

COMMITTEE REPORT

Date: 13 June 2019 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
 Commercial Team

Reference: 18/02839/FULM
Application at: Land Lying To The South Of Elvington Airfield Network
 Elvington York
For: Erection of two storey industrial building (mixed use class B1,
 B2, B8) with access and associated parking
By: c/o Agent
Application Type: Major Full Application (13 weeks)
Target Date: 1 July 2019
Recommendation: Approve after referral to Sec. of State

1.0 PROPOSAL

1.1 The application site lies to the south of Elvington Airfield Industrial Estate approximately 6 miles south east of York. Vehicular access is to the north of the site, from Brinkworth Rush which connects through the industrial estate to Elvington Lane (B1228). The site lies in flood zone 1 and within the general extent of the Green Belt. The site forms part of the 2018 Publication Draft Local Plan site allocation ST26 (Land South of Elvington Airfield).

1.2 The site occupies approximately one third of an existing arable field that is bound to the east with a single row of mature trees - predominantly Oak. The soil is sandy and appears to be naturally drained. A young, trimmed, native hedge runs along the northern boundary of the site. A semi-mature, mixed, narrow shelter belt forms the western boundary of the main field, alongside an old airfield lane. The access to Cannon House Farm borders the southern boundary of the main field.

1.3 The applicant is Sheppee International Ltd. The company focuses on developing new machinery to handle hot glass within the manufacturing process of bottles. 90% of the produced handles and lehr loaders are exported out of the UK, primarily to Europe for machinery supplying the wine and beer industries. Over 85 percent of the parts used in the manufacture of the machinery are sourced from within the UK, where nearly 40 percent of parts are supplied to Sheppee from other Yorkshire based companies. The company is local to York, having been established in 1902 in James Street and operating from the existing Elvington Business Park since 1993. Sheppee currently operates from five different units in the business park. The purpose of the application arises from the need to consolidate operations to improve efficiency, and also gain additional floorspace to allow expansion, meaning they need to find alternative premises.

1.4 Full planning permission is sought for the erection of a two storey industrial building (mixed use class B1, B2, B8) with access and associated parking.

1.5 The proposed building would have a shallow dual pitched roof, reaching a maximum of 11.4 metres in height, 30.8 metres wide and 103.2 metres in length. The building is rectangular in shape and will have a footprint of 3,065 square metres. The building will contain 696 square metres of office space over two floors at the northern end of the building.

1.6 The walls of the building will predominantly be alternate vertical cladding sections of light (albatross) grey and dark (anthracite) grey. The cladding at the office end of the site

1.7 Vehicular access will be off Brinkworth Rush with 61 car parking spaces proposed, 6 of which would be disabled. Cycle parking will also be proposed as is ancillary development including waste storage, a sub station, hard and soft landscaping and an area of hard standing adjacent to the proposed building to allow for access and a turning circle for HGVs.

2.0 POLICY CONTEXT

2.1 (Revoked) Yorkshire and Humber Regional Spatial Strategy (saved policies)

YH9(C)

Y1 (C1 and C2)

2.2 2018 Publication Draft Local Plan (Draft Plan)

DP1 York Sub Area

DP2 Sustainable Development

DP3 Sustainable Communities

SS1 Delivering Sustainable Growth for York

SS2 The Role of York's Green Belt

SS3 York City Centre

SS21 Land South of Airfield Business Park, Elvington

EC1 Provision of Employment Land

EC5 Rural Economy

D1 Placemaking

D2 Landscape and Setting

D6 Archaeology

GI2 Biodiversity and Access to Nature

GI4 Trees and Hedgerows

GB1 Development in the Green Belt

ENV2 Managing Environmental Quality

ENV5 Sustainable Drainage

CC1 Renewable and Low Carbon Energy Generation and Storage

CC2 Sustainable Design and Construction of New Development

T1 Sustainable Access

T7 Minimising and Accommodating Generated Trips

2.3 2005 Development Control Local Plan (DCLP)

3.0 CONSULTATIONS

INTERNAL

Strategic Planning

3.1 The site falls within an employment allocation in the emerging Local Plan known as ST26 'Land South of Airfield Business Park, Elvington'. Policy SS2 proposes to take the site out of the green belt. Given the advanced stage of the 2018 Local Plan's preparation, the extent and significance of unresolved objections to emerging policy SS2 'The Role of York's Green Belt' and the stated consistency with the Framework, we would advise that policy SS2 should be applied with limited weight. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed. As such, the application site falls within the general extent of the green belt and should be treated as such.

3.2 It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt 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, we would advise that the policy requirements of emerging plan policies EC1, D1, D2, GI4, CC1, CC2, ENV4, ENV5, T1 and T7 should be applied with moderate weight. Only limited weight can be afforded to policies SS2 and SS21.

3.3 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.

3.4 On the basis of our analysis of the applicant's very special circumstances we agree with their 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 proposed allocation ST26, within which the application site falls, represents a limited extension of the built up area within a setting that is in part a legacy of the wartime development of the airfield. No policy objection, subject to discussions with colleagues in design, conservation and sustainable development with regard to landscape and setting and climate change.

Design, Conservation & Sustainable Development (Landscape Architect)

Views and Setting

3.5 Views are mostly experienced from vehicles, and a limited number of cyclists, travelling along Wheldrake Lane (a classified B road). Visibility is greater for the five months of the year when the hedges are largely bare. The existing units (York Mailing et al) north of Cannon House Farm, and those north of the application site (National Windscreens et al), are visible across the open agricultural landscape from Wheldrake Lane. The large scale and light colour of the sheet-metal clad units render them easy to identify, particularly in the winter landscape. The existing industrial units on the airfield complex can be seen in the distance, in part, set against the backdrop of Brinkworth Rush wood - a remnant of Scotch Plantation - beyond a foreground of hedgerows and arable fields. Elvington Grange sits in the middle ground; it is a large farmstead at the end of a long, shared, private drive, off Wheldrake Lane. Currently there is distinct separation between the farm complex and airfield. The open countryside either side of Wheldrake Lane provides expansive separation between the villages of Elvington and Wheldrake, (the villages can not currently be seen within the same view) and the rural setting for Elvington and Wheldrake.

3.6 A public right of way from Elvington, crosses Wheldrake Lane then runs along the access to Cannon House Farm, where it terminates. This runs immediately alongside the southern boundary of the field in which the application site is located. There is no formal footpath connection beyond Cannon House Farm, but shortly before this it might be possible to link with a terminal track into the airfield network.

3.7 There are also close range views of the site from Hunter Drive/Brinkworth Rush, which terminates at the two larger end units. This private road is generally used for business/employee vehicles. There are potential future pedestrian links to Elvington airfield should some of it come forward for development in the emerging local plan.

3.8 The proposed building would be visible from Wheldrake Lane. The visibility would be greatly reduced in the summer months due to the intervening vegetation provided by the field boundaries. The extension of the business park into the fields between Brinkworth Rush and the PROW would visually bring Elvington business park closer to Wheldrake Lane from where it would be seen adjacent to, and in association with, Elvington Grange. The latter is agricultural in character. The development is obviously industrial, by way of the size and architectural treatment of the building. But the proximity of the two would blur the distinguishment between

them. The effect would be to bring Elvington business park closer to Wheldrake Lane. The PROW, to Cannon House Farm, currently passes through arable fields either side of the track. Views of Elvington airfield business units are close but the rural environment dominates the scene. The business park would leap forward through this development.

Impact on Existing Landscape Character, Features and Mitigation

3.9 The development results in a direct change of character to the landscape type from open arable land to built industrial with predominantly hard surfacing. This arrangement results in the loss of approximately 80m of hedgerow and some young trees, including Oak and Willow. The existing, nicely established (early-mature) hedge follows the line of the old runway - now Brinkworth Rush lane. It is not an historic field boundary, and appears to have been introduced possibly after the closure of the airfield. The proposed landscape scheme introduces 180m of new native hedging within a 4m wide grassland verge around the western part of the application site. This is isolated by hard-standing on either side, and creates a contrived field boundary. Nonetheless it mimics the surrounding landscape pattern and mitigates the loss of the existing hedgerow.

3.10 The trees along the eastern boundary should be retained in a self-sustaining environment. To this end there should be absolutely no interference with the crown or roots of the tree either at their current, or future, size. There should be absolutely no development operations within the RPA of the trees. The proposed landscape scheme utilises a suitable range of native tree and hedging species in a simple layout applicable to the wider landscape.

3.11 Revised plans were requested to include a specimen tree in the north west of the car park, pulling the building away from the existing trees and for planting along the southern boundary to reduce the visual impact.

Design, Conservation & Sustainable Development (Ecology & Countryside Officer)

3.12 An Ecological Appraisal, based around a desk study and extended Phase 1 Habitat Survey, was undertaken in August 2018. A preliminary assessment of habitats suitable for roosting and foraging bats was undertaken. Subsequent targeted surveys were undertaken for reptiles and Great Crested Newts.

3.13 The development will result in the loss of arable habitat, tall ruderal habitat, seven trees, 80 metres of species-rich native hedgerow and alongside this a small strip of semi-improved neutral grassland. The line of trees along the eastern boundary will be retained.

3.14 The main habitat across the site is arable. This is generally considered to be of low ecological value when intensively managed, although 'arable field margins' are a Habitat of Principal Importance for conservation under Section 41 of the Natural

Environment and Rural Communities (NERC) Act 2006 where they are managed for the benefit of wildlife. Within the site boundary some of the field margins provide permanent semi-improved grassland strips, which whilst the specific management of these is unknown will provide a benefit to wildlife including farmland birds.

3.15 All hedgerows over 20m long and consisting predominantly (i.e. 80% or more cover) of at least one woody UK native species are considered a Habitat of Principal Importance for conservation under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. This would encompass the majority of hedgerows on site.

3.16 The loss of arable habitat and hedgerows could displace a number of farmland bird species through direct habitat loss or disturbance during construction and operation.

3.17 The invasive non-native species Himalayan balsam (*Impatiens glandulifera*) is present on site, particularly along the eastern boundary. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Himalayan balsam is included within this schedule. The submission of a method statement would ensure that an adequate means of eradicating or containing the spread of the plant is considered and thereafter implemented to prevent further spread of the plant which would have a negative impact on biodiversity and existing or proposed landscape features.

3.18 The site contains habitat suitable for Great Crested Newts and there is known to be a large meta-population in the network of ponds surrounding the site. Great Crested Newts live on land for the majority of their lives, and so loss of terrestrial areas, particularly those close to a breeding pond, can be very damaging. As a general guide, suitable habitats within 250m of a breeding pond are likely to be used most frequently. Fragmentation occurs when development imposes barriers to dispersal, resulting in disrupted movement across a site, for example between breeding ponds and hibernation areas.

3.19 The loss of habitat has not been quantified but I estimate it to be 0.2ha of good, connected terrestrial habitat (tall ruderal, field margins and hedgerow). The new landscape proposals include 180m of new native hedgerow, new native tree and shrub planting with areas underneath sown with a meadow grassland mix, although much of this will be alongside the roads and broken up within the hardstanding of the car park/yard.

3.20 The Habitats Directive contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm a European Protected Species (EPS). Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. The "derogation tests" which must be applied are as follows:

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

3.21 With regards to the third test, the wider area supports a large meta-population of Great Crested Newts with a breeding pond within 300m of the site. The site contains c.0.2ha of suitable terrestrial habitat. GCN are nominally widespread across Britain and classed as a species of 'least' conservation concern by the IUCN Red List of Threatened Species (although the population trend is decreasing). The requirement for a European Protected Species Licence or Reasonable Avoidance Measures will prevent any direct harm to GCN. The creation of new landscape edges in the development will maintain suitable, although limited, habitat on site if managed sensitively and the retention of the eastern boundary will maintain connectivity in the landscape. Therefore the third test for maintenance of favourable conservation status is met.

3.22 Conditions on Landscaping, Invasive Non-Native Species Control, Nesting of Birds, Protection of Badgers, European Protected Species Licence, Drainage Details (amphibian protection) are recommended.

Design, Conservation & Sustainable Development (Archaeologist)

3.23 A desk-based assessment and geophysical survey have been submitted with this application. There are no known archaeological deposits or features within the proposed site boundary. However, an extensive late prehistoric/Romano-British settlement is known to exist south of Wheldrake Wood to the SW of the proposed development area demonstrating the exploitation of wider York during this period. The geophysical survey has identified a small area of anomalies in the north-east corner of the site which have been assessed as being geological features although an archaeological origin is also a possibility. However, given the relatively low archaeological potential of the site no further investigation is required for this application.

Network Management (Highways)

3.24 No objections to the proposed development from a highways point of view, subject to conditions.

3.25 The application is for an industrial facility with offices and distribution. The site is to be served by an existing private road named Brinkwoth Rush accessed from the adopted highway as a continuation of Hunter Drive which is part of Elvington Airfield

Industrial Estate. Brinkworth Rush is an un-kerbed, metalled carriageway in the ownership and control of the applicant.

3.26 The proposed development is likely to attract a very high modal share of private car trips as a result of the relatively remote location and poor sustainable accessibility of the site. Nonetheless, the anticipated effect on the local highway network is expected to be low, as an average of 51 no. two-way vehicle movements per day is predicted. The plans include 60 car parking spaces which has been demonstrated as an appropriate number for the location and anticipated shift patterns of staff.

3.27 Walking distances to the nearest pocket of residential would be in the region of 1.6km. This is still an acceptable walking distance for commuting, however a small catchment. The site is located within 1km of the bus stop that serves the main road, which does have earlier services from the Pocklington area. Unfortunately at present, this is likely to be unsuitable for a daily commute, particularly for York residents, due to the bus availability; however there is a strong potential for the frequency to increase due to continuing development in the area.

3.28 The northern edge of the scheme is approximately 100m south of the nearest adopted highway. The proposed development drawings show a widened road and footways to both sides of the road in the vicinity of the development access from Brinkworth Rush; however it has been established that the full road construction as shown is to be developed as part of the future build-out of the allocated site, should the proposed local plan be adopted. Negotiations to include a pedestrian footway connecting the eastern adopted footway of Hunter Drive (adopted) with the site on Brinkworth Rush as part of this application have been positive. The applicant has agreed to forming a 2m footway flanking the site and continuing this north to connect to the existing adopted highway to provide a protected walking route to this site. This will enable staff to access the site on foot from the nearby industrial estate, village and the nearest bus stop located on Elvington Lane.

3.29 Ample cycle parking has been included on the plans, details of which are to be conditioned. Appropriate turning for HGVs within the curtilage of the site has been demonstrated.

3.30 The transport assessment is a little negative on the sustainable transport options open to employees, which doesn't give much to work with when considering the application in terms of compliance with the NPPF relating to sustainable travel options.

Environmental Protection

Noise

3.31 The proposed unit is approximately 400 metres from residential premises so noise from the intended use as an industrial activity will cause an adverse impact on

amenity. Informatives are recommended to remind the applicant of environmental health standards with regard to construction noise.

Contaminated Land

3.32 The existing site is agricultural and rough scrubland. The applicant has submitted a report which identifies There are two landfills within 1 kilometre of the site with the nearest being 139 metres to the north. Elevated concentrations of contamination are not considered likely due to this limited historical development. The report also identifies the site as in a high risk rating for unexploded ordinances. Conditions are recommended for ground gas assessment, verification of gas protection measures, reporting of unexpected contamination and electric vehicle charging.

Flood Risk Engineer

3.33 No objections to the development in principle but if planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and public sewer network.

Economic Growth

3.34 Supports the application for the erection of a 33,000 sq. ft. industrial building at land south of Elvington Airfield.

3.35 City of York Council's Corporate Plan 2015-19 sets out the Council's ambition for York to be a prosperous city for all, a city where local businesses can thrive. Key to this is the provision of suitable employment space to enable business start-up, growth, and ultimately success. The proposed planning application, if approved, will enable a successful local manufacturing business with international standing to expand and critically remain in York. The construction of a new facility on land south of the airfield will allow Sheppee International to consolidate their operations - currently split across five separate units on Elvington Airfield Business Park, as well as gaining additional floorspace to aid growth. A secondary benefit of this proposed application, if approved, is that the relocation of Sheppee International will release capacity in three units on the existing business park, providing backfill opportunities for businesses looking to either grow or relocate to York. Both anecdotal evidence through business engagement and recent office/industrial availability data provided by Co-Star demonstrates a strong demand for business accommodation (of all sizes) across York.

3.36 Manufacturing is a key part of York's industrial heritage and remains an important sector for the city today, accounting for 4% of all businesses and employment in the city. Rather than manufacturing declining in York, as suggested by the agents operating on behalf of the applicants, ONS data shows that the number of manufacturing businesses in York has grown by 10% during the last five years, with

employment within the sector growing by 12.5% during the same period. The availability of three business premises as a result of Sheppee International's relocation (if approved) has the potential to support further business and employment growth in York in manufacturing and other sectors associated with similar use type classes (B1, B2 and B8). In addition to the above, Sheppee International's relocation to land south of Elvington Airfield will consolidate their business operations and provide the business with room to expand, retaining jobs for their workforce - 85% of who live in a YO postcode.

3.37 The availability of suitable business accommodation in York to support business growth has long been a challenge for the city's economy. It therefore comes as no surprise to the Economic Growth team that Sheppee International's search for alternative premises in York to expand into has been unsuccessful, especially given the size of premises required and the business's desire to be in close proximity to York's major road network. The solution proposed by Sheppee International to build a new purpose built facilitate on land south of Elvington Airfield is one that should be supported as it would not only retain an important local employer with international significance in York, retaining local jobs, but will also provide back fill opportunities on the adjacent business park for existing businesses in York to expand, or even attract new businesses to the area. Given the economic benefits associated with the proposed planning application, the Economic Growth team strongly supports the application for the erection of a 33,000 sq. ft. industrial building at land south of Elvington Airfield.

External

Yorkshire Water

3.38 Conditions recommended for separate foul and surface water drainage and for surface water drainage details to be submitted prior to the commencement of development.

Natural England

3.39 No comments. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

Environment Agency

3.40 Site in flood zone 1 and flood risk assessment submitted. Appropriate development for location, no need for formal consultation (verbal response).

3.41 The application was advertised via site notice, press notice and neighbour notification. One response was received from a local resident requesting a condition be imposed to ensure there is a wildlife corridor to enable animals (including badgers, otters and barn owls) to move either side of Brinkworth Rush between wildlife friendly habitats.

4.0 APPRAISAL

4.1 Key Issues

Policy Context

Principle of Development

Openness of the Green Belt

Purposes of the Green Belt

Design

Landscape

Ecology

Highways and Parking

Drainage

Contamination

Impact on Amenity

Archaeology

Sustainability

Agricultural Land

Very Special Circumstances

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for York mainly consists of the saved policies of the revoked Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt.

Saved Policies of the Yorkshire and Humber RSS

4.3 The Yorkshire and Humber RSS was revoked in 2013 with the exception of the policies relevant to the York Green Belt. Policy YH9(C) states that the detailed inner boundaries of the Green Belt around York should be defined in order to establish long

term development limits that safeguard the special character and setting of the historic city. The boundaries must take account of the levels of growth set out in this RSS and must also endure beyond the Plan period. Policy Y1(C1) states that plans, strategies, investment decisions and programmes for the York sub area should in the City of York LDF, define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with policy YH9C. Figure 6.2 of the RSS illustrates the general extent of the Green Belt.

National Planning Policy Framework (NPPF) (February 2019)

4.4 The revised National Planning Policy Framework (NPPF) was published on 19 February 2019 and sets out the government's planning policies for England and how these are expected to be applied.

4.5 The NPPF states that the planning system should contribute to the achievement of sustainable development (Paragraph 7). To achieve sustainable development, the planning system has three overarching objectives; economic, social and environmental objectives. The NPPF sets out in paragraph 11 the presumption in favour of sustainable development which applies unless the application of specific policies in the NPPF indicate development should be restricted.

Publication Draft Local Plan (2018)

4.6 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 the 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).

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

Development Control Local Plan (2005)

4.8 The Development Control Local Plan (DCLP) was approved for development management purposes in April 2005. 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.

PRINCIPLE OF DEVELOPMENT/APPLICATION OF GREEN BELT POLICY

4.9 Policy SS1 of the 2018 Draft Plan states that development during the plan period will be consistent with certain priorities including providing sufficient land to accommodate an annual provision of around 650 new jobs that will support sustainable economic growth. Economic Growth beyond 2018 is forecast in the 2018 Draft Plan. Policy EC1 of the Plan sets out employment land requirements and allocated sites to meet the forecast demand. The application site lies within the draft allocation site known as ST26 'Land South of Airfield Business Park, Elvington'. Policy EC1 states that this site will be allocated for 25,080 square metres of floorspace for the following suitable uses: B1b (research and development of products and processes), B1c (light industry appropriate in a residential area), B2 (general industrial) and B8 (storage and distribution). Policy SS21 of the Draft Plan is the site specific policy for development within allocation ST26 and sets out the key principles for the development of the strategic site, which are dealt with in turn.

- Retain and enhance historic field boundaries where possible and reflect in the masterplanning of the site.
- Provide appropriate landscaping/screening to assist in mitigation against the erosion of the existing semi-rural setting of the airfield.
- Demonstrate that all transport issues have been addressed, in consultation with the Council as necessary, to ensure sustainable transport provision at the site is achievable. Impacts on Elvington Lane and Elvington Lane/A1079 and A1079/A64 Grimston Bar junctions will need to be mitigated.
- Further explore air quality, noise and light pollution and contamination issues.
- Investigate further archaeological deposits on and around the site.
- Address further surface water drainage issues due to the presence of aquifers, dykes and becks in the surrounding area.

4.10 The application site is considered to lie within the general extent of the York Green Belt. Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Para 144 goes onto to state 'substantial weight' should be given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain exceptions. Industrial buildings do not fall within the list of exceptions set out in paragraphs 145-146 of the NPPF and therefore represent inappropriate development. It is therefore necessary to consider whether there are very special circumstances that would justify would outweigh the harm to the Green Belt.

4.11 Policies SS2 and SS21 of the 2018 Draft Plan is relevant. The former seeks to take the site out of the Green Belt as a strategic employment allocation and the latter

is a. However, as the Council's Strategic Planning Officer notes, given the current status of the Local Plan, only limited weight can be applied to these policies in line with paragraph 48 of the NPPF.

4.12 Therefore, for the purposes of this application, the site must be treated as within the general extent of the Green Belt as set out in the saved policies of the Yorkshire and Humber RSS.

IMPACT ON THE OPENNESS OF THE GREEN BELT

4.13 While it is considered there are very special circumstances to overcome the "inappropriateness test" it is still necessary to consider whether the proposal will have an impact on the openness of the Green Belt and whether or not any harm to the Green Belt is identified. As with the definition of very special circumstances, openness is not explicitly defined in national planning policy. It is however considered to be in both a visual and spatial sense.

4.14 In visual terms, the proposal will involve the erection of a new building on a greenfield site to the south of the existing cluster of buildings at the Elvington Airfield Industrial Estate. The building will be visible from a public right of way to the south of the site, but this is proposed to be mitigated with planting along the southern boundary of the draft site allocation. By its very nature and location the proposed development is acknowledged to cause limited harm to the openness of the Green Belt.

PURPOSE OF INCLUDING THE SITE IN THE GREEN BELT

4.15 The purpose of including the site in the Green Belt is considered to be safeguarding the countryside from encroachment by dint of extending the existing industrial estate to the south. Due to its location, the proposed development is considered to be sufficiently distant from existing settlements such as Elvington so as to preserve the setting and historic character of York and its surrounding villages. The site does therefore perform a Green Belt purpose and the proposed development would cause harm to the purposes of including the site in the Green Belt, although this harm is considered to be limited.

4.16 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 applicant has put forward a number of other considerations which they consider would justify the proposal and these are set out and assessed in paragraph 4.42 onwards.

DESIGN

4.17 Given the status of the 2018 Draft Plan, the design of the proposed development should primarily be considered against Section 12 of the NPPF which

sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Paragraph 127 seeks to ensure that developments:

- a) will function well and add to the overall quality of the area;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, whilst not preventing or discouraging appropriate innovation or change;
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and support local facilities and transport networks;
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience.

4.18 Policy D1 can be afforded moderate weight and states that proposals will be supported where they improve poor existing urban and natural environments, enhance York's special qualities and better reveal the significances of the historic environment. Development proposals that fail to take account of York's special qualities, fail to make a positive design contribution to the city, or cause damage to the character and quality of an area will be refused.

4.19 The proposed development is for a stand alone industrial building with associated hard standing and soft landscaping to the boundaries. The building itself is typical of its propose use, with a simple box form and a shallow, dual pitched roof. The existing Airfield business park has developed somewhat organically and as such there is no uniform character for the business park. The existing buildings are predominantly single storey detached buildings with a mix of cladding and brick work as materials. The cladding proposed is typical for an industrial building as is the form of the building, including the roof shape. External hardstanding for the manoeuvring of delivery vehicles within the site, associated parking and storage is also expected and reasonable for commercial development.

LANDSCAPING

4.20 Paragraph 127 of the NPPF states that planning decisions should ensure that development are visually attractive as a result of factors including effective landscaping. Policy D2 considers landscape and setting and should be afforded moderate weight. Policy SS21 requires the retention and enhancement of historic field boundaries where possible. The policy also requires the provision of appropriate landscaping/screening to assist in mitigation against the erosion of the existing semi-rural setting of the airfield.

4.21 The proposed development does result in the loss of seven trees and approximately 80 metres of hedgerow. The line of trees along the eastern boundary will be retained. With regard to the hedgerow, the Council's Landscape Architect has noted that "the existing, nicely established (early-mature) hedge follows the line of the old runway - now Brinkworth Rush lane. It is not an historic field boundary, and appears to have been introduced possibly after the closure of the airfield." 180 metres of new hedgerow will be planted along the western boundary. The building has been re-positioned slightly to the west following original comments from the Landscape Architect to protect the root protection areas of the eastern boundary trees. Soft landscaping is proposed to the south of the site to reduce the visual impact from the public right of way to the south and to partial views of the site when viewed from Wheldrake Lane (also to the south). Revised plans have been received incorporating these changes and the Landscape Architect has no objection subject to appropriate conditions.

ECOLOGY

4.22 Section 15 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment. Policy GI2 of the 2018 Draft Plan also seeks to conserve and enhance biodiversity. As noted in Policy SS21, the application site is adjacent to two Sites of Local Interest and designated and candidate Sites of Importance for Nature Conservation (SINC) and surveys have indicated there may be ecological interest around the site itself. The site is also within the River Derwent SSSI risk assessment zone.

4.23 The proposed development will result in the loss of arable habitat, tall ruderal habitat, seven trees, 80 metres of species-rich native hedgerow and alongside this a small strip of semi-improved neutral grassland. An Ecological Appraisal was submitted along with a Great Crested Newt Assessment and a Reptile Survey. Further information was requested by the Council's Ecologist in the form of an Ornithology Report. These reports have been considered and the Council's Ecologist has no objection, subject to conditions and noting that a European Protected Species Licence or Reasonable Avoidance Measures will also prevent direct harm to a Great Crested Newt population.

HIGHWAYS AND PARKING

4.24 In paragraph 102 the NPPF advises that transport issues should be considered from the earliest stages of development proposals, so that:

- a) the potential impacts of development on transport networks can be addressed;
- b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised - for example in relation to the scale, location or density of development that can be accommodated;
- c) opportunities to promote walking, cycling and public transport use are identified and pursued;

d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account - including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

4.25 Paragraph 103 goes on to state that the planning system should actively manage patterns of growth in support of these objectives. 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.

4.26 Paragraph 108 of the NPPF advises that development proposals should ensure that safe and suitable access for all users can be achieved. Development should only be 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 (Para. 109). Policy T1 of the 2018 Draft Plan can be applied with moderate weight and states that to provide safe, suitable and attractive access, development proposals will be required to demonstrate there is safe and appropriate access to the adjacent adopted highway. Development proposals should also create safe and secure layouts for motorised vehicles (including public transport vehicles), cyclists, pedestrians that minimise conflict.

4.27 61 car parking spaces including 6 disabled spaces are provided. Dedicated cycle parking is also provided as is an area of hardstanding to allow for the manoeuvring of HGVs. There is already a tarmac road to the edge of the application site, but with no dedicated footpath. The applicant has submitted a Transport Statement in support of the application.

4.28 In terms of travelling to the site, the statement notes that the site is unlikely to be accessed by many pedestrians due to the rural location. Cycling from Elvington village is considered to be a viable option. Bus services to the entrance of the existing industrial estate from York do not currently arrive until 10.03 so are unlikely to be useful for staff, although there is some split shift working proposed. The Council's Highways Officer did note earlier services arrived from the Pocklington direction.

4.29 It is also recognised that if the Council's Local Plan were to progress that significant development is proposed to the north west of the site in the form of over 3,000 dwellings at strategic site ST13 (Land West Of Elvington Lane) which could include foot and/or cycle links with the existing industrial estate although at this stage it is considered that no more than limited weight can be afforded to this consideration.

4.30 Car parking will exceed maximum standards, although it is noted that disabled parking will also double the minimum standard required. Dedicated cycle parking has been provided and the details can be included by condition. It is noted that the ground floor plan also includes a shower which would further encourage cycling. A condition will also be imposed requiring the construction of a footpath alongside the eastern carriageway of the access road (Brinkworth Rush) from the existing industrial estate. This will encourage pedestrian access to the bus stop on Elvington Lane.

4.31 The Council's Highways Officer has no objection with regard to highway safety and accepts the submitted vehicle tracking that demonstrates that delivery vehicles can manoeuvre within the site. While it is recognised that the site is less accessible via sustainable transport, this is not considered to conflict with Paragraph 103 of the NPPF, which notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

DRAINAGE

4.32 Policy SS21 advises that development at the strategic site should address further surface water drainage issues due to the presence of aquifers, dykes and becks in the surrounding area. The site lies in flood zone 1 and the flood risk assessment confirmed that a soakaway test was undertaken which was unsuccessful due to the subsoil conditions. Surface water drainage is to be discharged at a controlled discharge rate to the local watercourse. Foul water drainage will connect to the existing mains sewer to the north of the site in the existing business park. Yorkshire Water and the Council's Flood Risk Management Engineer have no objection to the proposal subject to condition. The Environment Agency have no comments to make on the application given the location of the site and the proposed use.

CONTAMINATED LAND

4.33 Paragraph 178 of the NPPF states that decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from contamination and any proposals for mitigation including land remediation. Policy ENV3 of the 2018 Draft Plan also requires appropriate contamination assessment for development proposals. The contaminated land report submitted with the application shows the site as agricultural with no historic development. Two landfills are located within 1 kilometre of the site, including one at the airfield 139 metres to the north. The Council's Environmental Protection Officer has recommended appropriate conditions.

IMPACT ON AMENITY

4.34 The NPPF states that developments should create places with a high standard of amenity for all existing and future users. It goes on to state that decisions should avoid noise from giving rise to significant adverse impacts on health and quality of life

as a result of new development. Policies D1 and ENV2 of the 2018 Draft Plan also consider amenity.

4.35 The proposed development is approximately 400 metres from the nearest dwelling. The surrounding land uses include the existing business park to the north which contains a mix of office, warehouse and industrial uses and also the Yorkshire Air Museum. There are commercial uses further to the west of the site also. The application site also adjoins existing agricultural land. While there will be some noise generated by the proposed use, due to the location this is considered to be acceptable. The Environmental Protection Officer has recommended informatives reminding the applicant of construction noise restrictions and these can be appended to the decision notice should planning permission be granted.

ARCHAEOLOGY

4.36 Section 16 of the NPPF requires that developers undertake appropriate assessment where a development site includes, heritage assets with archaeological interest. Policy SS21 states that development must investigate further archaeological deposits on and around the site. Policy D6 requires that proposals which affect deposits will be supported where they are accompanied by an evidence based heritage statement that describes the significance of the archaeological deposits affected and that includes a desk based assessment and, where necessary, reports on intrusive and non-intrusive surveys of the application site and its setting; including characterisation of waterlogged organic deposits, if present. A desk based assessment was undertaken including aerial photography. There are no known archaeological deposits or features within the proposed site boundary however, there is the possibility of the remains of late prehistoric/Romano British activity existing on the site. A geophysical survey identified a small area of anomalies in the north-east corner of the site which have been assessed as being geological features although an archaeological origin is also a possibility. Given the level of information provided and the findings, the Council's Archaeologist does not require further investigation as part of this application and no condition is necessary.

SUSTAINABILITY

4.37 Paragraph 153 of the NPPF states that proposed development should take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption. Policy CC2 of the 2018 Draft Plan require that development proposals for new buildings be required to meet BREEAM excellent standards. The applicant has submitted a BREEAM statement stating the building meets a 'very good standard'. While this does not meet the higher test set out in the policies of the Draft Plan, only moderate weight can be attached to this. The applicant was asked to justify the failure to meet the 'excellent' criteria and the BREEAM assessors responded on behalf of the applicants noting that "the requirement must be considered against the simplicity of the proposal - a shell and core delivery of a straightforward industrial unit - lacking many of the more in-depth issues where

BREEAM can be of greatest benefit; heating, ventilation, use of refrigerant systems, passive design analysis, life cycle analysis etc". The proposed development is contrary to Policies CC2, but the level of weight can be applied is acknowledged and the development as a whole will be weighed in the planning balance exercise set out in the conclusion of the report.

LOSS OF AGRICULTURAL LAND

4.38 Paragraph 170 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by wider benefits of natural capital including the economic and other benefits of the best and most versatile agricultural land. Clarification is provided in footnote 53 of the NPPF which states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

4.39 For the purposes of clarification best and most versatile agricultural land is defined as in categories 1 to 3a of the Agricultural Land Classification (ALC). There is no set definition of 'significant development' but it is taken to mean as more substantial than the definition of major development in planning terms.

4.40 The application site contains part of an existing arable field with an area of approximately 2.6 hectares. The site lies within draft allocation ST26 and explanatory paragraph 3.96 of the Draft Plan advises the site is predominantly best and most versatile agricultural land south of Brinkworth Rush in categories 2 to 3a of the ALC. Approximately 0.9 hectares of this field will be developed. This is less than the '1 hectare or more' definition of major development in planning terms.

4.41 A detailed ALC classification map for the York district is not available. Natural England mapping of ALC in the Yorkshire and Humber region is not detailed and is for strategic planning purposes. The mapping indicates that most agricultural land within the York district also falls within categories 2 and 3, although it should be noted that this mapping does not subdivide category 3 (category 3b is only considered of moderate quality and therefore not 'best and most versatile'). On the basis of the evidence available it can be concluded that some best and most versatile agricultural land will be lost as a result of the development but that it is not reasonable to require an assessment of alternative sites given the scale of development.

CASE FOR VERY SPECIAL CIRCUMSTANCES

4.42 There is no set definition of very special circumstances to justify inappropriate development in the Green Belt. A planning statement has been submitted setting out the applicant's case for very special circumstances to allow for the granting of planning permission in the Green Belt in advance of the adoption of the Local Plan.

4.43 The very special circumstances are considered to be:

- The status of the emerging of the Local Plan
- The importance of Sheppee Ltd to the local economy with 90% of products exported, 85 % of parts used in the manufacture sourced from within the UK, including nearly 40% from within Yorkshire
- 85% of employees live within a York postcode
- The current arrangement of the company in five buildings is insufficient for the needs of the company and is limiting production rates and the ability to develop the business
- The company has identified a gap in the market for repairing and serving machinery but there is currently no space to accommodate such diversification of the current operations
- There is a surge in interest in glass products due to increased awareness of the harm plastic products are causing the environment
- The company has made clear that if a site cannot be found in York to overcome the current constraints they would be prepared to move out of the district even though York is the preferred location of company employees. They have been unable to find an alternative location in York.
- Moving into new premises will allow the company to become more efficient and will ensure minimal disruption given they would be moving a short distance
- By moving out of buildings on the existing industrial estate, space will become available for smaller businesses to grow or new businesses to relocate to York.

4.44 The economic benefits identified should be considered against the relevant policies, including paragraph 80 of the NPPF which states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This is reflected in Policy DP1 of the 2018 Draft Plan which notes that the Local Plan will aim to ensure York fulfils its role as a key economic driver within both the Leeds City Region and the York, North Yorkshire and East Riding LEP areas.

4.45 Moderate weight can also be applied to Policy EC1 which seeks to provide the provision for a range of employment uses during the plan period at strategic sites, including the application site. The argument for very special circumstances put forward by the applicant was accepted by the Council's Strategic Planning Officer in their consultation response. The Council's Economic Growth consultation response noted that "availability of suitable business accommodation in York to support business growth has long been a challenge for the city's economy" and strongly supports the proposed development. Given the above the case for very special circumstances is considered to outweigh the identified limited harm that development would bring to the openness and purpose of the Green Belt in this location.

4.46 While it is considered that only moderate weight should be applied to Policy EC1 and limited weight should be applied to Policy SS21, they do set out the parameters for the suitable employment uses at this proposed strategic site. 25, 080

square metres of B1b (research and development), B1c (light industry), B2 (general industrial) and B8 (storage and distribution) uses are proposed.

4.47 The proposed building is to contain 3228 square metres of space that fits within these use classes, but also 696 square metres of office space. As the company is moving into one building, some office space is acceptable as reasonable. This proportion would be little over 20% of the building itself and is considered to be ancillary. To ensure the office space does not expand and result in a use that is potentially unsuitable for this location a condition will be imposed restricting the amount of office space.

5.0 CONCLUSION

5.1 It is accepted that the proposed development constitutes inappropriate development within the general extent of the York Green Belt as defined by the saved policies of the revoked Yorkshire and Humber RSS. The applicant has put forward a strong economic argument as to why special circumstances exist for granting planning permission in the Green Belt in advance of the adopted of the Local Plan. Paragraph 144 of the NPPF states 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 resulting from the proposal, is clearly outweighed by other considerations.

5.2 As previously identified the very special circumstances are considered to outweigh the Green Belt harm. Furthermore, the proposed development is considered to be acceptable in terms of the impact on the character of the area due to its location and the proposed landscape mitigation. The proposal is considered to be acceptable subject to appropriate conditions with regard to matters relating to ecology, drainage, amenity and highways.

5.3 While it is recognised that the proposed development does not meet the 'BREEAM excellent' required by 2018 Draft Plan policy CC2, only moderate weight can be applied to this policy and the difficulty of achieving this standard given the type of development is acknowledged. It is not considered that failure to meet this policy requirement carries sufficient weight to tip the planning balance against the granting of planning permission. It is also noted that there will be the loss of some best and most versatile agricultural land as a result of the proposed development, however detailed mapping of the York district in terms of agricultural land classification is not available and therefore it should be considered that the proposed development does not accord with paragraph 170 of the NPPF. However, these matters, even when combined with the identified harm to the Green Belt, are not considered to outweigh the positives of the proposed development.

5.4 The Town and Country Planning (Consultation) (England) Direction 2009 states in paragraph 4 that inappropriate development in the Green Belt on land allocated as Green Belt in a development plan document and which consists of or includes the

provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more must be referred to the Secretary of State for consultation prior to the issuing of the decision notice. This application meets the aforementioned criteria and therefore the recommendation is one of conditional approval subject to referral to the Secretary of State.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2 Development start within three years

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

33K Building Plan General Arrangement 1001 rev P1 received 12 December 2018

33K Proposed Elevations 1003 rev P1 received 12 December 2018

Proposed Site Plan 1002-2 rev P5 received 3 April 2019

Location Plan 1006 rev P4 received 16 May 2019

Detailed Landscape Proposals 50084-DR-LAN-102 rev D received 29 May 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 Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be carried out in accordance with these approved details.

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

5 Prior to commencement of development, gas monitoring and/or a risk assessment shall be carried out by a competent person to assess landfill gas generation and migration. Based on the results of the gas monitoring and/or risk assessment, the detailed design of a gas protection system shall be submitted to and approved by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried

out safely without unacceptable risks to workers, neighbours and other offsite receptors.

6 Prior to first occupation, a verification report that demonstrates the effectiveness of the gas protection system shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors

7 LC4 Land contamination - unexpected contam

8 HWAY18 Cycle parking details to be agreed

9 HWAY19 Car and cycle parking laid out

10 HWAY35 Servicing within the site

11 The development shall not come into use until a kerbed, metalled and drained 2m wide footway connecting Hunter Drive to the development has been constructed, unless otherwise agreed in writing by the Local Planning Authority. The footway should be maintained and retained solely for the purpose of pedestrian access.

Reason: In the interests of good planning and road safety.

12 EPU1 Electricity socket for vehicles

13 Prior to the commencement of the relevant works, details of the approved sub station shall be submitted to and approved in writing by the Local Planning Authority. The sub station shall be constructed in accordance with the approved plans.

Reason: In the interests of visual amenity and to protect the amenities of occupants of adjoining properties.

14 Prior to the first occupation of the building, details of any proposed external lighting shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure any external lighting is appropriate for the rural location.

15 The approved detailed landscape proposals, in accordance with drawing no. 50084-DR-LAN-102 rev D shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season

with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape proposals are integral to the amenity of the development and the provision of visual mitigation.

16 Unless otherwise agreed in writing with the Local Planning Authority, the hereby approved development shall contain no more than 696 square metres of office space in use class B1(a) of the Town and Country Planning (Use Classes Order) 1987 (as amended).

Reason: To ensure the approved uses of the building are suitable for the location and to accord with Policies EC1 and SS21 of the 2018 Publication Draft Local Plan and the National Planning Policy Framework.

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:

Revised plans following comments by the Landscape Architect and Highways Officer.

2. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general
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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

Contact details:

Author: Tim Goodall Development Management Officer

Tel No: 01904 551103