

business park. To the south of the proposed site are fields and agricultural buildings, and Bridleway 54/1/10. To the west are fields.

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 2017. The proposed development does fall within 1 of the 3 criteria set out in the Schedule 2 - 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 Revised plans have been submitted during the application procedure together with highways, drainage, noise, and lighting information.

2.0 POLICY CONTEXT

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

2.2 The development plan for York comprises the Upper and Nether Poppleton Neighbourhood Plan (2017), Rufforth with Knapton Neighbourhood Plan (2018) and 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.

2.3. The site is within the Rufforth with Knapton Neighbourhood Plan area.

2.4 The saved RSS 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.

2.5 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted to the Planning Inspectorate for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF the 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

2.6 Key relevant Publication Draft Local Plan 2018 Policies are as follows -

SS1	Delivering Sustainable Growth for York
SS2	The Role of York's Green Belt
SS23	Land at Northminster Business Park
EC1	Provision of Employment Land
GB1	Development in the Green Belt
D1	Placemaking
D2	Landscape and Setting
D6	Archaeology
D7	The Significance of Non-Designated Heritage Assets
GI4	Trees and Hedgerows
GB1	Development in the Green Belt
CC2	Sustainable Design and Construction of New Development
ENV1	Air Quality
ENV2	Managing Environmental Quality
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access
T7	Minimising and Accommodating Generated Trips

3.0 CONSULTATIONS

INTERNAL CONSULTATIONS

HIGHWAY NETWORK MANAGEMENT

3.1 No objections, adequate turning and car parking have been provided within the curtilage of the site to accommodate vehicles expecting at the site.

3.2 The number of car parking spaces aligns with CYC parking standards; and given that the operator is considering 24 hr operation, there is suitable parking to accommodate shift changes at the site.

3.3 Although the majority of existing businesses nearby are accessed predominantly by car, this site has the potential to be accessed by sustainable modes particularly for staff working a normal day shift, who can access the site via the Park and Ride. Cycling links to the site have been improved, with infrastructure changes at the

nearby junctions including traffic signal controlled junction and underpasses at the ring road. Recommend that a travel plan is conditioned to promote sustainable travel choices.

3.4 The applicant has provided information on traffic generation based on a similar sized plant based in Southport. Maximum peak traffic generation has been calculated as 49 two way trips in the evening peak. Further assessment was provided to assess the effects of development on the junction of A59 and Northfield Lane. Although the generated traffic will have an effect on the network, it is deemed minimal and any adverse effect can be managed by the authority by manipulating the intelligent signals to ensure traffic does clear the A1237 junction, by holding back some traffic on the Northfield Lane approach. Please note that this is only envisaged to affect the signals at extreme peak times. HNM have confidence that the impact of the development can be accommodated and managed successfully within the current highway network. Request HWAY 18 and 19.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (LANDSCAPE ARCHITECT)

3.5 No objections, the drainage swales have been removed from the landscaping buffer, and there is an adequate landscape strip along the western boundary.

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ECOLOGY OFFICER)

3.6 The proposals will result in the loss of part of an arable field, and a section of species-poor hedgerow (c.20m), dominated by Lawson cypress, to create access to the site. Other boundary hedgerows will be retained in their entirety. The landscaping proposals include the planting of new native species hedgerows and the gapping of existing ones on site which should provide a net gain in this habitat. No protected, notable or invasive non-native plant species were recorded, and there is low potential for the habitats on site to support any.

3.7 The requirement for meeting the BREEAM standard, which includes aspects of ecology, should be secured through planning condition. Request informative for nesting birds;

DESIGN, CONSERVATION AND SUSTAINABLE DEVELOPMENT (ARCHAEOLOGY)

3.8 A geophysical survey and evaluation trenching has now been completed in support of this application. Despite the Romano-British landscape and nationally significant metalwork hoard identified in the nearby vicinity no archaeological features were revealed during the recent archaeological works on this particular site. An interim report of the evaluation excavation has been received. Six evaluation

trenches were opened but contained no archaeological features or deposits. No further archaeological work is required.

FLOOD RISK MANAGEMENT TEAM

3.9 The FRA states that foul water will discharge to public foul water sewer via existing onsite private system. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways and a watercourse is remote from the site. As stated in the report, surface water will require a pumped discharge to public sewer via existing onsite private drainage system with storage with restricted discharge of 2.0 (two) litres/second.

3.10 Pleased the drainage swales have been removed from the tree planting area and appear to provide the full attenuation below ground. Details of the surface water drainage system can be sought via condition.

PUBLIC PROTECTION

3.11 Comments on the revised information will be reported to planning committee

FORWARD PLANNING

3.12 It is against the NPPF, the saved RSS policies relating to the general extent of the York Green Belt and the Rufforth with Knapton and Upper and Nether Poppleton Neighbourhood Plans that this proposal should principally be assessed. Given the advanced stage of the emerging Plan's preparation, the lack of significant objection to the emerging policies relevant to this application and the stated consistency with the Framework, would advise that the policy requirements of emerging plan policies EC1, D1, D2, GI4, CC1, CC2, ENV2 and T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to Policy SS2 and SS23 at this time.

3.13 The site is located within the general extent of York's Green Belt (as per 'saved' RSS policy illustrating the Green Belt's general extent). The proposals amount to inappropriate development in the green belt. Substantial weight should be given to the harm caused by the development's inappropriateness and any other harm the scheme causes. Development should not be approved except in very special circumstances; it is for the applicant to prove that very special circumstances exist which would outweigh the potential harm to the Green Belt.

3.14 On the basis of their analysis of the applicant's very special circumstances Forward Planning agree with the applicants conclusions. The requirement for the release of land from the general extent of the greenbelt now, in advance of the plan, is evident. Furthermore, the economic benefits of the development outweigh any potential harm to the general extent of the Green Belt. It is considered that changes to the general extent of the York Green Belt are required to meet development

needs for employment and thereby contribute to achieving sustainable development. The relocation from the Unipart's existing site would also help to achieve the Council's strategic aspiration for the redevelopment of York Central.

3.15 No policy objection, subject to discussions with colleagues in design conservation and sustainable development to ensure that they are satisfied with the proposed screening, landscape and setting, archaeology and climate change proposals. Colleagues in transport and environmental health must also be satisfied with the access arrangements, impacts on congestion and be satisfied that the proposal will not have adverse impacts on existing residents in relation to noise and lighting.

EXTERNAL CONSULTATIONS/REPRESENTATIONS

RUFFORTH WITH KNAPTON PARISH COUNCIL

3.16 Object, the site is currently sits within the Green Belt (Fourth set of changes 2005) and as such the proposed development is inappropriate development in the Green Belt. The application attempts to prove special circumstances on the basis of the site being identified for development in the emerging York Local Plan. The Examiner's report for the Rufforth with Knapton Plan (July 2018) ruled that until the York Local Plan is adopted the 2005 definition of the Green belt must stand for development decisions and to be consistent this must rule out this development until such time as the York Plan is adopted.

3.17 If the York Local Plan is adopted and should the extension of Northminster Business Park be included then the criteria detailed in our Neighbourhood Plan Para 8:16:7 should apply.

3.18 The Rufforth with Knapton Neighbourhood Plan has been approved by the CYC Executive for referendum in November 2018 and as such planners are required to give appropriate weight to the policies and contents of the Plan.

NETHER POPPLETON PARISH COUNCIL

3.19 Object, this planned development is not featured in the draft Local Plan that although only at the inspectorate stage of progress still has validity. The Neighbourhood Plan for Upper and Nether Poppleton recognised that this is Green Belt under the reserved RSS Y1 and Y9 Policies and as such should not be developed. The Rufforth and Knapton Neighbourhood Plan, which is currently at the Referendum stage also objects to this development in the Green Belt under the retained RSS policies Y1 and Y9.

3.20 The access and egress from this development is on to an already congested and narrow country lane. Therefore created more vehicle traffic for the original country-employees housing situated on this access road.

3.21 Significant screening is recommended, this will take time to develop. Tree planting should be a priority to shield others on the site from noise and inconvenience to their employees, customers and clients.

3.22 There are many units on this site already which are under or unoccupied. The requirement for further development requires consideration of other development of industrial and commercial use in the Draft Local Plan area.

UPPER POPPLETON PARISH COUNCIL

3.23 This planned development is not featured in the draft Local Plan that although only at the inspectorate stage of progress still has validity. The Neighbourhood Plan for Upper and Nether Poppleton recognised that this is Green Belt under the reserved RSS Y1 and Y9 Policies and as such should not be developed. The Rufforth and Knapton Neighbourhood Plan, which is currently at the Referendum stage also objects to this development in the Green Belt under the retained RSS policies Y1 and Y9.

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UPPER AND NETHER POPPLETON NEIGHBOURHOOD PLAN COMMITTEE

3.27 In the Poppleton Neighbourhood Plan (PNP) this area is referred to under 8.2 of the plan. The Green Belt is that which was adopted in the 2005 4th set of changes and when the PNP was examined the inspector referred specifically to the safeguarded green belt under the reserved policies of the RSS. This is also highly productive agricultural land being Grade 1 land therefore any commercial building development would be in contravention of the Green Belt policy of the Neighbourhood Plan. It is also in contravention of the NPPF para 83-85.

3.28 While the original Northminster Business Park is lauded as a good example this extension would destroy the good relationship with the neighbours, the countryside and the habitat and wildlife that is supported in this area. Committee should visit to allow a complete understanding of the intrusion into a country lane

that this extension which is potentially the tip of the iceberg of development in this area. It is not supported in the current Local Plan.

ENVIRONMENT AGENCY

3.29 No comments received

YORKSHIRE WATER

3.30 No objections, seek condition for separate systems of drainage for foul and surface water

AINSTY INTERNAL DRAINAGE BOARD

3.31 This will enlarge the impermeable area on site and has the potential to increase the rate of surface water run-off from the site if this is not effectively constrained. The Application Form states that the surface water from the development is to be disposed of via a Main Sewer, whilst the Flood Risk and Drainage Report provided with the application advise that the surface water from the site will be disposed of via the land drainage network, to an existing watercourse in the form of Knapton Moor Dyke (a Board maintained asset), some distance to the south of the site. Notes that infiltration has been discounted as a method of surface water disposal however the Board has not seen any evidence of on-site testing to support this position. The Board's preference would be to see sustainable methods of surface water disposal used wherever possible retaining the surface water on site. The Board advise that any connection or direct, or indirect, discharge, or change in the rate of discharge, into to any ordinary watercourse or Board maintained watercourse in the Boards drainage district would require the Boards Consent (outside of the planning process). Seek that the applicant should demonstrate that there is currently operational and positive drainage on the site and a proven, viable, connection to the watercourse.

3.32 Where an existing connection is proven, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4 l/s/ha), plus an allowance for any "brownfield" areas of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations to 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 event. All calculations should include a 20% allowance for climate change. Seek adequate drainage scheme via condition

PUBLICITY AND NEIGHBOUR NOTIFICATION

3.33 One representation of objection

- Would be undemocratic because the Local Plan has not yet been ratified. Therefore the development would be on an area of safeguarded land.

- Concerned about the increase of traffic and the associated increased risk to pedestrians and cyclists.
- Currently experiencing noise pollution from the business park in the form of constant banging of heavy machinery laying groundworks. Any further development is detrimental to the amenity of the residents of Northfield Lane.

4.0 APPRAISAL

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

4.1 Section 38(6) of the Planning and Compulsory Purchase 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 Poppleton Neighbourhood Plan (2017), Rufforth Neighbourhood Plan (2018) and 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.

PUBLICATION DRAFT YORK LOCAL PLAN (2018)

4.2 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in February 2019, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

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

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

4.4 The revised National Planning Policy Framework was published on 19 February 2019 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF, the two neighbourhood plans, and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.5 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 as revised in July 2018, although the weight that can be afforded to them is very limited.

RUFFORTH WITH KNAPTON NEIGHBOURHOOD PLAN (2018)

4.6 The proposed site falls within the Rufforth Neighbourhood Plan area rather than the Poppleton Neighbourhood Plan (2017) area. However the business park is discussed in the Poppleton Neighbourhood Plan where they state that expansion of the business park outside of its current curtilage would compromise the Green Belt.

4.7 The Rufforth Neighbourhood Plan (RNP) sets out that in respect of green belt it is for York's Local Plan to define the detailed boundaries of the greenbelt and until that time should continue to apply the approach to the identification of the Green Belt as set out currently in the RSS and the Fourth Set of Changes Development Control Local Plan (2005). Therefore it is considered that the site is within the general extent of the greenbelt.

4.8 With reference to the draft employment site allocation the RNP advises that the land is prime agricultural land, approximately 50% of which is classified as grade 1 and that prime agricultural land should not be used for development as it is essential for crops and would be lost forever. In addition, they set out that there are

major access and traffic issues, particularly bearing in mind other significant proposed developments in the vicinity, affecting the A59/ A1237 junction.

4.9 It is recognised in the plans that an extension to an existing business park would offer significant employment opportunities for the wider area. However, it is felt that the employment allocation is too large and does not meet their definition for small scale commercial enterprises.

VILLAGE DESIGN STATEMENTS

4.10 The proposed site does not fall within the Rufforth or Poppleton village design statement areas. However design guidelines 27, 28, 35, 43 of the Poppleton Village Design statement are considered to be pertinent.

WHETHER THE DEVELOPMENT IS INAPPROPRIATE DEVELOPMENT

4.11 In the Draft Local Plan (2005) the site 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.

4.12 In the draft Local Plan 2018 the site is not within the Green Belt, it is allocated as an extension to the business park (ST19).

4.13 The site was not identified in the City of York Local Plan - The Approach to the Green Belt Appraisal (2003) which the Council produced to aid in the identification of those areas surrounding the City that should be kept permanently open. However, whilst this document identifies key important areas, which do not include this site, it leaves large areas of countryside as similarly not being of particular importance and it does not set out that all that remaining land within the extent of the Green Belt is necessarily suitable for development or that it has no Green Belt purpose.

4.14 Additionally, when the site is assessed on its merits it is concluded that whilst the York Green Belt has not yet been fully defined it serves a number of Green Belt purposes, including assisting in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built up areas; to preserve the setting and special character of historic towns. As such, the site should be treated as lying within the general extent of the York Green Belt and the proposal falls to be considered under the restrictive Green Belt policies set out in the NPPF..

4.15 NPPF paragraph 145 states that the construction of new buildings is inappropriate in the Green Belt, save in the case of a list of exceptions. Paragraph 146 states that certain other specified forms of development are also not inappropriate in the Green Belt. The proposed development does not fall within any of these exceptions criteria of paragraphs 145 and 146 of the NPPF. The proposed building therefore is inappropriate development in the Green Belt. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

IMPACT ON THE OPENNESS OF THE GREEN BELT

4.16 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.

IMPACT ON THE GREEN BELT PURPOSES

4.17 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.

4.18 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 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. The applicants' case for very special circumstances is assessed at paragraphs 4.35 to 4.40 below.

DESIGN AND LANDSCAPE CONSIDERATIONS

4.19 The proposed site is classified as agricultural land by DEFRA - Grade 3b (moderate quality agricultural land). The NPPF states Local Planning Authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. It is considered that a recommendation of refusal of the loss of Grade 3b land would not be defensible at appeal.

4.20 The proposed development falls outside of the adjacent landscaped enclosure of the business park. The site and the surrounding landscape are flat and open, and the site is visible from a relatively significant distance, particularly from the nearby bridleway. The proposed development by virtue of its scale and massing would be prominent in this location. The proposed development would result in significant change to the landscape character.

4.21 The current proposed plans show an area of deciduous treed landscaping to the south and west of the site, the depth of the landscaping is considered to be sufficient to provide adequate screening. The deciduous planting is considered to be more in keeping with the surrounding landscape character than the use of evergreen trees. If the screening landscaping can not be provided the proposed development would result in significant visual and character harm to the area and the greenbelt and would be visible and prominent from the public realm. Securing a substantial tree belt along the outer edges of such a development is essential for the purposes of screening and softening this hard edge of the business park where it abuts the open countryside at the outer edge of York. The retention of the landscaping can be sought via condition together with further details of the landscaping.

4.22 The area is particularly dark and therefore sensitive to light pollution and nuisance. The existing business park has low key lighting and its impact is mitigated by the substantial existing evergreen screening. Further information was requested to satisfy officers that adequate lighting can be achieved on site that does not result in harm to the character and visual amenity of the area, particularly as the site would be surrounded by deciduous planting and therefore initially would have less screening than the existing business park. The lighting levels to the HGV yard and the loading areas are considered to be too high during night time hours and this would result in harm to the character of the areas and may result in residential amenity issues. The agent has advised they would accept a condition to switch off the lighting in this area during night time hours. At the time of writing the report officers were awaiting comments from Public Protection regarding additional information. It is considered that the issues can be overcome via suitable conditions. Public Protection comments and proposed conditions will be reported at the committee meeting.

4.23 The design and proposed materials are similar to units within the adjacent business park, the height is similar to the adjacent Pavers site. There are some

concerns regarding the colour finish of the proposed building - silver and royal blue as this could further emphasise the prominences of the building in this location. Further details of the materials can be sought via condition to ensure the finish is appropriate. It is likely that a matt finish would be more appropriate.

IMPACT ON RESIDENTIAL AMENITY

4.24 From a site visit to the current Unipart building (to the west of the railway station) officers noted that there were loud noise issues arising from the equipment on site, particularly audible from outside of the building. The proposed development differs from the majority of the other business within the business park, in that it is more 'industrial nature' than the other business, the existing buildings within Northminster Business Park are used mostly for warehousing and distribution and office use which are typically a quieter use than the proposed.

4.25 The applicant has requested 24 hour opening.. The submitted noise information assumes that only 1 HGV lorry movement will take place at night. This would mean that overall Leq levels would not be loud enough to affect the amenity of nearby residents. Should the number of vehicle movements increase, however, then the noise levels that nearby residents would experience is likely to increase.. The applicant has agreed that a condition restricting to 1 HGV visiting the site between 18.00 hours and 05.00 hours. In addition the Public Protection team have requested a restriction to the hours of the jet wash to ensure that it is not used at night when it would exceed the background noise levels and potential cause a noise disturbance. At the time of writing the report officers were awaiting comments from Public Protection regarding additional information. It is considered that the issues can be overcome via suitable conditions. Public Protection comments and proposed conditions will be reported at the committee meeting.

DRAINAGE

4.26 The NPPF requires that suitable drainage strategies are developed for sites, so there is no increase in flood risk elsewhere. The NPPF requires that suitable drainage strategies are developed for sites so there is no increase in flood risk elsewhere. Policy GP15a of the Development Control Local Plan (2005) and Policy ENV5 of the Publication Draft Local Plan (2018) advise discharge from new developments should not exceed the capacity of receptors and water run-off should, in relation to existing runoff rates, be reduced.

4.27 The site is within Flood Zone 1. Revised plans have been submitted removing the drainage swales which conflicted with the landscaping and now show the disposal of the 1 in 100 year event (and 30% for climate change) draining to underground attenuation tanks. Further site specific details are required, however it is considered that these can be sought via condition.

TRAFFIC, HIGHWAY, PARKING AND ACCESS ISSUES

4.28 NPPF advises significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

4.29 The business park is not served by public transport, the nearest bus route (Poppleton Park and Ride) operating approximately every 15 minutes. The bus stop is approximately 900 metres from the proposed development. However the wider area has already been developed as a business park without the provision and benefit of public transport. It is not considered that the refusal of the unit on the grounds of lack of access to public transport would be defended at appeal given the surrounding development. The proposed parking levels are within the CYC parking standards

4.30 The application was accompanied by Transport Statement and further information has recently been submitted. The Highway Network Management Officers have confirmed they have no objections to the proposed development.

4.31 There is the intention to have 2 vehicle recharging points. The City of York Council's draft Low Emissions Supplementary Planning Guidance requires 2% of all car parking spaces to be provided with electric vehicle charge points. It is considered the recharging points can be sought via condition.

Sustainability

4.32 Local requirements in the 2018 Publication Draft Local Plan are as follows -

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

4.33 Reductions in carbon emissions and BREEAM can be secured through condition. A BREEAM pre-assessment has been submitted which shows how the development could achieve BREEAM Very Good – this would have been policy compliant under previous guidance.

4.34 As points cannot be obtained under some categories, due to the distance of the business park from other facilities and services (for example a post office or school) and as the development does not re-use brownfield land, the development could not achieve an Excellent rating. Officers are content that due to the building type, and because the site is Greenfield in a peripheral location, BREEAM Excellent would not be achieved. However it is considered necessary to condition that the building achieves BREEAM very good .

ASSESSMENT OF THE CONSIDERATIONS FORWARDED BY THE APPLICANT

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

- Employment allocation in Draft Local Plan (2018)
- Retention of business in York
- Facilitating development on York Central Site
- Precedent - business park has previously been extended
- Does not conflict with purpose of including land within the green belt

4.36 Consideration has been given to the weight to be given to the employment allocation in the Draft Local Plan 2018, however it is considered that the site is within the general extent of the greenbelt. The proposed allocation and the draft Local Plan (2018) have yet to be assessed by the Planning Inspectorate and therefore the proposed allocation has very limited weight at this stage of the Local Plan process.

4.37 The agent argues that the site does not conflict with the purposes of including land within the greenbelt but officers disagree because, as set out in the above assessment in paragraphs 4.17 and 4.18, the proposed site and development would impact on the purposes of including land within the greenbelt of preventing encroachment into the countryside and coalescence of development. The implementation of substantial landscaping would mitigate some of the visual intrusion but would not remove the harm to the openness of the greenbelt.

4.38 The agent argues that the precedent of the extension of the business park has been set by previous applications. Whilst there has been limited extension of the business park in each case very special circumstances were demonstrated. They each had their own justification and it is not considered that precedent can be used as a very special circumstance; and as such this justification is considered to have no weight.

4.39 The agent argues that the relocation from the Unipart Rail's existing site which would help to achieve the redevelopment of York Central. The relocation of the

business to enable to the Council to meets its strategic aspirations is considered to have moderate weight in favour of the proposal.

4.40 The agent has submitted a list of other sites (with only 2 of the 8 sites within the Council boundary) that they assessed and found not to be acceptable. It is set out in the applicants' Planning Statement that if a site cannot be found within York, which is the preferred location due to staff, then Unipart Rail's York operations would have to relocate to an alternative Unipart Rail facility outside of the York administrative area. As such if this site is not accepted there is the risk that it could result in the loss of the company from the city. In turn, this would lead to job losses that would impact on the city's economy. There are approximately 40-60 people employed at the UniPart Rail existing Leeman Road site. This justification is considered to have significant weight in favour of the proposal.

4.41 Cumulatively the economic benefits and the retention of jobs within the city, and the fact that Unipart has been made to relocate to enable the redevelopment of a key brownfield site within the city, and, having given substantial weight to the harm to the Green Belt, are considered to be cumulatively 'very special circumstances' that clearly outweigh the definitional harm to the greenbelt, the harm to the openness and permanence of the Green Belt and the harm to the visual character and amenity arising from the proposed development.

5.0 CONCLUSION

5.1 The application site is located within the general extent of the York Green Belt and serves a number of Green Belt purposes. As such it falls to be considered under paragraph 143 of the NPPF which states inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations. National planning policy dictates that substantial weight should be given to any harm to the Green Belt.

5.2 In addition to the harm to the Green Belt by reason of inappropriateness, it is considered that the proposal would have a harmful effect on the openness of the Green Belt when one of the most important attributes of Green Belts are their openness and that the proposal would undermine three of the five Green Belt purposes. Substantial weight is attached to the harm that the proposal would cause to the Green Belt. The harm to the Green Belt is added to by the harm to the visual character and amenity identified in this report.

5.3 It is considered that cumulatively the economic benefits and the retention of the business and jobs within the city, and the fact that Unipart is to relocate to enable the York Central site to be regenerated, are considered to clearly outweigh the harm to the Green Belt and the harm to visual character and amenity identified in this report, even when substantial weight is given to the harm to the Green Belt.

Consequently, the very special circumstances necessary to justify the proposed development exist.

5.4 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.

6.0 RECOMMENDATION:

That delegated authority be given to the Assistant Director for Planning and Public Protection to:

i. refer the application to the Secretary of State for Communities and Local Government under the requirements of section 77 of the Town and Country Planning Act 1990, and should the application not be called in by the Secretary of State, then APPROVE the application subject to

ii. the conditions set out in this report with the Assistant Director granted delegated powers to determine the final detail of the planning conditions

1 TIME2 Development start within three years

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

Drawing Number 1214-01 Revision N 'Location Plan' received 07 November 2018;
Drawing Number 1214-03 Revision S 'Ground Floor Plan' received 12 March 2019;
Drawing Number 1214-04 Revision K 'F.F. & Roof Plan as Proposed' received 03 October 2018;

Drawing Number 1214-05 Revision H 'Proposed Elevations' received 20 September 2018;

Drawing Number 1214-06 Revision F 'Part Elevations (As Proposed)' received 12 September 2018;

Drawing Number 2959/1 Revision A received 12 September 2018;

Flood Risk & Drainage Assessment Report (ref: 16112-Y-RP-001-R4) received 04 April 2019;

Drawing Number 16112-Y-DR-201 Revision T5 'Drawing Layout' received 04 April 2019;

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

3 VISQ8 Samples of exterior materials to be app

4 Details of all means of enclosure to the site boundaries shall be submitted to
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and approved in writing by the Local Planning Authority prior to the occupation of the development and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties. Insufficient details were submitted in the application. 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.

5 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed planting plan in accordance with the approved Landscape Masterplan (Drawing Number 2959/1 Revision A received 12 September 2018) which shall include the species, stock size, density (spacing), and position of trees, shrubs, and other plants. It will also include details of tree pits and support and ground preparation and fencing. Any trees or plants which 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area. In order to preserve the visual appearance of York's Green Belt and to minimise the visual impact of the building 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 1214-03 Revision S (received 12 March 2019) and Drawing Number 2959/1 Revision A (received 12 September 2018). 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 Within 6 months of occupation a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall be based on the submitted Framework Travel Plan; developed and implemented in line with Department of Transport guidelines and be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of said

Travel Plan as approved. 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.

Reason: To reduce private car travel and promote sustainable travel. 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 Two electric vehicle recharge points shall be provided with the parking areas hereby approved. The recharge points should be installed prior to first occupation of the building and shall thereafter be retained for the lifetime of the development. The location and specification of the recharge points shall be submitted to approved in writing with the Local Planning Authority prior to installation

INFORMATIVE: Electric Vehicle Charging Points should incorporate a suitably rated 32A 'IEC 62196' electrical socket to allow 'Mode 3' charging of an electric vehicle. They should also include facilities for 'Mode 2' charging using a standard 13A 3 pin socket. Each Electric Vehicle Charge Points should include sufficient cabling and groundwork to upgrade that unit and to provide for an additional Electrical Vehicle Recharging Point of the same specification, should demand require this in this future. Charging points should be located in a prominent position on the site and should be for the exclusive use of zero emission vehicles. Parking bay marking and signage should reflect this. All electrical circuits/installations shall comply with the electrical requirements of BS7671:2008 as well as conform to the IET code of practice on Electrical Vehicle Charging Equipment installation (2015)."

Reason: To promote the use of low emission vehicles on the site in accordance with the Council's Low Emission Strategy, Air Quality Action Plan and paragraph 110 of the National Planning Policy Framework.

11 No development shall take place until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved in writing by the Local Planning Authority. The information shall include site specific details of:

- i) the pumping station by which the surface water discharge rate shall be restricted to a maximum rate of 2.0 (two) litres per second;
- ii) the surface water attenuation tank(s) for the achievement of the 1 in 100 year event with a 30% climate change allowance; and
- iii) the future management and maintenance arrangements of the proposed drainage systems

The development shall take place in accordance with the approved details.

Reason: Insufficient drainage details were submitted with the application therefore further information is required so the Local Planning Authority may be satisfied with these details for the proper drainage of the site. The information is sought prior to commencement to ensure that drainage details are approved in advance of the carrying out of any groundworks on the site, which may compromise the implementation of an acceptable drainage solution for the development.

12 Prior to first use of the development hereby permitted a final Design Stage Pre-Assessment Report showing that the development will achieve at least a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Within six months of first use of the development hereby permitted a Post Construction Review Certificate confirming that the development has achieved a BREEAM rating of 'Very Good' shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that a sustainable, co-ordinated and high quality form of development is delivered, in accordance with policy CC2 of the City of York Publication Draft Local Plan and Section 14 of the NPPF.

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 (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- Requested additional information
- Requested revised plans
- 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:

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(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

3. INFORMATIVE: NESTING BIRDS

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

4. INFORMATIVE:

You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

5. DISPOSAL OF COMMERCIAL WASTE

Section 34 of the Environmental Protection Act 1990 places a duty of care on all producers of controlled waste, i.e. businesses that produce, store and dispose of rubbish. As part of this duty, waste must be kept under proper control and prevented from escaping. Collection must be arranged through a registered waste carrier. It is unlawful to disposal of commercial waste via the domestic waste collection service.

Adequate arrangements are required for proper management and storage between collections.

Section 47 of the Environmental Protection Act 1990

The storage of commercial waste must not cause a nuisance or be detrimental to the local area. Adequate storage and collections must be in place. Where the City of York Council Waste Authority considers that storage and/or disposal are not reasonable, formal notices can be served (Section 47 of the Environmental Protection Act 1990). Storage containers cannot be stored on the highway without prior consent of the Highway Authority of City of York Council.

6. INTERNAL DRAINAGE BOARD INFORMATIVE

Under the terms of the Land Drainage Act. 1991 and the Board's Byelaws, the prior written consent of the Board is required for any proposed works or structures in, under, over or within 9 metres of the top of the bank of any watercourse.

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

Contact details:

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