

## COMMITTEE REPORT

**Date:** 8 September 2016      **Ward:** Rural West York  
**Team:** Major and Commercial Team      **Parish:** Nether Poppleton Parish Council

**Reference:** 16/01297/FUL  
**Application at:** Plot 7 Great North Way Nether Poppleton York  
**For:** Use of land for car parking and car storage linked to adjacent vehicle dealership with associated hardsurfacing  
**By:** Arnold Clark  
**Application Type:** Full Application  
**Target Date:** 9 September 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

1.1 The application site is a 4.2 hectare plot within the York Business Park. The site is bounded to the east by the East Coast rail line, to the south by industrial units. To the north by White Rose Way and the recent office development of Tudor Court and the office/workshop units of Opus Avenue. To the west is the Great North Way, further to the west and south is a large residential area. The site is designated as employment land in the Local Plan and the emerging (publication draft) Local Plan. The site has been notified as a Site of Interest for Nature Conservation (SINC) on the basis of its calcareous vegetation and a colony of Great Crested Newts which have subsequently been translocated.

#### Planning History

1.2 Planning permission (11/03253/FULM) has previously been given for development of a retail garden centre at the site. This has now expired. Planning permission has more recently been given (15/01307/FULM) for the construction of a car dealership with associated facilities including car servicing, valeting and used car sales on the western part of the site. This development is currently in the process of being constructed.

### 2.0 POLICY CONTEXT

#### 2.1 Policies:

CGP15A    Development and Flood Risk  
CYE3B    Existing and Proposed Employment Sites  
CYGP1    Design  
CYNE5A    Local Nature Conservation Sites

- CYNE5B Avoidance of, Mitigation and Compensation for Harm to Designated Nature Conservation Sites
- CYNE6 Species protected by law

### **3.0 CONSULTATIONS**

#### INTERNAL

##### Planning and Environmental Management – Countryside and Ecology

3.1 No objections to the proposal but require that the details relating to nature conservation secured under 15/01307/FULM are applied here too. Information relating to these conditions on 15/01307/FULM have now been agreed and the appropriate information is now included with this application.

##### Planning and Environmental Management – Forward Planning

3.2 No objections to the scheme following submission of an employment and retail statement by the applicant.

##### Public Protection

3.3 No objection to the scheme however, as the site is close to residential properties, a condition should be included to control lighting of the site to protect neighbouring residential amenity.

##### Highway Network Management

3.4 Sought further information on access and use of the site. This has been provided and a response is awaited.

#### EXTERNAL

##### Ainsty Internal Drainage Board

3.5 No objection in principle to the scheme but has asked for clarification of the drainage strategy. This can be secured via condition.

##### Nether Poppleton Parish Council

3.6 No objections to the scheme but seek safeguards over the control of water discharge and fuel spillages.

## Neighbour Notification and Publicity

3.7 A letter of objection has been received from one of the occupiers of the units on Opus Avenue. The objection appears to pertain to the proposal to double yellow line Opus Avenue as conditioned in the planning permission 15/01307/FULM. The concern relates to the lack of off-street parking on Opus Avenue and within Tudor Court and the subsequent need for on-street parking. The writer raises concerns related to possible inconvenience to other road users if the existing on-street parking is restricted and drivers are forced to park elsewhere and notes that Arnold Clark should make provision for accessing the site without inconveniencing others and that the proposed access off Opus Avenue is not suitable for large vehicles.

## **4.0 APPRAISAL**

### KEY CONSIDERATIONS:-

- Policy context
- Economic Development Issues.
- Impact upon the residential amenity of neighbouring properties;
- Impact upon safety and convenience of highway users;
- Loss of habitat of Biodiversity Importance;

### POLICY CONTEXT

4.2 The National Planning Policy Framework (March 2012) sets out the Government's overarching planning policies at its heart is a presumption in favour of sustainable development. It also sets out 12 core planning principles that should underpin both plan-making and decision-taking. A principle set out in Paragraph 17 is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.3 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.4 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF.

4.5 The planned consultation on the Preferred Sites for the emerging City of York Local Plan went before Executive on 30 June, following a meeting with the Local Plan Working Group on 27 June.

The proposals are now subject to an eight-week public consultation which started in July. The emerging Local Plan policies can only be afforded very limited weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Plan is a material consideration.

## ECONOMIC DEVELOPMENT ISSUES

4.6 The site is allocated in the Local Plan (2005) under Policy E3a 1: Standard Employment Allocations. Policy E3a identifies standard employment sites and the uses for which planning permission will be granted. For those sites identified as being appropriate for B1, B2 or B8 over 2.5 hectares, at least 30% of the site should be reserved for B2/B8 uses. Schedule 2 identifies York Business Park as 16.4 hectares for B1, B2 and B8 uses, with the split to be decided following further work.

4.7 Within the emerging Local Plan policy EC3: Loss of Employment Land aims to retain employment land subject to a satisfactory statement submitted by the applicant that demonstrates that:

1. The existing land and or buildings are demonstrably not viable in terms of market attractiveness, business operations, condition and /or compatibility with adjacent uses; and
2. The proposal would not lead to the loss of a deliverable employment site that is necessary to meet employment needs during the plan period.

4.8 The Applicant has submitted a statement in support of the application. This indicates that the site has been long term vacant. Planning permission has recently been approved for an Arnold Clark dealership on the western part of the site and the Applicant indicates that the proposed car storage area will lead to an increase in a variety of employment opportunities. Supplementary information has been provided by the applicant which demonstrates that despite lengthy and extensive marketing, no purchasers have been identified who are willing to develop the application site for traditional employment uses. The applicant also provides a desktop summary as to the availability of office space in adjacent sites which reveals that there are a substantial number of vacant office units, indicating a poor take up of built office units in the business park. Arnold Clark has also indicated that 5 new employees will be required as a result of developing the additional storage compound.

4.9 It is recognised that there are a diverse range of businesses in this location. The NPPF states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. The application is linked to the adjacent car dealership which was granted planning permission in 2015. The applicant has provided further information which states that further jobs will be provided as a result of the additional expansion.

It has also been demonstrated that the site lacks market attractiveness for traditional employment uses. Therefore the proposed use is considered acceptable in principle subject to other material planning considerations.

## IMPACT ON THE AMENITY OF NEIGHBOURING RESIDENTIAL PROPERTIES

4.10 Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Planning Principles" indicates that Local Planning Authorities should give particular weight to securing a good standard of amenity for all new and existing occupants of land and buildings. Policy ENV2 of the (Emerging) Publication Draft Local Plan is also of particular relevance in this context indicating that planning permission will be forthcoming where it can be demonstrated that residential amenity will be safeguarded.

4.11 There is a mix of uses within the locality. The nearest residential properties are the care home on Great North Way (approximately 88m from the site) and the dwellings on Severn Green (approximately 82m) to the south of the site. The distances involved and proposed car storage use of the site are considered to ensure there is little disturbance through noise and comings and goings during operation of the site. Details have not been provided relating to the proposed lighting of the site and therefore a condition is recommended to submit details of the lighting scheme. The landscaping scheme follows that approved under 15/01307/FULM which was enhanced to improve visual amenity of the site.

## IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS

4.12 The application site is centrally located within a substantial area of employment land in the process of development adjacent to the principal access route between its northern and southern sections. Whilst the surrounding road network does not operate at capacity there are significant problems of on-street parking arising from the activities of nearby predominantly office developments. Planning application 15/01307/FULM secured off-site highway works designed to ensure safe access to the site could be achieved. These involved measures to restrict on-street parking on Opus Avenue from which point vehicle transporters will enter the site. A condition was also included with the previous application to agree details of access points on to the highway and to ensure turning areas within the site were retained clear of obstructions. Given these previously accepted and agreed details, it is considered that the highways details are acceptable in principle but a response is still awaited from highways regarding the final details. This will be communicated to Committee via an update.

## LOSS OF HABITAT OF BIODIVERSITY SIGNIFICANCE

4.13 The application site has been notified as a Site of Interest for Nature Conservation on the basis of being a particularly good example of a calcareous grassland habitat. It has previously supported a medium scale population of Great Crested Newts. These were however trans-located to a site to the east of the adjacent East Coast Railway Line as part of the previous abortive proposal to construct a garden centre on the site. A mitigation strategy to compensate for the loss of the calcareous grassland habitat together with measures within the site to prevent re-colonisation of the site by Great Created Newts was previously agreed with the prospective Garden Centre developer. The current developer has now committed to keep the mitigation measures in place as required by paragraph 118 of the National Planning Policy Framework. A condition is suggested to ensure this is implemented.

### 5.0 CONCLUSION

5.1 The application is recommended for approval subject to conditions. The proposed use is considered acceptable in principle and the applicant has demonstrated that the site has been marketed for some time and no proposals have come forward for a traditional employment use. The proposed car storage associated with the adjoining Arnold Clark dealership will result in some employment creation and brings an appropriate use to the site. The scheme includes a landscape scheme to provide some mitigation to the visual impact for nearby residents and also some habitat mitigation, as was approved under 15/01307/FULM, for the loss of the SINC. Highways details have been approved under the application for the car dealership and an update will be provided at the Committee meeting.

5.2 The site is allocated for employment use and while the proposal is not a traditional employment, some employment will be generated and the applicant has submitted an acceptable Employment and Retail Statement. In terms of its impact on visual and residential amenity the scheme is considered to comply with policy GP1 and the impact on biodiversity and mitigating measures have already been agreed under 15/01307/FULM.

### COMMITTEE TO VISIT

#### 6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 PLANS1 Approved plans - Location plan, site plan 2737-50A and landscape plan PL01C

3 Prior to first occupation a full Lighting Impact Assessment must be undertaken by an independent assessor detailing predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev) and all buildings within 100 metres of the edge of the site boundary. The assessment must be submitted and approved in writing by the Local Planning Authority and the approved details implemented prior to occupation and maintained and retained for the lifetime of the development.

Reason: In the interests of residential amenity.

4 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided to discount the use of SuD's.

If SuD's methods can be proven to be unsuitable then In accordance with City of York Councils Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak surface water run-off from Greenfield developments must be attenuated to that of the existing rate (based on a Greenfield run off rate of 1.40 l/sec/ha).

Please note that the proposed surface water discharge rate quoted within the submitted details of 80 l/sec is NOT agreed.

Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

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

5 The details within the Landscape and Habitat Mitigation Rev A 25/07/16 and Landscape Plan PL01C shall be implemented prior to the first occupation of the site and retained and maintained for the lifetime of the development.

Reason: To preserve and enhance the landscape and habitat value of the site.

**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:

Requested further highway information and an Employment and Retail Statement

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