Lindum Group Limited, York Road, Elvington, York YO41 4EP
For: Outline application for the erection of 20no. employment units (Use Classes B1(b), B1(c), B2 and B8) with means of access and landscaping included.
By: Mr J. Nellist
Application Type: Major Outline Application
Target Date: 15 February 2020
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is at the rear of the existing Lindum Group industrial estate, located to the north of York Road, Elvington approximately 10 kilometres to the south east of York. The site lies at the edge of the Elvington Industrial Estate area, which is to the north west of the main village of Elvington.

1.2 The existing industrial estate is a narrow rectangular shape, lying perpendicular to York Road with an off shoot kicking out to the north east, towards the rear of the site. The site is relatively flat and contains existing commercial and industrial buildings with associated hardstanding. There is an existing small woodland to the north of the site. West of the site is existing commercial uses forming part of the existing industrial estate. There is open land to the east of the site, in agricultural and community uses, heading towards the main village of Elvington. The existing vehicular access is via York Road (B1228).

1.3 Outline planning permission is sought for the erection of 20no. employment units with means of access and landscaping included. The units would be for the following use classes:

- B1(b) – Research and development of products and processes.
- B1(c) – Light industry appropriate in a residential area.
- B2 – General Industrial
- B8 – Storage and Distribution

1.4 The application site lies within the general extent of the York Green Belt. The precise boundaries of the Green Belt are to be fixed by the Local Plan. The 2019

modifications to the proposals map of the 2018 Publication Draft Local Plan show the site is not proposed to be in the Green Belt.

2.0 POLICY CONTEXT

Yorkshire and Humber Regional Spatial Strategy (RSS)

2.1 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9C states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(c) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.

National Planning Policy Framework

2.2 The revised National Planning Policy Framework (NPPF) 2019 was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

2.3 The planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives.

Publication Draft Local Plan 2018

2.4 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 the Draft Plan policies can be afforded weight according to:

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

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

2.6 Relevant Policies

DP1 York Sub Area
DP2 Sustainable Development
DP3 Sustainable Communities
SS1 Delivering Sustainable Growth for York
SS3 York City Centre
EC5 Rural Economy
D1 Placemaking
GI1 Green Infrastructure
GI2 Biodiversity and Access to Nature
GI4 Trees and Hedgerows
GB1 Development in the Green Belt
ENV2 Managing Environmental Quality
ENV3 Land Contamination
ENV5 Sustainable Drainage
T1 Sustainable Access
T7 Minimising and Accommodating Generated Trips
CC1 Renewable and Low Carbon Energy Generation and Storage
CC2 Sustainable Design and Construction of New Development

2005 Development Control Local Plan

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

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 The York Green Belt has been established for many years but has never been formally adopted. It is considered that the 2005 local plan, in relation to green belt policy, can only be afforded limited weight. Whilst the Regional Spatial Strategy for Yorkshire and Humber has otherwise been revoked, its York green belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the green belt around York. It is therefore the role of the new Local Plan to define what land is in the green belt and how green belt purposes are interpreted in the York context. Policy GB1 of the 2018 Draft Plan, in relation to the

setting of detailed boundaries for York's Green Belt through the 2018 Draft Plan is considered to have limited weight at this stage in line with para 216 of the NPPF due to the fact that there are unresolved objections to be considered through the examination in public. As such, until a Local Plan for York is adopted, development management decisions in relation to proposals falling within the general extent of the green belt (as defined in the RSS) will be taken on the basis that land is treated as green belt.

3.2 Development in the green belt 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. Further information is therefore required in relation to demonstrating whether very special circumstances exist before a conclusion can be made on the appropriateness of the proposals.

3.3 Update: The local planning authority consulted on proposed modifications to the 2018 Publication Draft Plan in July 2019. The City of York Local Plan Proposed Modifications (2019) includes at PM40, a policies map Green Belt change at Elvington Industrial Estate. The proposed modification is to the detailed inner Green Belt boundary of the inset urban area of Elvington Industrial Estate to change the eastern boundary to follow recognisable features on the ground before returning westwards around the dense tree copse to the northern boundary. The reason for the change is to correct an error and to ensure that the boundary aligns with recognisable features on the ground that offer the greatest permanence. Further justification for the modification is set out in Topic Paper TP1: Approach to Defining York's Green Belt Addendum (2019) Annex 4.

3.4 Should the Local Plan Inspectors agree with proposed modification PM40 to the inner Green Belt boundary in this location, and the principle of B2 and B8 employment uses in this location would be supported, subject to detailed considerations in relation to environmental protection.

3.5 The applicant's agent has clarified that the B1 use proposed is to be B1b/B1c, and that any B1a office development would be ancillary to the main uses (B2/B8/B1b/B1c). Given that any B1a use is only to be ancillary in nature Policy R1 does not apply in this case. As such there is no requirement for the sequential or impact tests to be undertaken.

3.6 To ensure any B1a development remains ancillary and to protect the vitality and viability of the city centre it is considered that the description of development should be amended to reflect the more detailed uses proposed and to confirm that B1a uses will be ancillary. It is also requested that should planning permission be forthcoming, a condition is attached to ensure B1a uses at the site remain ancillary. We understand the applicant has no objection to this approach.

Economic Growth Team

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3.7 The availability of business start-up space is crucial to ensuring that York remains a great place to start a business. Currently the proportion of start-ups in York in relation to its overall business stock is lower than the Yorkshire and Humber average. The availability of suitable business premises is a major factor in why entrepreneurs are looking beyond York's boundary to set up their business.

3.8 Both anecdotal evidence through business engagement and recent office/industrial availability data demonstrates a strong demand for business accommodation (of all sizes) across York. Make It York have reported a strong demand for premises through their Key Account Management visits to local businesses with a large number of searches being requested for office space (averaging around 2,000 sq. ft.) and light industrial units. This is supported by recent office/industrial availability data that shows in the York fringe area, the vacancy rate for office premises under 2,500 sq. ft. is 2.3% - the second lowest in North Yorkshire after Craven. This narrative of limited supply is the same for industrial premises under 2,500 sq. ft. with York's vacancy rate being 1.5% - the lowest out of all comparator cities in England, with limited space likely to become available in the immediate future (the current availability rate for industrial space of this size in York is 2.4%). To put this in perspective, the second lowest vacancy rate was Oxford at 2% with a far higher availability rate at 7.1%, indicating that significantly more industrial space will be available on the market in the immediate future.

3.9 Given the shortage of office and industrial accommodation in York, the proposed development will provide much needed small business accommodation in York to enable business start-ups, support business growth and create jobs for local people. The Economic Growth team supports this proposed scheme.

Landscape Architect

3.10 The trees within the woodland to the north appear to overhang the site, so it would be preferable to reduce the size of the units to pull them further away from this woodland, whilst retaining the proposed strip of planting (which includes new trees, and should be at least 1.5m wide) along the southern boundary of the eastern arm.

3.11 There is one good specimen Oak within the western boundary (T18 – category A). This tree has survived considerable changes to its environment. It is shown as being retained. It is a remnant indicator of a line of trees adjacent to an historic field boundary – now lost to development. On the Epoch 1 maps 1846-1901 a regular line of trees is indicated immediately to the east of the old hedge line, which would probably have been to the east of a ditch. Parking numbers should be reduced to keep all parking bays outside of the root protection area of this tree, and the ground made good beneath it.

3.12 Galvanised mild steel security fencing has already been applied to the entire site boundary. This is part of the character of the business park, but it becomes a bit more incongruous where it kicks out eastwards across the face of the wood and around part of a grazed pasture which is a continuation of the open countryside beyond the business park and the playing field.

3.13 The adjacent playing field is in the green belt, across which there are immediate views of pasture and a rural agricultural landscape, with The Yorkshire Wolds in the distant background.

3.14 The security fencing is somewhat camouflaged by the fencing around the tennis courts in the northwest corner of the adjacent playing field, however the site boundary, and the proposed end unit, would project beyond this, thereby drawing attention. The proposal does include some tree and shrub planting in this corner and along the southeast boundary which would provide some mitigation, but the protrusion of the business park would still be apparent in views across the playing fields.

Countryside and Ecology Officer

3.15 A recent ecological assessment has been undertaken to support this application (Ecological Appraisal, September 2018, by FPCR). The habitats on site are generally considered to be of low ecological value. The ditch present on site, which is to be culverted, was considered to be sub-optimal habitat for Water Voles and no direct evidence of their presence was found. None of the trees had features that could support roosting bats. The site has been cleared in the recent past and there is no habitat suitable for nesting birds other than the standard trees and vegetation on the site boundaries which is to be retained in the proposal.

3.16 The woodland immediately north of the site is recorded on the National Priority Habitat Inventory. Priority Habitats are defined in Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006, which means they are a conservation priority. Although outside of the red line boundary the woodland could be impacted by pollution, including noise and light, arising from the businesses and other 'urban edge effects' such as a fly-tipping. It would be preferable for a greater buffer between the woodland and the four new units. The boundary here is a palisade fence which should be retained, or replaced with similar to prevent any encroachment from the development site. Consideration will need to be given to the root protection zones and generally protection during construction.

3.17 The invasive non-native species Himalayan balsam (*Impatiens glandulifera*) is present on site. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. The submission of a method statement would ensure that an adequate means of

eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

3.18 There are no ponds on site however there is known to be a large meta population of Great Crested Newts within 1km of the site. Great crested newts have full protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. In view of the nearby records, care should be taken when clearing the ground prior to development.

3.19 The proposed landscape scheme uses predominantly native species and introduces areas of wildflower rich grassland which is positive for biodiversity.

Environmental Protection Unit

3.20 The initial response requested a noise assessment be undertaken. This was undertaken by the applicant and submitted for consideration. The noise assessment methodology is accepted and the conclusions that this proposed development is suitable, in terms of the noise impact being unlikely to have an adverse effect on the nearby residents is agreed. However, final details of the design, vehicle movements and occupancy of the units is not available at this time. It is therefore advised that the application should not be refused in terms of noise impact however a condition should be placed on any approval requiring an updated noise assessment to be submitted once the hours of operation have been confirmed as well as the use classes of the units in order to determine whether any noise mitigation measures are required.

3.21 Conditions are also suggested for land contamination and details of any external lighting is required.

Highways Network Management

3.22 No objection in principle to use of existing access from York Road, concern over level of parking along western boundary (verbal response)

EXTERNAL

Elvington Parish Council

3.23 No objections

Ouse and Derwent Internal Drainage Board

3.24 The Board does have assets adjacent to the site in the form of Elvington Village / Industrial Estate Dyke; this watercourse is known to be subject to high flows during storm events. A soakaway is the preferred method of surface water drainage. Conditions are recommended should permission be granted.

Yorkshire Water

3.25 Condition recommended to ensure there are separate systems for foul and surface water drainage.

Environment Agency

3.26 The site lies in flood zone 1 so no comments on flood risk grounds. Informatives recommended covering groundwater, contaminated land and waste. The planning authority is advised to satisfy themselves prior to determination with regard to the proposed foul water drainage arrangements.

North Yorkshire Police Designing Out Crime Officer

3.27 Designing out crime report suggests the indicative site plan has many positive characteristics in terms of designing out crime, although there were areas of ambiguous space that could become unsightly.

3.28 Should outline Planning Permission be granted a condition is recommended, requiring full details of what crime prevention measures are to be incorporated into the site, be detailed in any Reserved Matters Application. The condition should require the applicant to show how the issues raised by the Police Designing Out Crime Officer, are to be addressed and should provide rationale and mitigation in relation to any suggestions made in this report that are not to be incorporated.

4.0 REPRESENTATIONS

4.1 The application has been advertised by neighbour notification, press notice and site notice. No responses were received.

5.0 APPRAISAL

- Principle of development
- Development in the Green Belt
- Commercial Uses
- Impact on the character of the area
- Trees
- Ecology
- Drainage
- Highways

- Amenity
- Sustainability

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The Council does not have an adopted local plan that covers the whole local authority. The statutory development plan for the area of the application site comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved under The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

PRINCIPLE OF DEVELOPMENT

5.3 While the 2018 Draft Plan proposes to remove the application site from the Green Belt, this plan is not yet adopted. At this stage, the application site is considered to lie within the general extent of the York Green Belt.

5.4 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 on to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Buildings in use classes B1, B2 and B8 do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF and therefore represent inappropriate development.

5.5 Policy GB1 of the 2018 Draft Plan, to which limited weight should be applied, states that within the Green Belt permission will only be granted where:

- i. the scale, location and design of development would not detract from the openness of the Green Belt;
- ii. it would not conflict with the purposes of including land within the Green Belt; and
- iii. it would not prejudice or harm those elements which contribute to the special character and setting of York.

5.6 All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

5.7 The proposed development is outline but it is for the erection of new buildings that would be in B1 (Office), B2 (General Industrial) or B8 (Storage and Distribution) uses. The proposed development does not fall within any of the exceptions set out in national green belt policy and as such is inappropriate development and very

special circumstances would be required for planning permission to be granted as per paragraph 143 of the NPPF.

5.8 While the applicant is of the view that the site currently lies outside of the Green Belt, this is not the view of Council Officers at this stage in the Local Plan examination process and very special circumstances are required. As a result the applicant has submitted additional information that is considered later in this report.

IMPACT ON THE OPENNESS OF THE GREEN BELT

5.9 Paragraph 133 of the NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness has been found by the Courts to have both a visual and spatial sense.

5.10 The application is outline in nature but the indicative site plan shows linear development following the narrow shape of the site, with further development in the north eastern section of the site, which kicks out south of an existing tree belt. The linear portion of the development is adjacent to existing development to the west and for the most part to the east and there is considered to be little impact on the openness of the Green Belt in this location in a visual sense. However, the indicative plan show 4 units located in the north eastern dog leg of the site projecting away from the existing development. While the applicant has highlighted that buildings have historically been located in this location, Council aerial photography indicates that it is likely to be around twenty years since this was the case and as such the dog leg is not considered to constitute previously developed land. The presence of buildings will result in a moderate loss of visual and spatial openness, although they would not appear completely incongruous being located adjacent to the existing built up area of the Industrial Estate.

IMPACT ON THE PURPOSE OF THE GREEN BELT

5.11 Paragraph 134 sets out the five purposes of Green Belt and they are:

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

5.12 The proposed development is considered to result in a limited adverse impact on the purposes of including the land in the Green Belt due to the dog leg projection in the north eastern portion of the site, primarily as a result of limited encroachment into the countryside.

IMPACT ON THE CHARACTER OF THE AREA

5.13 Paragraph 127 of the NPPF considers design and seeks to ensure that developments will, amongst other things, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

5.14 Moderate weight can be attached to Policy D1 of the 2018 Draft Plan which states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused. Policy GP1 of the 2005 DCLP also considers design and proposals will be expected to respect or enhance the local environment, but only very limited weight can be afforded this policy.

5.15 Policy D2 of the 2018 Draft Plan states that proposals will be encouraged and supported, where amongst other things, they conserve and enhance landscape quality and character, and the public's experience of it and make a positive contribution to York's special qualities. Proposals should also recognise the significance of landscape features such as mature trees, hedges, and historic boundaries and York's other important character elements and include sustainable, practical, and high quality soft and hard landscape details and planting proposals that are clearly evidence based and make a positive contribution to the character of spaces and other landscapes.

5.16 The proposed development would act as an extension to the existing secondary development limit of Elvington. The predominantly industrial nature of this part of Elvington has developed somewhat organically over the years, with the character of the area, particularly away from the public highway, being functional in design and often of little architectural merit. The proposal is outline in nature with only a proposed layout plan submitted and landscaping to be fixed. As a larger development which would extend the development limit and provide a new boundary, it is considered the buildings would be capable of achieving an acceptable design and improving the existing urban environment. It is recognised that the projecting dog leg to the north east of the site would be more visually prominent and attention would be required to the design and boundary treatment, including landscaping. Further detail including layout, appearance and scale would be determined at reserved matters stage. At outline it is considered that subject to conditions covering materials and boundary treatment. A condition covering a full landscaping scheme will also be necessary as the layout of the scheme may change at reserved matters stage.

TREES

5.17 While the application is outline and the layout is not fixed, landscaping is being dealt with at this stage. Following concerns raised by the Council's Landscape Architect over the impact on the Oak Tree by the introduction of hard standing over the root protection area, the applicant has submitted revised plans removing 6 car parking spaces that impinged on the root protection area. The site is considered to be capable of taking the proposed level of development and still protecting the tree. Appropriate conditions are recommended to ensure its retention.

BIODIVERSITY

5.18 Paragraph 170 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity. Policy GI2 of the 2018 Draft Plan seeks to conserve and enhance York's biodiversity. Where appropriate, development should take account of the potential need for buffer zones around wildlife and biodiversity sites, to ensure the integrity of the site's interest is retained. The development should result in net gain to and help to improve biodiversity.

5.19 The Council's Ecology Officer considered the September 2018 Ecological Appraisal submitted with the planning application which noted the habitats on site were generally considered to be of low ecological value. It is considered that the proposed development, subject to appropriate conditions would be acceptable with regards to biodiversity.

DRAINAGE

5.20 Paragraph 163 of the NPPF advises that development should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development in areas at risk of flooding should incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.

5.21 The site lies in flood zone 1. Of note, there is a culvert running along part of the western boundary of the site which is maintained by the internal drainage board. Following discussions between the applicant and the internal drainage board, an initial objection has been removed to the proposed drainage. Appropriate conditions are proposed to cover foul and surface water drainage systems for the development to ensure they are developed as per a sustainable drainage system.

HIGHWAYS

5.22 Paragraph 108 of the NPPF states that when assessing 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; 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.

5.23 Paragraph 109 goes on to say 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. Policy T1 of the 2018 Draft Plan states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

5.24 As the proposal is for an extension to the existing industrial estate, the current access from York Road will be utilised. The access has already been widened to accommodate larger vehicles and is on a stretch of public highway that is relatively straight and has an existing speed limit of 30 mph. There is also an existing footpath on the northern side of York Road. The proposed development would generate an additional 25 traffic movements in the AM peak hour and 22 traffic movements in the PM peak hour according to the Transport Statement submitted with the application, but the proposal is not considered to result in a severe impact to highway safety that would warrant a reason for refusal of the application. Car parking is proposed outside of each unit and along the western side of the access road. Cycle parking could be provided within the individual units which would provide greater security and weather protection thereby encouraging uptake.

NEIGHBOUR AMENITY

5.25 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development. Policy D1 of the 2018 Draft Plan covers amenity. Policy GP1 of the 2005 DCLP seeks to ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures although very limited weight can be attached to this policy.

5.26 The proposed development would be the construction of 20 new units in use classes B1, B2 and B8 with ancillary development such as parking. Given the nature of these uses the Environmental Protection Officer requested a noise assessment and details of external lighting. The noise assessment was provided although given this is an outline application, details were not available of the final design, vehicle

movements and occupancy of the units. As such a condition is suggested for an update to the noise assessment should outline permission be granted and further details clarified. A land contamination report was submitted and given the historic uses of the site including as a military camp, factory and as office buildings conditions are proposed. Details of external lighting were required, however given the application is outline in nature and the layout not fixed at this stage it is considered a condition requiring details of lighting would be sufficient.

CASE FOR VERY SPECIAL CIRCUMSTANCES

5.27 Paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. With regard to special circumstances for approving development on this site, the applicant has supplied the following information:

- a letter of support from a local estate agent pointing to a general shortage of employment units, including for the size of units proposed. Furthermore, the letter highlights the good location in terms of transport links and nearby commercial uses in Elvington (including the airfield business park) that would complement the proposed development. The applicant has also highlighted the support of the Council's Economic Growth team for the proposal.
- A letter of support from an existing tenant requesting that they expand an additional 4,000 square metres into the proposed units at the rear of the site.
- A supporting letter from the applicant setting out the Lindum 'Eco system' of support for small businesses, support for local education and training including at York College and confirmation of enquiries for businesses wish to locate from three businesses in the last twelve months

5.28 As per paragraph 80 of the Framework, significant weight should be applied to the economic benefits. The support of the Council's Economic Growth is noted, albeit this is general support for new business space within the boundary of the York and not site specific.

5.29 The current position of the Draft York Local Plan is also a material consideration. The application site is proposed to be sited outside of the Green Belt as per the main modifications to the Draft Local Plan proposals map that were subject to public consultation in 2019. Initial hearings have taken place in the Local Plan examination, which discussed the Green Belt methodology at a strategic level but not site specific Green Belt boundaries. The Council is currently awaiting the response of the Local Plan Inspectors on the initial hearings. This is further, albeit limited, weight in favour of the scheme.

5.30 Taken together the information put forward by the applicant is considered to amount to substantial economic benefits to the local economy with further benefits for residents via support training and education at York College. In this instance this

benefits are considered to amount to very special circumstance that outweigh the identified harm to the Green Belt.

6.0 CONCLUSION

6.1 The application for outline planning permission includes land that lies within the general extent of the York Green Belt. The proposal is for commercial use in Use Classes B1, B2 and B8 with the erection of 20 units and for landscaping details also to be determined. The proposed development complies with Policies R1 and EC5 of the 2018 Draft Plan and has the support of the Council's Economic Growth team in addressing a shortfall in commercial units within the local area. The proposal is also considered to comply with policies relating to landscaping, ecology, highways, drainage and amenity. The proposed development constitutes inappropriate development in the Green Belt and as such should only be approved in very special circumstances. The applicant has presented a case for very special circumstances, highlighting demand for space in the site from existing clients and noting the benefits to the local economy and local residents through education and training. The case for very special circumstances is accepted and in the planning balance this is sufficient to outweigh any identified harm as a result of the proposal. Approval is therefore recommended subject to the following planning conditions.

COMMITTEE TO VISIT

7.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 PLANS1 Approved plans

4 VISQ8 Samples of exterior materials to be app

- 5 DRAIN1 Drainage details to be agreed
- 6 LAND1 IN New Landscape details
- 7 LC1 Land contamination - Site investigation
- 8 LC2 Land contamination - remediation scheme
- 9 LC3 Land contamination - remedial works
- 10 LC4 Land contamination - unexpected contam

11 Before the commencement of, and during building operations, adequate measures shall be taken to protect the existing planting on this site. This means of protection 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.

12 The buildings to be erected on this site shall be single storey in height. No external alterations to the buildings to incorporate an additional floor shall be carried out following the completion or occupation of the buildings without the prior written consent of the Local Planning Authority.

Reason: To assist the development being integrated into the area.

13 No building hereby approved shall be occupied until a noise impact assessment has been submitted to and approved in writing by the Local Planning Authority. The noise impact assessment shall include details of the proposed hours of operation and the proposed use class of the building.

Reason: To protect local amenity

- 14 HWAY18 Cycle parking details to be agreed

15 No development shall take place until details of a lighting strategy for the site have been submitted to and approved in writing by the local planning authority. The lighting strategy shall include details of:

the location and type of all external visible lighting,
the level of luminance and glare
the hours of operation of all externally visible lighting
details of glazing treatment to reduce light spill from internal sources

Reason: To protect local amenity and wildlife

16 No development shall take place until an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Himalayan balsam on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: To remove the invasive, non-native Himalayan balsam that has been identified at the site.

17 The use of the site for offices in use class B1(a) shall be ancillary to the use of the site for Classes B1(b), B1(c), B2 and B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument invoking or re-enacting that Order).

Reason: To protect the vitality and viability of the city centre

18 The application for the approval of reserved matters shall include full details of the proposed crime prevention measures to be incorporated into the site.

Reason: To satisfy Paragraphs 91 and 127 of the NPPF and Policy D1 of the 2018 Publication Draft Local Plan.

19 Before the occupation of the development a scheme for Electric Vehicle Recharging Points shall be provided to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) 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.

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).

20 No development shall take place until details of the reduction in carbon emissions the development hereby approved would achieve when compared against Part L of the Building Regulations (the notional building) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

The details shall demonstrate a reduction in carbon emissions of at least 28% through the provision of renewable or low carbon technologies or through energy efficiency measures and at least a 19% reduction in dwelling emission rate compared to the

Target Emission Rate (calculated using Standard Assessment Procedure methodology as per Part L1A of the Building Regulations).

Details shall also be submitted that demonstrate that the development shall also achieve a water consumption rate of no more than 110 litres per person per day (calculated as per Part G of the Building Regulations).

Reason: In the interests of sustainable design and in accordance with policies CC1 and CC2 of the Publication Draft Local Plan 2018.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) 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:

Amended plans

Requesting information regarding very special circumstances

2. INFORMATIVE:

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 manufacturer's 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: Great Crested Newts

Great Crested Newts have full protection under the Wildlife & Countryside Act 1981 (as amended) and the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018. In view of the nearby records, care should be taken when clearing the ground prior to development. If evidence of great crested newts is found during development, work should stop immediately and Natural England contacted for advice on the best way to proceed.

4. A strip of land 9 metres wide on either side of Elvington Village / Industrial Estate Dyke shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Ouse and Derwent Internal Drainage Board. The culverting of this watercourse must only take place after obtaining formal written consent from the Board.

Contact details:

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