

COMMITTEE REPORT

Date: 17th March 2016 **Ward:** Rural West York
Team: Major and **Parish:** Upper Poppleton Parish
Commercial Team Council

Reference: 15/02721/FULM

Application at: Pavers Ltd Catherine House Northminster Business Park Harwood
Road Upper Poppleton

For: Extension to warehouse and extended car park

By: Mr Jim Young

Application Type: Major Full Application (13 weeks)

Target Date: 21 March 2016

Recommendation: Approve after referral to Sec. of State

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 3632.1sqm and is 10.6 metres in height. The larger part of the proposed extension would measure 70.8 metres by 47.4 metres that would be mostly warehousing. The offices, training room, canteen, and tv studio would be spread over two storeys. The height would vary between 10.6 and 11.3 metres in height, the floor level would be at the same height as the existing building to allow level access for vehicles within the building. It appears that the land levels across the site are different, and slope gently down towards the west of the site resulting in the floor level at the western part of the building being 1.8 metres above ground level. The extension would be connected to the existing building by link building measuring 45 metres by 16 metres and 9.1 metres in height. This link extension would be sited on part of the current service yard and would be used for the incoming goods as well as a holding and sorting area. The footprint of the proposed extension would be 4075.9sqm and would be an increase in footprint of 112% on the existing building.

1.2 There would be a creation of a 73 space car park to the north 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.

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 used as a horticultural nursery.

1.4 The application site is 1.7ha, the area including the existing building is 2.10ha. The site is within the general extent of the York Green Belt. The site is not within defined settlement limits or within a conservation area, and there are no listed buildings in close proximity. The site is within Flood Zone 1.

1.5 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 2011. The proposed development does fall within 1 of the 3 criteria set out in the NPPG - The development includes more than 1 hectare of urban development which is not residential development - However 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.

1.6 Northminster Business Park began life after 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). The development was allowed on appeal. Subsequently outline permission was granted in 1999 for the larger site to be used for business, and storage and distribution uses.

1.7 Despite the land to the south and west of the site being in the green belt, the business park was subsequently extended as follows -

1.8 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 in 2003 (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.

1.9 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.

1.10 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 special circumstances:

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

1.11 During the application process a revised travel plan was submitted together with the applicant's justification for developing in a Green Belt location

2.0 POLICY CONTEXT

2.1 Draft Development Plan Allocation:

Air safeguarding GMS Constraints: Air Field safeguarding 0175

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: West Area 0004

York North West Boundary GMS Constraints: York North West Boundary CONF

2.2 Policies:

City of York Draft Local Plan adopted for Development Control Purposes (2005) (CYLP):-

- CYSP2 The York Green Belt
- CYSP3 Safeguarding the Historic Character and Setting of York
- CYSP6 Location strategy
- CYSP8 Reducing dependence on the car
- CYSP9 Action Areas
- CYGP1 Design
- CYGP4A Sustainability
- CYGP9 Landscaping
- CYGP13 Planning Obligations
- CGP15A Development and Flood Risk
- CYGP24 Safeguarded land
- CYNE1 Trees, woodlands, hedgerows
- CYH10 Car parking not required for CC housing

- 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
- CYT20 Planning agreements
- CYE1A Premier Employment Sites

City of York Council Emerging Local Plan Publication Draft (2014) – see paragraphs 4.3 and 4.4 below. Most relevant policy is SS3.

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

Highway Network Management

3.1 No objections, access is as existing. Car parking exceeds CYC Annex E standards, however seems reasonable for the amount of staff expected as part of the expansion. A travel plan has been submitted as part of the application

3.2 Request following conditions HWAY 18 and 19, and Travel Plan

Planning and Environmental Management - Ecology

3.3 The main habitat on site is tall ruderal herb and ephemeral vegetation, typical of land that has been previously cleared/disturbed and allowed to regenerate naturally. There is a well established coniferous hedge with some semi-mature trees around the perimeter of the site which will be retained in the development. This provides suitable bird nesting habitat. None of the trees were considered to be suitable to support roosting bats.

3.4 There was no evidence of protected species or invasive species identified within the site. The development will involve the loss of habitat of low ecological value. The proposals state that the existing trees and hedge will be retained, to be selectively pruned and supplemented as required.

3.5 There are no objections to this development on grounds of ecology. Enhancement to the proposed development could be achieved by using native species within the landscaping and including bird and bat boxes in/on the new buildings. External lighting should be minimised and positioned to avoid shining directly onto the perimeter hedgerow.

Flood Risk Management Team

3.6 No objections

Public Protection

3.7 No comments received

Planning and Environmental Management (Forward Planning)

3.8 No objections

3.9 For the purposes of determining this application the site should be treated as falling within the Green Belt in accordance with the RSS. Only certain types of development are allowed in the Green Belt, all other forms of development are considered to be inappropriate development.

3.10 The very special circumstances argument put forward by HTC Architects holds. The principal of development was already established through the 2008 planning application and do not 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. The proposal will also create 50 jobs over a 5 year period which is welcomed.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

Upper Poppleton Parish Council

3.11 No objections

Police Architectural Liaison Officer

3.12 No objections, analysis of police recorded incidents covering the business park over the past twelve-months from the 1st December 2014 to the 30th November 2015. During that period there were no incidents of anti-social behaviour and only one crime recorded, the theft of a motor vehicle.

3.13 Although no mention has been made in the Design and Access Statement to show how crime prevention is being considered, would anticipate that the measures that are currently in place, e.g. car parking areas well lit, building lit and covered by CCTV, intruder alarm system fitted, will be replicated in respect of the proposed extension and extended car parking area. If this is the case, have no concerns or issues to raise.

Environment Agency

3.14 No comments received

Yorkshire Water

3.15 No comments received

Ainsty Internal Drainage Board

3.16 The Board maintain Golden Farm Dyke: a watercourse currently running at capacity, and would therefore like to mitigate any negative impact that may arise from development.

3.17 The site is in an area where drainage problems exist and development should not commence until the Local Flood Risk Authority is satisfied that surface water drainage has been appropriately considered. Any approved development should not adversely affect nearby property's amenity.

3.18 This site is dependent on a pump in the SE corner currently discharging at 5 l/s. The proposal is to attribute the additional surface water to the pre-existing drainage strategy and into the pumping station, which will discharge at the same rate as before. The applicant has calculated the necessary additional storage to be 342.4m³. Subject to this volume being sufficiently provided for, the IDB would not have any objections to this application.

Yorkshire Gliding Centre

3.19 No comments received

4.0 APPRAISAL

RELEVANT SITE HISTORY:-

- 11/00403/FUL - Installation of roof mounted photovoltaic panels
- 07/02963/OUTM -Extension to warehouse (2456sqm) with associated parking and access - Approved
- 05/01207/REMM - Reserved matters application for erection of warehouse with ancillary office on land to west of Unit B, C and D - outline application 04/03805/OUT refers - Approved
- 04/03805/OUT - Re-submission of outline planning application 04/02448/OUT for erection of warehouse with ancillary office - Approved

- 04/02448/OUT - Outline application for erection of warehouse with ancillary office on land to west of units B,C and D - Withdrawn

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

Development Plan

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.

Local Plan

4.2 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.

Emerging Local Plan

4.3 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local

Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF.

4.4 The most relevant of the document's policies is policy SS3 (The creation of an enduring green belt) which sets out areas of safeguarded land for longer term development needs. The policy states planning permission will be granted for development which is required for established operational uses on the site and for temporary uses.

4.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. This presumption does not apply in Green Belt locations.

4.7 The National Planning Practice Guidance (NPPG) explains how weight may be given to policies in emerging plans. Arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the NPPF and any other material considerations into account.

4.8 The NPPF states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how the grant of permission for the development concerned would prejudice the outcome of the plan-making process.

4.9 The Poppleton Neighbourhood Plan is at an early stage of its preparation; pre-submission consultation has been undertaken. Whilst the weight given to such a report grows as it passes each consultation stage, the weight that can be given to the plan is currently very limited.

4.10 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.

GREEN BELT STATUS OF THE SITE

4.11 As noted in the above Planning Policy section of this report, the site is located within the general extent of the York Green Belt as described in the RSS. In the DCLP (2005) it 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. In the emerging local plan the application site is not allocated for a use but viewed as part of the existing business estate, the land to the north, south, or west designated as safeguarded land. These allocations have not been tested by public consultation and as such, the potential allocation of this land can only be given limited weight at this stage. There is currently no public confirmed timetable for the Local Plan to be submitted to public consultation or to the Planning Inspectorate.

4.12 Additionally, when the site is assessed on its merits (in paragraphs 4.14 to 4.16 below) it is concluded that whilst the York Green Belt has not yet been fully defined, the site should be treated as falling within the general extent of the Green Belt and serves a number of Green Belt purposes. As such, the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF.

OPENNESS AND PURPOSES OF THE GREEN BELT

4.13 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.

4.14 The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. NPPF paragraph 89 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 development would have a greater impact on the openness than the existing and it is not considered that that the site falls within this exception. 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.

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

4.16 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 substantial 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 [4.29 to 4.34] below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.23 The proposed site is not classified as agricultural land, by DEFRA or Natural England. 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) 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.

4.24 The design and proposed materials are similar to the existing building, the height of the building is to accommodate a level floor space through out 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

4.25 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

4.26 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. Local Plan policy GP15a: Development and Flood Risk advises discharge from new development should not exceed the capacity of receptors and water run-off should, in relation to existing run-off rates, be reduced. The Flood Risk Management Engineer, on the basis of the drainage scheme submitted, is satisfied that the site can be suitably drained.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.27 The National Planning Policy Framework states that developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport. Policy SP8 seeks to reduce dependence on the private car within new developments through, amongst others, accessibility and linking the development with surrounding uses. Policy T7c seeks to ensure all new developments are within 400m of a frequent bus service.

Policy T4 seeks to promote cycle parking to encourage sustainable transport choice. These local plan policies are considered to accord with the aims of the NPPF.

4.28 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. The site is within relatively close proximity to a regular bus service (every 10 mins - park and ride). The car parking does exceed CYC Annex E standards, however it is considered reasonable for the amount of staff expected as part of the expansion.

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

- 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

4.30 The business currently has 125 retail units in Britain and Ireland and over the last 3/4 years has opened 10-12 new stores year on year, with a 5% increase in online sales for the same period. 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 outgrown 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 750,000 to 800,000 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 current business employs 160 people; the proposed extension of the business would provide an increase of 50 jobs over 5 years (25 office jobs and 25 warehouse jobs).

4.31 The applicant argues that the principle of the development has been allowed by a previous planning permission, granted in 2008 (07/02963/OUTM) for a smaller extension of similar layout. The proposed development was assessed against PPG2 and was 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 (NPPF). However, given that the previous outline permission has lapsed, the current application still needs to be properly considered on its own merits and prevailing economic factors assessed. As set out in 4.30, 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 permission, it is this that is considered to be material to the overall assessment of very special circumstances.

4.32 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.

4.33 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.

4.34 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 within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. The proposed building and associated works would also result in harm to the openness and permanence of the Green Belt. The application should not be approved unless very special circumstances have been demonstrated to clearly outweigh the harm to the Green Belt and any other harms.

5.2 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 as well as the containment of development within the perceived boundary of the existing Business Park are considered to be very special circumstances that are sufficient to clearly outweigh the identified harms to of the Green Belt even when substantial weight is given to any harm to the Green Belt. Approval subject to the following conditions is recommended.

5.3 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.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Drawing Number A817.PL.10 'Location Plan' received 27 November 2015;

Drawing Number A817.PL.11 'Overall Site Layout Plan' received 27 November 2015;

Drawing Number A817.PL.12 'Site & Ground Floor Plan' received 27 November 2015;

Drawing Number A817.PL.13 'First Floor Plan' received 27 November 2015;

Drawing Number A817.PL.14 'Elevations' received 27 November 2015;

Report 13696-Y-RP-001 'Flood Risk Assessment' received 27 November 2015;

Report 13696-Y-RP-002 'Drainage Strategy Report' received 27 November 2015;

Ground Investigation Report by Soils Engineering Services received 21 January 2016;

Ground Investigation Report by L. J. Church Laboratory Services Ltd received 21 January 2016;

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

2 TIME2 Development start within three years

3 The external materials of the proposed development shall be in accordance with the materials schedule set out in Drawing Number A817.PL.14 received 27 November 2015.

Reason: So as to achieve a visually cohesive appearance.

4 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs. 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.

5 The existing boundary hedge, which bounds the site to the north, south, and

west boundary of the site and shown as being retained Drawing Number A817.PL.11 received 27 November 2015 and Drawing Number A817.PL.12 received 27 November 2015 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 A817.PL.11 received 27 November 2015 and Drawing Number A817.PL.12 received 27 November 2015. 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 shall be submitted and approved in writing by the Local Planning Authority. The travel plan shall be developed and implemented in accordance with local and national guidelines. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said Travel Plan. The shall be used in connection with information contained within the itravelyork website and in consultation with the iTravel York Programme Manager or equivalent

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 or equivalent 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 Prior to the first use of the development hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall detail the locations, heights, design and lux of all external lighting associated with that building. The development shall be carried out in accordance with the approved lighting scheme.

Reason: in the interests of visual amenity and the openness of the greenbelt, to prevent light disturbance and nuisance.

11 The development hereby approved shall be constructed to a BRE Environmental Assessment Method (BREEAM) standard of 'very good'. A Post Construction stage assessment shall be carried out and a Post Construction stage certificate shall be submitted to the Local Planning Authority within 3 months of occupation of each building. Should the development fail to achieve a BREEAM standard of 'very good' a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures should be undertaken to achieve a standard of 'very good'. Any agreed remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local Plan and the City of York Council Interim Planning Statement 'Sustainable Design and Construction'.

12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared including a timetable for the implementation of its terms, which is subject to the approval in writing of the Local Planning Authority. The scheme shall then be implemented in accordance with that timetable. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

7.0 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 (paragraphs 186 and 187) 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 justification for the development within the Green Belt
- Request revised Travel plan
- Use of conditions

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 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

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