

COMMITTEE REPORT

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

Reference: 22/01555/FULM
Application at: Pavers Ltd Catherine House Northminster Business Park
Harwood Road Upper Poppleton
For: Extension to Pavers facility to provide office space with associated car parking and landscaping.
By: Northminster Properties Limited
Application Type: Major Full Application
Target Date: 28 November 2022
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

Application site

1.1 The application relates to the Pavers site and land to the south-east, at Northminster Business Park. The Pavers site accommodates warehouse (6,967m²), associated office (approx.1,099m²) and car parking. The land to the south-east is used for overspill car parking (unauthorised).

1.2 The site is regarded as being within the general extent of the Green Belt.

1.3 The Pavers site and the land to the south-east were allocated as reserved/safeguarded land; land within the Green Belt not allocated for development, identified as land which could accommodate development needs beyond the plan period (if necessary) in the 2005 Draft Local Plan. In the Publication Draft Local Plan 2018 the application site is within allocation ST19 – land designated for employment uses.

1.4 A warehouse - storage and distribution centre for DPD - permitted under application 21/00796/FULM is under construction on land to the south of the Pavers site. That facility will provide 5,570 sqm floor-space and be some 11m high.

1.5 The business park access is from Northfield Lane. The lane also provides access to Poppleton Park and Ride, some 300m to the north. To the south-east of the

business park there is a pedestrian and cycle route (which passes under the outer ring road) connecting into Knapton Village and the west side of the city. On the east side of Northfield Lane are a terrace of houses, located just past the main entrance to the business park. Further south is Oakwood Business Park, which also contains industrial and warehouse units, associated car parking and vehicle storage, the latter extends to the south end of Northfield Lane.

Proposals

1.6 The proposals are for a front extension to the existing building to provide office accommodation. The facility will provide some 2,069m² office space and be comparable in height to the existing building. A (reconfigured) car parking area is shown to the front of the office (north car park) a further car park (south car park) is also proposed to the south-east of the existing Pavers site.

2.0 POLICY CONTEXT

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

2.2 The development plan for York relevant to this application comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt and made neighbourhood plans which the site is located within.

Saved Yorkshire and Humber Regional Spatial Strategy (RSS) policies

2.3 The Regional Spatial Strategy for Yorkshire and the Humber (May 2008) policies which relate to the York Green Belt have been saved together with the Key Diagram insofar as it illustrates the general extent of the Green Belt around York.

2.4 The environmental assessment process for the RSS abolition highlighted that revocation of the York Green Belt policies before an adopted local plan was in place could lead to a significant negative effect upon the special character and setting of York. As such, the Government concluded that the York Green Belt policies that are part of the regional strategy be retained.

2.5 The saved RSS policies are YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt.

POLICY YH9C: Green Belts

The detailed inner boundaries of the Green Belt around York should be defined in order to establish long-term development limits that safeguard the special character and setting of the historic city.

POLICY Y1C: York sub area policy

Plans, strategies, investment decisions and programmes for the York sub area should:

- Define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C.
- Protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Neighbourhood plans

2.6 The Pavers site falls within the Upper Poppleton and Nether Poppleton Neighbourhood Plan boundary. The land to the south-east (where the south car park is proposed) is within the Rufforth with Knapton Neighbourhood Plan area. The neighbourhood plans acknowledge the City of York Local Plan is responsible for setting Green Belt boundaries.

Upper and Nether Poppleton Neighbourhood Plan 2017

2.7 Policy PNP 7 - Business and Employment states new business development on established business parks will be supported where car parking is provided to City of York Council standards. In respect of Northminster Business Park Section 8 – Employment developments states expansion within the curtilage of this site would be acceptable. Further expansion would compromise the green belt.

Rufforth with Knapton Neighbourhood Plan 2018

2.7 In respect of Northminster Business Park the plan states “it is recognised that an extension to an already flourishing business park would offer significant employment opportunities for the wider area. However it is felt that the proposed allocation is too large and does not meet our definition for small scale commercial enterprises”. Had the proposed extension been on a significantly smaller scale (as originally presented in the 2016 consultation), subject to certain specific criteria the plan would not have objected to proposals (for expansion) providing that the access is from Hackness Road, a sustainable travel approach is adopted, there is no increased congestion and subject to appropriate screening.

NPPF

2.9 Key sections of the NPPF are as follows –

- 4. Decision-making
- 6. Building a strong competitive economy
- 13. Protecting Green Belt land

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

2.10 Key relevant Publication Draft Local Plan 2018 Policies (in respect of the principle of development) are as follows -

SS1	Delivering Sustainable Growth for York
SS2	The Role of York's Green Belt
SS23	Land at Northminster Business Park
EC1	Provision of Employment Land
GB1	Development in the Green Belt

3.0 CONSULTATIONS

Design, Conservation, and Sustainable Development – Archaeology

3.1 No objection. No conditions recommended.

Design, Conservation, and Sustainable Development – Ecology

3.2 No objection. Recommend conditions in respect of biodiversity enhancement, nesting birds, and in lighting. In respect of lighting the existing vegetation has the potential to be used by light sensitive species, such as bats. Recommendations on suitable lighting have been made in the applicant's Ecology Impact Assessment (section 7.3.2). Officers recommend the applicant continues to work with a consultant ecologist to ensure an appropriate lighting scheme can be provided.

Highway Network Management

3.3 Officers raised issue with the amount of car parking spaces. Based on local standards the maximum provision permitted is set out below.

Proposed office = 46
Existing office = 24
Existing warehouse = 23
Total = 93

The scheme shows 142 proposed spaces (82 + 60)

3.4 Officer note. Highways comments are on the basis of maximum standards being 1 space per 45m² office floorspace. The standards state 1 per 30m² for offices classed as located outside the built-up area, otherwise 1 per 45m².

3.5 Travel plan – officers have queried the status of travel planning at the site. The site has at least one existing travel plan although there has been no data or liaison with the Council (iTravel) in recent years. This scheme proposes a different travel plan operator for the site.

3.6 Data has been supplied of staff travel surveys in 2019 and this application includes targets for modal splits in future. This shows a trend since 2019 of decline in travel by cycle and bus and an increase in private car travel. The targets proposed would still lead to a decrease in sustainable modes of travel compared to the 2019 data.

3.7 The Poppleton Park & Ride is currently closed but is likely to re-open and targets for travel by bus lack ambition. The Travel Plan could also include additional measures to promote walking and cycling and to work with the iTravel to encourage sustainable travel in general.

Flood Risk Management Team

3.8 The site has been extended previously with the permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec. These rates may not be exceeded.

3.9 The strategy varies from that permitted in that it proposes rates of 12.5 l/sec for the office extension, 0.47 l/sec for the main car park (in-front of the office) and 0.55l/s for the secondary car park.

3.10 Foul drainage would connect into the existing network.

Public Protection

3.11 Electric Charging facilities - advise that in some circumstances the local guidance - draft Low Emission Planning Guidance, which requires a minimum of 5% of all parking spaces (or 1 space, whichever is greater) be provided with EV charge points – may exceed minimum requirements for active EV charge point provision as set out in the Building Regulations Approved Document S (note this is the case here where the Building Regulations would only require 1 EV charging point). As such a condition is requested to approve a scheme for such facilities. The scheme will be required to include details of the location of points and confirm a 10 service and maintenance period.

3.12 Land contamination - conditions are recommended for site investigation and remediation.

EXTERNAL

Ainsty Drainage Board

3.13 The applicant states surface water disposal via infiltration is not feasible due to the high water table and clay soils. This requires verification by the Council before discharge to public sewer is permitted.

3.14 In respect of the proposed strategy for dealing with surface water disposal the board require evidence the existing building and car park areas drain to the existing system. The proposed south car park should achieve a greenfield run-off rate the maximum the board would accept is 0.5 l/sec (0.55 l/sec is proposed).

Rufforth with Knapton Parish Council

3.15 No objection.

Yorkshire Water

3.16 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area(s) of more than 50 spaces must pass through an oil, petrol and grit interceptor/separator.

3.17 If surface water discharge to public sewer is proposed, evidence is required to demonstrate that disposal via infiltration or watercourse are not reasonably practical and of existing positive drainage to public sewer and the current points of connection. There are land drains located across 3rd party land. 3rd party permission must be sought and refused before Yorkshire Water would consider this means or surface water disposal to be conclusively ruled out before discharge to the public sewer could be permitted.

4.0 REPRESENTATIONS

4.1 No representations have been made.

5.0 APPRAISAL

KEY ISSUES

5.1 The key issues regarding this scheme are -

- Application of Green Belt policy

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- Highway Network Management
- Ecology / biodiversity
- Amenity
- Sustainable design and construction
- Drainage
- Consideration of very special circumstances

Application of Green Belt policy

Whether the site is within the Green Belt

5.2 The site is regarded as being within the general extent of the Green Belt.

5.3 The RSS 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. In advance of such defining (through the local plan examination), in decision-making it has been consistently the case that the lack of a defined boundary is not sufficient to arbitrarily exclude sites from the general extent of the Green Belt.

5.4 The *Wedgewood v City of York Council* Judgment, March 2020 is a material consideration in the approach to decision making in the general extent of the Green Belt. The case decided that in the absence of a defining Local Development Plan that specifies what is and is not Green Belt, ... (the Council) must apply the high-level policy rationally in order to determine what land within the inner and outer boundaries of the Green Belt) is and is not to be treated as Green Belt land. In doing so, it may have regard to –

- The 2005 Draft Local Plan incorporating the full set of changes.
- The emerging Local Plan, provided it has due regard to the guidance at paragraph 48 of the NPPF.
- Site-specific features that may tend to treating the site as Green Belt or not.

5.5 In the 2005 Draft Local Plan the application site is shown as within the Green Belt. The site is within land identified as reserved/safeguarded land; land within the Green Belt not allocated for development but identified as land which could accommodate development needs beyond the plan period (if necessary).

5.6 In the 2018 eLP the site is within employment land allocation ST19 and not in the proposed Green Belt.

5.7 In respect of site-specific features, the proposed office extension and north car park is on land currently used as car parking associated with the Pavers site. There are industrial / warehouse type buildings to the east and west and a tall row of trees to the north that visually contain the buildings within the business park. To the

immediate south of the site is the service yard and parking area associated with the DPD warehouse.

5.8 The south car park has a different context. It lies beyond existing trees that currently enclose the extent of the business park. This area is therefore more open; openness is an essential characteristic of Green Belt, as stated in NPPF paragraph 137. However the extent of openness and feeling of countryside is heavily compromised as the entrance into the DPD site runs around the south of the car park.

Whether inappropriate development

5.9 NPPF paragraph 147 states “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

5.10 Paragraph 149 lists the exceptions where new buildings are not inappropriate. Within criteria g) is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

5.11 The south car park is on land not previously developed and would be regarded as inappropriate. The proposals do therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

5.12 NPPF 148 states “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt”.

Impacts on openness and permanence of the Green Belt and the five Green Belt purposes.

5.13 NPPF paragraph 137 advises 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.

5.14 Paragraph 138 states the Green Belt serves five purposes:

- 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.

5.15 When looking at the site-specific features of the site, the land where development is proposed is contained by the access road to the DPD site, surrounding industrial / warehouse type buildings and the boundary treatment to the existing business park. There is existing development to the south (the DPD site and the three substantial sized industrial / agricultural units further south). In this context, the development proposed, due to its location, would not be detrimental to the openness of the Green Belt. It would also not constitute unrestricted sprawl and it would not encroach any further into the countryside compared to the extent of the existing business park.

5.16 There is no conflict with Green Belt purposes b and d.

5.17 In respect of criteria a and e, the 2018 eLP evidence base document related to the proposed Green Belt boundaries (Topic Paper 1 Approach to defining York's Green Belt addendum 2021) explains development needs over the emerging plan period cannot be met by using only land in the existing urban area or on previously developed land.

5.18 The approach to accommodating growth is explained in 2018 eLP policy SS1: Delivering Sustainable Growth for York (modifications April 2021). The policy states (allocated) "development is directed to the most sustainable locations, making as much use as possible of suitable previously developed land (with some release of green belt land). As is set out in SS1, sustainable growth for York emphasises conserving and enhancing York's historic environment. The scale and pattern of development is guided by the need to safeguard a number of key elements identified as contributing to the special character and setting of the historic City. These include the City's size and compact nature, the perception of York being a free-standing historic city set within a rural hinterland, key views towards the City from the ring road and the relationship of the City to its surrounding settlements".

5.19 In following this spatial approach, the proposed development is on land allocated for development; site ST19. The proposed boundaries of ST19, extending the business park to the south only, have been defined taking into account the aforementioned special character of the city and NPPF paragraph 143f which advises that when defining Green Belt boundaries plans should "define boundaries clearly, using physical features that are readily recognisable and likely to be permanent".

Conclusions

5.20 In applying Green Belt policy the following is applicable –

- The site is within the general extent of the Green Belt.
- The south car park is inappropriate development in the Green Belt. The proposals do therefore constitute inappropriate development which is, by definition, harmful to the Green Belt.

- The proposals are considered to not conflict with the Green Belt purposes. There would be no material adverse effect on openness.
- In applying NPPF Green Belt policy very special circumstances are required. 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.

Highway Network Management

5.21 NPPF 110 states in assessing development proposals 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.

5.22 Paragraph 108 advises maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport.

5.23 Paragraph 111 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”.

5.24 Paragraph 112 goes on to advise that proposals should “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”.

Parking standards

5.25 Local parking standards are contained in the 2005 Draft Local Plan.

5.26 Cycle parking standards require a minimum of 1:300 for B8 & 1:60 for offices. Minimums in LTN1/20 differ and are 1:500 & 1:200 respectively.

5.27 Car parking should be provided at a ratio of 1 space per 300m² for B8 (storage/distribution) and 1 per 30m² for the office element (assuming the site is classed as outside the built-up area, otherwise 1 per 45m²).

5.28 The plans show 1 cycle store. The application form advises 40 spaces are proposed. There are no details of the existing (warehouse) provision. The plans show 142 car parking spaces.

5.29 The local standards would equate to the following maximum number of spaces. Car parking spaces vary whether or not the site is considered outside the built-up area (either 1 per 30m² or per 45m²). As the site is within the general extent of the Green Belt to consider it located outside of the built-up area would not be unreasonable.

	Warehouse (existing 6,967sqm)	Offices (3,168sqm)
Cycle parking		
CYC	23	53
LTN 1/20	14	16
Proposed		40
Car parking		
CYC	23	71 (1 per 30sqm) or 106
Proposed		142 (total)

5.30 In respect of cycle parking, a condition could require full details of the facilities. This would require covered and secure spaces, and 5% oversized/accessible. The amount proposed for the offices exceeds LTN 1/20 standards. LTN 1/20 is national guidance and more recent the 2005 Draft Local Plan local standards. The Travel Plan can also be utilised to secure future provision subject to demand. On this basis the cycle provision is considered acceptable.

5.31 The amount of car parking, when applying local standards, is an overprovision, even for a site outside the built-up area. However, taking into account the application form and planning statement submitted advise the office is expected to employ a further 130 FTE staff, the 142 spaces proposed overall does not seem unreasonable for this scheme given the location.

Impact on the network

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

Promotion of sustainable travel and safe access

5.33 Highway Network Management raised issue with the submitted Travel Plan. It shows 70% staff travel to the site by car alone, whilst in previous years this figure was 61%.

5.34 National Planning advice advises Travel Plans should identify the specific required outcomes, targets and measures, and set out clear future monitoring and management arrangements all of which should be proportionate. They should also consider what additional measures may be required to offset unacceptable impacts if the targets should not be met. A planning condition requiring a Travel Plan can be imposed which specifies specific targets for reducing car usage in accordance with the guidance.

5.35 The proposed car parking areas annotate 5 accessible car parking spaces and 4 electric vehicle charging points in front of the office building. This provision (for the proposed spaces) complies with standards in the Council's Low Emission strategy guidance and over 5% of the spaces are therefore accessible. This is sufficient and can be secured through condition. Passive EV provision is dealt with via Building Regulations.

Ecology / biodiversity

5.36 The NPPF states decisions should contribute to and enhance the natural and local environment by minimising the impacts on, and providing net gains for biodiversity and recognising the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

5.37 An ecological impact assessment has been provided which the Council's Ecologist is in agreement with. The report recommends mitigation, in respect of potential impact on habitats, commuting and foraging bats, and amphibians. It also recommends "enhanced measures" that would secure biodiversity net gain. Measures are summarised below and can be secured through planning condition.

- Removal of any vegetation to avoid bird breeding season (tree removal shown to accommodate bin store, removal of existing landscape to front of site and to accommodate footpath to south car park)
- To compensate for vegetation loss provide two (preferably) integrated bird boxes on the proposed building. External boxes could be provided if boxes are not compatible with the proposed architectural detailing / cladding materials.
- Native species to be within the landscape scheme due to benefits such provide for birds. This includes the proposed sedum green roof.
- Lighting design to avoid detriment to the ecological value of boundary planting.

Amenity

5.38 The proposed office extension does not raise any amenity issues. The site is surrounded by commercial uses, or agricultural land and noise from the site itself would not have a material impact on residential uses outside of the business park.

The expansion would lead to increased levels of traffic. The Transport Assessment has considered the impact on the main access into the business park and does not identify any capacity issues, or growth leading to any significant number of vehicles queueing to access / leave the business park. The requirement in NPPF policy 185 in respect of the natural environment advises decisions should “avoid noise giving rise to significant adverse impacts on health and the quality of life”. Significant effects would not occur as a consequence of the proposed office scheme.

Sustainable design and construction

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

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

5.40 The applicants have issued an Energy and Sustainability Statement that acknowledges local requirements and confirms these can be achieved. It notes that the technologies listed below would be suitable for the site -

- Air-sourced heat pumps
- Mechanical ventilation systems shall incorporate heat recovery (MVHR) to minimise energy wastage by transferring heat from the extract air to temper the incoming fresh air, thereby saving large amounts of heating energy especially in the colder climate.
- PV
- Combined heat and power.

Policy requirements would need to be secured through planning conditions.

5.41 NPPF paragraph 130 provides overarching design guidance. It requires developments function well and add to the overall quality of the area, over the lifetime of the development.

5.42 The proposed office design is to meet specific operator requirements. In scale the office is two-storey and would provide a front extension that would be of compatible height to the existing premises. The new façade would enhance the setting. The scheme is appropriate on design grounds. Large scale details and materials specifications have been submitted with the package of drawings.

5.43 The key features of the scheme, which illustrate good design are as follows –

- Office facilities to meet the applicant's needs and contribute to the health and well-being of users of the building, including a variety of workspaces and social space.
- Sustainable design including features such as timber frame, green and brown roofs, energy efficient building envelope, optimum natural light gain and solar shading.
- Landscaping design illustrating aspirations for biodiversity net gain.

Drainage

5.44 Policy ENV5 of the 2018 eLP sets sustainable drainage requirements. In terms of surface water run-off, it requires the following, unless it is agreed such rates are not reasonably practical –

- Previously developed sites – 70% of existing run-off rates.
- New development on greenfield sites – run off rate shall be no higher than the existing rate prior to development taking place.

5.45 The site has been extended previously with the permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec. These rates may not be exceeded. The scheme issued proposes restricted run-off rates, utilising oversized pipes and attenuation tanks, the latter beneath car parking areas. The proposed run-off rates are not agreed to but there is scope to vary the proposed scheme to address concerns, by providing increased storage capacity on site. Officers ask that members allow officers delegated authority to agree a scheme prior to determination of the application.

Consideration of very special circumstances

5.46 NPPF 148 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”.

5.47 The identified harm to the Green Belt is that the south car park is inappropriate development, which is, by definition harmful. No harm is identified to openness or the purposes of the Green Belt because of the contained nature of the application site.

5.48 No further harm has been identified that cannot be reasonably mitigated through the use of planning conditions.

5.49 The applicants have submitted an Economic Benefits Assessment dated July 2022. This sets out the following benefits of the proposed expansions to Pavers.

5.50 The Company has now reached operational capacity at its existing base. Pavers’ storage requirements are expected to double over the next 5 years. A single, centralised distribution and office facility is critical to the future needs of the business.

5.51 Current operations have to rely on off-site storage facilities. Recent growth has seen expansion of its retail portfolio to over 175 stores, acquisitions of businesses, and increases in online sales by over 700% in the last 3 years. With anticipated continued growth to over 250 stores and a rapidly expanding digital presence, Pavers' storage requirements are expected to double over the next 5 years.

5.52 The expansion proposals involve -

- £10m investment to create additional 11,275sqm of warehouse floorspace capacity adjoining the existing facilities on land to the west of Northminster Business Park. This scheme forms application 21/02804/FULM.
- £9m investment in new office development including new and refurbishment of existing floorspace to create a total of 3,110sqm. The subject of (this) application 22/01555/FULM.
- Without the expansion of its facilities, Pavers would need to consider relocation to an alternative site given the operational efficiencies to be achieved from combining its long-term warehousing and office administration operations on a single site. The warehouse and office proposals therefore represent an integrated expansion proposition as part of the Company's ongoing growth strategy.

6.0 CONCLUSION

6.1 The site is within the general extent of the Green Belt. The identified harm to the Green Belt is that the proposals are inappropriate development, which is, by definition harmful. No further harm has been identified, to openness or the purposes of the Green Belt because of the contained nature of the application site.

6.2 No further harm has been identified that cannot be reasonably mitigated through the use of planning conditions.

6.3 The three overarching objectives of the NPPF in achieving sustainable development are economic, social and environmental. The objective being to secure net gains across each objective.

6.4 The economic objective is to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

6.5 The proposed office development will supplement the existing warehouse use on site. The site is currently in the general extent of the Green Belt. However, it has been identified through the emerging local plan process as one suitable to contributing towards meeting development needs over the emerging plan period and is allocated

for employment uses. The proposed use is compliant with the mix of uses identified as suitable for the site in the strategic allocation – site ST19.

6.6 The scheme does not conflict with the social and environmental objectives, noting that biodiversity net gain can be secured through planning condition.

6.7 Taking into account the objectives in the NPPF, the level of identified Green Belt harm and the economic benefits of the scheme, very special circumstances exist in this case that clearly outweigh the harm.

6.8 The officer recommendation is -

That delegated authority to be given to the Head of Development Services to:

- Approve a drainage strategy in principle prior to determination, with permitted pumped surface water discharge at the site restricted to 3 litres/second and foul 2 l/sec.
- 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.

Should the application not be called in by the Secretary of State, then APPROVE the application subject to the conditions set out in this report.

7.0 RECOMMENDATION: Approve after agreement of drainage strategy in principle and referral to Sec. of State

1 TIME2 Development start within three years

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

Site plan

PNO-GGA-OB-ZZ-DR-A-0103

Floor plans

PNO-GGA-OB-ZZ-DR-A-1010

PNO-GGA-OB-ZZ-DR-A-1011

PNO-GGA-OB-ZZ-DR-A-1012

South car park

PNO-GGA-OB-ZZ-DR-A-1013

Elevations and sections

PNO-GGA-OB-ZZ-DR-A-1110
PNO-GGA-OB-ZZ-DR-A-1111
PNO-GGA-OB-ZZ-DR-A-1210
PNO-GGA-OB-ZZ-DR-A-1211
PNO-GGA-OB-ZZ-DR-A-1212

Large scale details
PNO-GGA-OB-ZZ-DR-A-2000

Tree protection plan - BA11536TPP
Planting plan - 471-UW-P-001

The materials to be used shall accord with those specified on the approved plans.

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

3 Construction management

Prior to commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- Details of measures to keep the highway clean - wheel washing facilities for the cleaning of wheels of vehicles leaving the site, including location and type.
- Dust - A site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and including a package of mitigation measures commensurate with the risk identified in the assessment.
- Air Quality - The air quality impacts associated with construction vehicles and non-road mobile machinery (NRMM) and the proposed mitigation measures, commensurate with the identified risk.
- Noise - Details on types of machinery to be used, noise mitigation, any monitoring and compliance with relevant standards. Hours of working.
- Vibration - Details on any activities that may result in excessive vibration, e.g. piling, and details of monitoring and mitigation to be implemented.
- Complaints procedure - The procedure should detail how a contact number will be advertised to the public, investigation procedure when a complaint is received, any monitoring to be carried out, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken shall be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses public.protection@york.gov.uk and planning.enforcement@york.gov.uk
- Dilapidation survey - Prior to works starting on site a dilapidation survey of the

highways adjoining the site shall be jointly undertaken with the Council and the results of which shall be agreed in writing with the Local Planning Authority.

Delivery times - During construction, deliveries to and from site shall only take place within the following hours -

Monday to Friday 09:30 to 15:00

Saturday 09:00 to 13:00 only

Not at all on Sundays and bank holidays

Reason: To ensure before development commences that construction methods will safeguard the amenities of neighbouring properties in accordance with Policy ENV2 of the City of York Publication Draft Local Plan. The specified delivery times are in the interests of highway safety, in particular with regards to trips associated with local schools.

4 Drainage

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

The details shall evidence that the permitted pumped surface water discharge shall not exceed 3 litres/second and foul shall not exceed 2 l/sec.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site in accordance with ENV5 of the Publication Draft Local Plan.

5 LC1 Land contamination - site investigation

6 LC2 Land contamination - remediation scheme

7 LC3 Land contamination - remedial works

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 'Excellent' 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 at least Excellent shall be submitted to and approved in writing by the Local Planning Authority.

Reason: 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% (compared to the requirements of the Building Regulations 2013). This shall be achieved through the provision of renewable and low carbon technologies and/or through energy efficiency measures.

Reason: In accordance with paragraphs 151 and 153 of the NPPF and policy CC1 of the Publication Draft Local Plan 2018.

10 Cycle parking facilities

The development hereby permitted shall not come into use until full details of the cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority, and the facilities have been provided in accordance with the approved details. The approved facilities shall be retained thereafter.

The details shall show car parking is covered and secure; at least 5% is non-standard to accommodate people with mobility impairments (as described in LTN1-20 11.3.2) and Sheffield stands shall be positioned in accordance with LTN1-20 11.4.

Reason: In accordance with section 9 of the NPPF.

11 Electric Vehicle charging points

The four car parking spaces identified on the approved site plan PNO-GGA-OB-ZZ-DR-A-0103 for electric vehicles (identified as ev) shall be provided with such charging facilities and be for the exclusive use of electric vehicles for the lifetime of the development. The electric vehicle charging points shall be maintained in accordance with manufacturers recommendations at all times.

Reason: In accordance with section 9 of the NPPF and the Council's Low Emission Strategy.

12 Car parking to be set out in accordance with approved plans

The building shall not be occupied until the areas shown on the approved plans for the parking and manoeuvring of vehicles (and cycles) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

13 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 said 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.

Specifically the plan shall include a target that no more than 60% of staff travel to work by car alone.

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.

14 Ecology & soft landscaping

The development hereby permitted shall not come into use until the landscaping scheme, as shown on approved drawing 471-UW-P-001 and the green and brown roofs as shown on drawing PNO-GGA-OB-ZZ-DR-A-1012 has been fully implemented.

At least two integrated bird boxes on the proposed building (external boxes may be provided if boxes are not compatible with the proposed architectural detailing / cladding materials) shall also be provided prior to first use of the development hereby permitted.

Any trees or hedgerows which, during the lifetime of 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: To secure biodiversity net gain and in the interests of the character and appearance of the area, in accordance with NPPF paragraphs 130 and 174d.

15 Vegetation removal

Application Reference Number: 22/01555/FULM

Item No: 4b

No tree works, or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that nesting birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

16 Light pollution (ecology)

Prior to the installation of any new external lighting, a lighting design scheme shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.

The scheme shall include the following details -

- Evidence lighting, where required, accords with current guidance - Bat Conservation Trust (2018) Bats and artificial lighting in the UK.
- Show external lighting locations and specifications and lightspill contours, to clearly demonstrate illumination will not disturb light-sensitive wildlife, such as bats.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF.

17 Car parking - oil interceptor

Surface water run-off from communal parking (greater than 800 sq metres or more than 50 car parking spaces) and hardstanding must pass through an oil, petrol and grit interceptor/separator of adequate design before any discharge to the public sewer network. Roof water shall not pass through the traditional 'stage' or full retention type of interceptor/separator (it is good drainage practice for any interceptor/separator to be located upstream of any on-site balancing, storage or other means of flow attenuation that may be required).

Reason: To avoid pollution of the water network in accordance with NPPF sections 14 and 15.

8.0 INFORMATIVES:

Notes to Applicant

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

Application Reference Number: 22/01555/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: the use of planning conditions.

Contact details:

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