

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Rural West York
Date: 1 April 2008 **Parish:** Upper Poppleton Parish Council

Reference: 07/02963/OUTM
Application at: Catherine House Northminster Business Park Harwood Road Upper Poppleton York
For: Extension to warehouse (2456sqm) with associated parking and access
By: Pavers Shoe Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 15 April 2008

1.0 PROPOSAL

1.0.1 Outline planning permission is sought for the erection of a warehouse including ancillary office accommodation, to the rear of Catherine House, Northminster Business Park. The applicants, Pavers Ltd, wish to expand their present storage and distribution business, due to company growth and increased demand from internet sales. This outline application seeks consent for layout, scale and access. Details of landscaping and appearance are reserved for determination at a later date, should this outline application be granted.

1.0.2 The applicants seek permission to erect a warehouse which would provide 2264 m² of additional warehouse space and 96 m² office space at ground floor level and a further 96 m² office space at first floor level. The dimensions of the proposed warehouse are 50.00 m in length x 47.00 m in width. The maximum height of the proposed warehouse will be 11.00 m above ground level. The applicants state that the height of the building will be below the existing tree line which bounds the curtilage of the site and the business park.

1.0.3 The design of the warehouse has not been formally included as part of this outline planning application, however the indicative plan submitted indicates an exterior façade similar to that of the existing warehouse/office.

1.0.4 It is also proposed to link the proposed warehouse to the existing Pavers building with a glazed link. The link will measure 42.00 m in length x 4.50 m in width and will be approximately 5.00 m in height. The link will be fully enclosed and will provide coverage for forklift trucks to use and a conveyor belt.

1.0.5 Access to the proposed warehouse will be provided by an extension to the existing access road, which runs along the northern elevation of the existing Pavers building. In addition to the new access road, it is proposed to

form a new loading yard to the front and a service yard at the rear. 34 car-parking bays will also be created to the side of the proposed building and 10 van and trailer park spaces to the rear. Of the 34 car-parking bays created, 22 are existing bays which need to be relocated due to be sited within the proposed loading bay is to be created. As a consequence only 12 spaces will be actually 'new'.

1.0.6 The applicants anticipate that 5-10 new office based jobs will be created within the existing Pavers building and 15-20 jobs within the proposed warehouse.

1.0.7 No landscape details have been submitted as part of this outline planning application, however the applicants propose to landscape this site in a similar fashion to the existing warehouse. Details of landscaping will be provided at a later stage as part of the reserved matters, should this application be approved.

1.1 NEED FOR EXPANSION

1.1.1 Pavers Ltd has grown exponentially from its creation, some 36 years ago. The company comprises of 58 retail stores with associated warehousing and distribution centres nationwide. York remains the company's headquarters. The business has grown by approximately 30% in the last 10 years.

1.1.2 Pavers Northminster site has grown from handling 1 million pairs of shoes in 2004 to 3.25 million in 2007. As mentioned briefly above, this is principally down to growth from internet sales, with turnover reaching 12 million p.a. This has necessitated the need for additional storage space.

1.2 OPTIONS CONSIDERED BY PAVERS FOR EXPANSION

1.2.1 This submission describes the applicants search for a suitable site, and includes their site criteria and options they considered. The applicants assessed 3 options for providing the expansion space and examined 20 possible sites for expansion.

1.2.2 In summary, Pavers conclusion is that only Northminster Business Park meets their requirements, especially considering they already have an existing warehouse/office building within the business park.

1.3 SITE

1.3.1 Northminster Business Park is located approximately 4 km northwest of York City Centre and approximately 600 m from A59 (York to Harrogate) road. The business park is accessed from Northfield land which is approximately 200 m from the junction with the A59 and York's northern outer ring road.

1.3.2 Northminster business Park contains a variety of office, research and development and light industrial uses (Use Classes B1 (a), (b) and (c)),

storage and warehouse (Use Class B8). It includes offices, light industry and other commercial activities.

1.3.3 The application site is located within York's defined Green Belt. In addition a 36 ha parcel of land abutting the site to the west and south is allocated as Land Reserved for possible future development. Pavers existing warehouse and the proposed site are located within this reserved area.

1.3.4 The existing Pavers' building is located near the western edge of the business park. The building is principally dedicated to warehousing and distribution however there is a portion of office accommodation in the north eastern section of the building. Car-parking is provided to the front of the building. A service yard at the rear provides parking and manoeuvring space for articulated heavy goods vehicles.

1.3.5 The application site is located directly to the rear of the existing building and forms the westerly most section of the business park. The site is within a rectangular plot of land to the west of the Northminster Business Park. It is screened on all three outside boundaries, that is to the north, south and west, by a long line of evergreen and deciduous trees which are approximately 11.00 m in height. The land was previously used as an "outdoor shrub" area by Challis Limited, the former occupiers of much of the Northminster Business Park.

1.3.6 Whilst the business park is surrounded by open countryside at its northern, southern and western boundaries, there are a number of residential dwellings within the vicinity. A row of 6 terraced dwellings are located almost opposite the main entrance to the business park. Oakwood Farm is located approximately 120 m east of the main entrance to the business park. Pear Tree Farm also bounds the site to the northern boundary.

1.4 HISTORY

1.4.1 Planning permission was granted, at appeal, for the use of the former horticulture site as a business park in 1998 (97/01531/OUT) . The original extent of the business park was based upon the existing footprint of greenhouses and storage buildings, associated with Challis's horticulture enterprise. The existing warehouse/office building and the proposed warehouse are outside the original appeal site boundary.

1.4.2 However, outline planning permission was approved in 2005 (04/03805/OUT) for the erection of Pavers existing warehouse. At that time the site was located within the Green Belt. The application was consequently referred to the Government Office for consideration. The Government Office, on behalf of the Secretary of State, did not intervene and allowed the Council to determine the application. The outline application included details of means of access.

1.4.3 The outline planning application was considered by the Council's Planning Committee on 23/12/2004. The officer's report explained that

Pavers needed larger premises as a headquarters and to accommodate all aspects of their well established, successful and expanding business. Their proposal was supported among others, by the Council's Economic Development Section and York-England.com, whose Operations Director spoke in support of the application of the Committee meeting.

1.4.4 Pavers had made a full search for sites in and around York but had come to the conclusion that the application site was the only available one that met their requirements.

1.4.5 In 2005 reserved matters were approved (05/01207/REMM) for the erection of the existing Pavers warehouse/office. All 5 reserved matters were considered; siting, design, external appearance, means of access and landscaping.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP24
Safeguarded land

CYGB1
Development within the Green Belt

CYGB11
Employment devt outside settlement limits

CYT7C
Access to Public Transport

CYT18
Highways

CYE1A
Premier Employment Sites

CYSP2

The York Green Belt

CYSP9
Action Areas

3.0 CONSULTATIONS

INTERNAL

3.1 City development

3.1.1 The officer commented that the site is located within York's Green Belt as defined with policy E8 of the North Yorkshire Structure Plan and PPG2. The officer confirms that Pavers site (existing warehouse/offices and proposed site) was re-designated from classified Green Belt to Land Reserved for Future Development within the 4th set of changes of York's Local Plan in 2005. This land is reserved for future development until 2011. However, the Council is currently preparing its Local Development Framework and it is likely that this parcel of land set aside for future development is likely to be allocated for a substantially longer period.

3.1.2 The officer notes that the applicant has put forward reasoned justification for this proposal to demonstrate special circumstances should be taken into consideration when considering this application.

3.1.3 The special circumstances pertain to:-

- (a) A justified need for Pavers Ltd to expand their existing warehouse capacity in York;
- (b) An absence of suitable non Green Belt sites within the city and its hinterland;
- (c) The inherent suitability of the application site in terms of meeting the expansion needs of Pavers;
- (d) The importance of the proposal in economic terms, both locally and nationally; and
- (e) The suitability of the application sites in terms of minimising wider landscape aspects.

3.1.4 On the basis of the information provided by the applicant, the officer does not raise any policy objections to this application.

3.2 Economic Development

3.2.1 The officer made the following comments:-

- (a) Pavers shoes is a locally nurtured business success which now requires additional space on the same site to expand;
- (b) New retail technologies have outstripped estimated growth;
- (c) There are no other suitable sites/premises available;

- (d) Very special circumstances exist, in terms of the cross section of good quality employment skills being created alongside the significant number of existing jobs;
- (e) The expansion will be supplemented by an established screen of trees on land formerly used for stock display for a garden centre.

3.2.2 On the basis of the information provided by the applicant, the officer does not raise any policy objections to this application.

3.3 Drainage

3.3.1 The drainage officer objected on the grounds that insufficient information has been submitted to determine the application. The officer requested further details concerning details of the existing surface water system, together with details of the proposals of the new development. Details concerning existing and proposed ground levels and existing and proposed surfacing were also requested, as well as a topographical survey indicating the proposed finished floor levels.

The applicants submitted additional information on the 10/03/2008. The drainage officer was consulted shortly afterwards. No comments have been received so far.

3.4 Environmental Protection (EP)

3.4.1 Originally the EP officer raised concerns regarding vehicular movements and the impact upon adjacent residential dwellings, especially the row of 6 terraced dwellings opposite the site. However the Pavers submitted additional information on 10/03/2008. Based upon the additional information provided, the EP officer raised no objections subject to the imposition of various conditions relating to recommended hours for carrying out construction work and deliveries to and from the site, contaminated material and an informative relating to the carrying out of works on site.

3.5 Highway Network Management (HNM)

3.5.1 The HNM officer raised a number of concerns regarding this application. The application is of concern to the highway authority for several reasons:-

- (a) Sustainability - the walking distances for staff from the nearest rail station and bus route to the site are far greater than those generally considered acceptable;
- (b) Pedestrian/cyclist safety - there are no dedicated facilities for pedestrians within the Business Park site and having regard to the application sites' position at the remotest location within the park, it does not seem practicable to introduce additional facilities; and
- (c) The site is presumably to be a base or operating centre for up to 10 trailers with associated additional HGV movements within the Business park and at the Northfield Lane/ A59 junction.

3.5.2 However, the HNM officer does not consider the above mentioned concerns sufficient to substantiate a recommendation of refusal solely on

those grounds. The officer does however considered it justifiable to seek improvements at the Northfield Lane junction to facilitate HGV movements turning left into Northfield Lane and thereby reducing the incidence of verge/footway overrunning.

3.5.3 Bearing the above in mind, the HNM officer recommended approval subject to the imposition of various conditions. The officer advised conditions requiring the submission of a company travel plan within 6 months of occupation of the site. The travel plan should also be supported by the yearly submission of a staff travel to work survey. In addition conditions requiring vehicle areas to be surfaced, cycle parking details to be agreed, service areas to be laid out for delivery/service vehicles and improvements to the junction of Northfield Lane and the A59 should be submitted to the Council, for approval, prior to development commencing.

EXTERNAL

3.6 Marston Moor Internal Drainage Board (IDB)

3.6.1 The IDB commented that the site is located within an area that is believed to be served by a surface water regulation system. The applicant suggests that the surface water is to be discharged to the mains. The IDB is not certain that surface water is connected to the public sewer. In any event the IDB comment that the applicant must provide sufficient information to show that either the existing regulation system can accept the flow from the proposed extension or the discharge from the proposals will not increase the run off from the development into the surrounding watercourses. These watercourses are believed to be at capacity and cannot accept any increase in discharge rate without increasing flood risk.

3.6.2 The IDB recommended approval subject to certain conditions being attached. They advised that conditions be attached which would control the discharge of water into the existing controlled system/ watercourse. They also advised that conditions should be attached to cover details of the point of discharge of the proposed sewer and that details should be provided on the potential effect upon the receiving watercourse.

3.6.3 Finally the IDB advised that conditions should be attached to ensure drainage routes are maintained and to ensure other riparian users are not affected by the development.

3.7 Upper Poppleton Parish Council.

3.7.1 The Parish Council did not raise any objections to this proposal.

3.8 Neighbours

3.8.1 A site notice was posted on the 30/01/2008 and neighbour notification letters were sent to relevant neighbours. Comments were received from 1 neighbour. The neighbour commented that she had no objections as long as the proposed access to the site remains the same.

4.0 APPRAISAL

4.1 The main considerations in determination of this application are:-

- Principle of development within the Green Belt;
- Economic development and alternative sites;
- Visual impact upon the surrounding Green Belt;
- Parking and traffic generation; and
- Drainage.

4.3 PRINCIPLE OF DEVELOPMENT WITHIN THE GREEN BELT

4.3.1 Planning Policy Guidance note 2 'Green Belts' outlines the history and extent of Green Belts and explains their purposes. It describes how Green Belts are designated and their land safeguarded. Green Belt land-use objectives are outlined and the presumption against inappropriate development is set out. Visual amenity factors are described and policies regarding new building and re-use of old buildings are summarised.

4.3.2 Planning Policy Statement 7 'Sustainable Development in Rural Areas', states that new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

4.3.3 Policy E8 of the North Yorkshire County Structure Plan established York's Green Belt. This policy is supported by policy P2 of the Regional Spatial Strategy for Yorkshire and the Humber (RSS) which recognises the importance of Green Belts in conserving the countryside and states that their general extent should not be changed. Emerging policy YH9 of the RSS encourages localised reviews of the Green Belt and seeks confirmation of the inner and outer boundaries of the Green Belt.

4.3.4 Policy SP2 'The York Green Belt' of the City of York Local Plan Deposit Draft states that the primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map. Although the rural part of the Local Plan area is predominantly open countryside and protected for its own sake, virtually all land outside the main settlements is designated as Green Belt in this Local Plan. Whilst separate national planning guidance exists for both the open countryside (Countryside - Environmental Quality and Economic and Social Development (PPS7) and Green Belts (PPG2), a general presumption against unnecessary or inappropriate development runs through both sets of guidance, combined with the objective of redirecting this development towards existing settlements.

4.3.5 Policy SP9 'Action Areas' of the City of York Local Plan Deposit Draft, identifies sites within the district which are indicated as action areas. The policy supports development within these sites subject to development being undertaken in a comprehensive and sustainable way.

4.3.6 Policy GB1 'Development within the greenbelt' of the Draft Local Plan states that planning permission for development will only be granted where: a) the scale, location and design of such development would not detract from the open character of the Green Belt; and b) it would not conflict with the purposes of including land within the Green Belt; and c) it would not prejudice the setting and special character of the City of York; AND it is for an approved use - (i) agriculture and forestry; or (ii) limited extension, alteration or replacement of existing dwellings; or (iii) limited infilling in existing settlements; or (iv) limited affordable housing for proven local needs; or (v) limited infilling or redevelopment of existing major developed sites; or (vi) reuse of existing buildings.

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

4.3.8 Policy GB11 of the Draft Local Plan states planning permission will only be granted for new industrial and business development outside defined settlement limits in the Green Belt where two requirements are both met: (a) it involves the reuse or adaptation of an existing building or a very small scale extension to an existing building and (b) it provides a direct benefit to the rural economy and local resident workforce.

4.3.9 Policy GP24a of the Draft Local Plan states that until such time as the local plan is reviewed, planning applications on this reserved area of land will only be granted planning permission if connected to existing uses and they would preserve the open nature of the Green Belt and would not prejudice the potential for future comprehensive development of the site.

4.3.10 The site is located within the defined Green Belt of York. It is outside the "major developed area" of Northminster Business Park, see section 1.3. Therefore the proposal does not satisfy the requirements of Green Belt policy as stated within PPG2, the North Yorkshire Structure Plan or Draft Local Plan policies GB1 and GB11, as it is outside the existing boundary of the Northminster Business Park.

4.3.11 2 further land allocations are identified within the Local Plan which has a bearing upon this proposal. Firstly, land to the west of the business park, which includes the application site, is allocated as Land Reserved for possible long term development through policy GP24a. Secondly, but of less significance is land north of business park is allocated for development as a Premier Employment Site (E1a.1) through policy E1a.

4.3.12 Whilst the proposed scheme does not satisfy the abovementioned policies. PPG2 notes that development should not be approved, except in

very special circumstances. The policy document also notes that very special circumstances to justify inappropriate development will not exist unless the harm by reason of the inappropriateness, and any other harm, is clearly outweighed by other considerations.

4.3.13 The applicants note that there are no set criteria to define what constitutes very special circumstances and each application should be considered on its merits by the Local Planning Authority.

4.3.14 Pavers consider that the following special circumstances exist:-

- (a) There is a clear need for Pavers to expand their existing business;
- (b) The site is the most suitable to meet their needs in terms of size and location and due to the characteristics of the site would not have an adverse impact upon the openness of the Green Belt;
- (c) There is an absence of suitable sites within York and its surrounding hinterland;
- (d) The proposal is important in economic terms both locally and nationally; and
- (e) The Council accepted that the previously approved applications for the existing Pavers building met the requirements of special circumstances and therefore this proposal should also.

4.3.15 The information provided to support this application is comprehensive. It is considered that, subject to the proposal satisfying the subsequent sections, the proposal is acceptable in terms of principle of development within the Green Belt. The very special circumstances presented by Pavers outweigh national, regional and local policy requirements in terms of preventing inappropriate development within the Green Belt. Furthermore the proposed scheme satisfies policy GP24a which supports development subject to it being connected to existing use and that it would preserve the open nature of the Green Belt and would not prejudice the potential for future comprehensive development of the site

4.4 ECONOMIC BENEFIT AND ALTERNATIVE SITES

4.4.1 Planning Policy Statement 1 'Planning for Sustainable Development' aims to protect the quality of the natural environment. It also seeks to maintain stable and high levels of economic growth and employment. Planning authorities are advised to recognise that economic development can deliver environmental and social benefits and actively promote good quality development. Pavers believe that their proposal satisfies these requirements by adding to the economic development of York and [providing employment within the city.

4.4.2 Planning Policy Guidance note 4 'Industrial and Commercial Development and Small Firms' takes a positive approach to the location of new business developments and assisting small firms through the planning system. The main message is that economic growth and a high-quality environment have to be pursued together.

4.4.3 The locational demands of industry should be a key consideration in drawing up plans. Development plans should weigh the importance of industrial and commercial development with that of maintaining and improving environmental quality. Pavers state that this proposal will create an additional 30 jobs, in addition to the 350 jobs already created by the business in the local area. They also believe that this number will increase as the business continues to expand in York.

4.4.4 Policy Y1 supports the diversification of urban and rural economies. Policy YH8 encourages Local Authorities to concentrate the majority of new development and redevelopment within regional and sub-regional centres. Policy E1 of the RSS supports the delivery of economic growth. Policy E2 of the RSS requires development plans to promote development in and around towns that have or where there is a potential for good transport links and can achieve a reasonable balance between jobs, services and housing. It is considered that the proposal generally satisfies these policies.

4.4.5 As explained previously the extent of employment land around the Northminster Business Park is being considered for expansion, although the application site is proposed as reserved land for use after 2011.

4.4.6 Pavers considered 3 options in planning how to provide for their expansion. These were:-

- (a) Relocating the entire head quarters operation from Northminster Business Park, to a single alternative site;
- (b) Splitting the business operation by providing the warehouse expansion on a separate site; or
- (c) Extending their existing business operation at Northminster Business Park.

4.4.7 The applicants state that if the business were divided onto 2 sites, economic costs would be greatly increased and efficiency would be reduced. Administration tasks and logistical coordination would also be made more efficient on a single site. Pavers state they have assessed some of their main competitors and it has been shown that costs are greatly reduced by basing operations in a single centre. For this reason Pavers have discounted running their operations from 2 sites as it would not be productive and they wish to maintain an economic advantage.

4.4.8 As Pavers wish to maintain their headquarters in York, they carried out a search for a 2 ha brownfield site which could accommodate their growing business requirements. Pavers contacted York-England with a view to finding a larger site. York-England keep a comprehensive record of the availability of commercial property in York and confirmed that there were no warehouses premises that met their requirements.

4.4.9 Pavers also investigated the possibility of acquiring an existing large warehouse (2500 m²) for their needs. They specifically need a single storey

portal framed building for the warehousing of their stock. Pavers assert that they were unable to find such a building within the York area.

4.4.10 20 sites have been examined in and around York by the applicants. They have been shown to be too small or have been rejected for various reasons including travelling time and a poor environment, or not currently available. Pavers have also taken advice from York-England.com, who consult commercial estate agents on a regular basis.

4.4.11 As no appropriate land or alternative existing buildings are available elsewhere in the city of York or its hinterland, it is considered that this constitutes a further special circumstance. The Council's Economic Development Officer is also very supportive of this scheme. As a strong and established local firm who want to expand at this location and do not want to leave York, the officer adds his support to the scheme.

4.4.12 It is also considered that the economic benefit to the city can be considered to be another special circumstance. Not only would the proposal secure the retention of the core of the business within York but there are also other added benefits to the scheme. York-England note that the business attracts international trade visitors to the city. Yorkshire Forward also recognise the company as a strategically important company to York. Pavers also suggest that indirectly the business supports another 100-150 jobs within the local economy, through shop fitting, printing and banking. Further the majority of visitors to their headquarters, stay in York overnight in the region of 300 nights p.a. thereby adding further to the economic prosperity of the city, in terms of accommodation, meals out, shopping, etc.

4.5 VISUAL IMPACT ON SURROUNDING AREA

4.5.1 Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

4.5.2 The external appearance of the building has been reserved for determination at a later date, should Committee be minded to approve this outline planning application. Landscaping is also a reserved matter. Consequently the majority of policies contained with the draft local plan addressing design and landscape are not relevant in this instance. However, it is considered appropriate to consider the general impact of the scheme upon the Green Belt. Part of policy GP1 seeks to protect open spaces, public views and the skyline.

4.5.3 A comprehensive landscape assessment has been undertaken by O'Neill associates, the applicants agents, to quantify the impact of the proposals upon the openness of the Green Belt. Views were assessed from Northfield Lane, Moor Lane (to the south of the site), the A59 to the north of the site, open countryside to the west of the site and the outer ring road.

4.5.4 O'Neill's ascertain that the proposal would not be seen, to any great extent, beyond the boundaries of the Business Park, due to the substantial mature trees which screen the site.

4.5.5 It is considered that the existing trees are important in screening the business park. The northern boundary of the present Business Park is formed by existing trees and shrubs. It continues to the west as a line of conifers up to 11 metres high and this forms the northern boundary of the application site.

4.5.6 It is considered that the proposal would be only marginally visible from outside the site and would therefore not have such a significant impact upon the Green Belt as to warrant the refusal of permission on these grounds.

4.6 PARKING AND TRAFFIC GENERATION

4.6.1 Planning Policy Guidance note 13 'Transport' objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight. It also aims to promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling and to reduce the need to travel, especially by car.

4.6.2 To deliver these objectives, the guidance says that local planning authorities should actively manage the pattern of urban growth, locate facilities to improve accessibility on foot and cycle, accommodate housing principally within urban areas and recognise that provision for movement by walking, cycling and public transport are important but may be less achievable in some rural areas. (Original release date March 1994)

4.6.3 Policy T7c of the Draft Local Plan requires new development, that exceeds 0.4 ha in size to be within 400 m of a bus service or be within 1000m of an existing railway station. Policy T18 Highways supports increase to existing road capacity if 1 of 8 criteria points are satisfied. In this instance point B is the most relevant, i.e. the development facilitates the Council's economic programme.

4.6.4 Pavers have submitted a transport assessment which includes a comprehensive analysis of the potential traffic impacts of the proposals on the A59/Northfield Lane junction, the entrance to the business park and Pavers entrance and the outer ring road. The submitted assessment indicates that this proposal will have a negligible impact on current traffic flows, congestion and traffic safety within the vicinity of the site.

4.6.5 Whilst the HNM officer raised issue with certain parts of the applicants interpretation of the local plan policy, in particular distances to bus stops and train stations, he did not formally raise an objection. The officer advised the imposition of various conditions requiring a Travel Plan and yearly monitoring report, surfacing details, cycle storage detailing and the improvement of the junction of Northfield Lane and the A59.

4.7 Drainage

4.7.1 It has been noted previously in 3.3.1 that the drainage officer has recommended refusal on the grounds that insufficient information has been submitted. Additional information was submitted on 10/03/2008 by the applicants' agent to address the officer's concerns. These details have been passed onto the officer and further comment is being awaited. A verbal update will be given at committee concerning his comments.

5.0 CONCLUSION

5.0.1 Section 54A of the Town and Country Planning Act 1990 (as amended) requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Up-to-date and relevant plans are essential if the development needs of commerce and industry are to be met, and reconciled with demands for other forms of development and for the protection of the environment.

5.0.2 The proposal fails to satisfy Green Belt policy. Employment is not one of the uses deemed appropriate in a Green Belt under Policy GB1. It is not within the acknowledged boundaries of Northminster Business Park and is therefore not permitted under Policy GB10. It is not reusing an existing building and therefore fails the criteria of Policy GB11. However, it is within an area reserved for possible development.

5.0.3 However, the proposal is important in economic development terms, by catering for an existing successful company and providing for substantial anticipated growth. Despite a full search, no alternative site (which is allocated for employment) can be identified. These reasons themselves constitute "very special circumstances" justifying the proposal in the general area of the Northminster Business Park.

5.0.4 On balance it is considered that "very special circumstances" apply in this particular instance. This is because of the importance of the proposal in economic development terms, the applicants' inability despite trying to find an alternative site, the good screening of the site and the proposal in the Draft Local Plan to allocate it in the long term for the employment uses.

5.0.5 In light of this need for expansion, should a further application be submitted which would extend beyond the curtilage of the business park (as defined by the trees), the Council would need to judge whether the proposal would have a detrimental impact upon the openness of the Green Belt. The

question should be posed, what happens when Pavers need to expand again? However it is considered that this permission does not set a precedent for such an eventuality, should it occur.

5.0.6 However, the application is recommended for approval subject to the imposition of appropriate conditions and the additional drainage details, satisfying the drainage officer. It is emphasised that this is only because of the special circumstances put forward by the applicant (Pavers), the existing planning history of this site and the characteristics of the site.

5.0.7 Finally it should be brought to committees attention that the application has to forwarded to Government office for determination by the Secretary of State (S.O.S), unless the SOS does not wish to intervene.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 OUT1 Approval of Reserved Matters

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

- (a) Proposed Site Layout - A817.2007.SD.03
- (b) Proposed Drainage Layout – 20051046/001/F

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to 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 All demolition and construction works and ancillary operations, including deliveries to and dispatch 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	

Reason: To protect the amenity of neighbouring residents.

4 Any contaminated material detected during site works shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

5 The hours of delivery to and dispatch from the new offices shall be confined to the following times, unless otherwise approved in writing by the local planning authority:

Monday - Friday	08:00 - 18:00
Saturday	09:00 - 13:00
Sundays & Bank Holidays	Not at all

Reason: To protect the amenity of local residents.

6 HWAY10 Vehicular areas surfaced, details reqd

7 HWAY18 Cycle parking details to be agreed

8 HWAY35 Servicing within the site

9 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

The required works relate to the highway junction of Northfield Lane and the A59. These works are required to allow HGV's to turn into Northfield Lane without mounting the existing verge.

Reason: In the interests of the safe and free passage of highway users.

10 The existing boundary hedge, which bounds this section of Northminster Business Park, shall not removed, wilfully damaged or reduced in height below 11.00 m in height, without prior written consent of the Local Planning Authority. Should the hedge be damaged, die back or be removed, details of its replacement should be submitted to the Local Planning Department within 3 months of the date of its failure/removal and thereafter be so retained.

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.

11 Notwithstanding the information contained on the approved plans, the height of the warehouse shall not exceed 11.00 m as measured from existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

12 Prior to development commencing the applicants should submit in writing details of the drainage system proposed for the warehouse. Development should then be carried out in accordance with the written approved details from the Local Planning Authority.

Reason: The Internal Drainage Board has raised concerns that the existing system may not be able to accommodate additional drainage created from this development.

Informative: The drainage details should prove to the satisfaction of the Local Planning Authority and the Marston Moor Internal Drainage Board that the development will not increase the resulting discharge rate to the receiving watercourse. If it cannot be proven that there is adequate spare capacity in the existing drainage system, amended proposals will need to be submitted indicating an acceptable method of drainage from the site.

7.0 INFORMATIVES: Notes to Applicant

1. Reason for approval

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to York's Green Belt. As such this proposal complies with PPS1, PPG2, PPG4, PPG14, policies Y1, YH8, YH9, E1, E2 and P2 of The Regional Spatial strategy for Yorkshire and the Humber, policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and policies SP2, SP9, GP1, GP24a, GP4a, GB1, GB11, T4, T7c, T18 and E1a of the City of York Local Plan Deposit Draft.

2. The developer's attention should also be 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 attached to any planning approval:

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".

- 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.
- 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.
- 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.
- Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.
- There shall be no bonfires on the site.

3. Under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to intentionally damage or destroy any birds nest whilst it is in use being built or to deliberately damage or destroy a bat roost.

Reason: Requirement under Section 1 and 99 of the Wildlife and Countryside Act 1981.

4. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

Cafe Licence - Section 115 - Heather Hunter or Anne-Marie Howarth (01904) 551418

5. Written details of the point of discharge of the new sewer shall be provided to the Local Planning Authority, prior to the commencement of works on site. Development shall then be carried out in strict accordance with these details, subject to their approval in writing by the Local Planning Authority.

6. Prior to the commencement of works on site, written details shall be submitted to the Local Planning Authority indicating the potential effects the proposed drainage discharge may have upon the receiving watercourse. Development shall then be carried out in strict accordance with these written approved details from the Local Planning Authority.

7. All drainage routes through the site shall be maintained both during the works on site and after completion of the works.

8. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the site are not adversely affected by the development. Details should be submitted to and agreed in writing by the

Council prior to works commencing. Marston Moor Internal Drainage Board have asked for this to protect the interests of those presently served by the existing drainage routes.

9. Drainage routes shall include all methods by which water may be transferred through the site and shall include such systems as 'ridge and furrow' and 'overland flows'. The effect of raising site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

Contact details:

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