



## Public Protection:-

3.1 Continues to raise concerns in respect of potential harm from activities at the site during the evening and night time hours but otherwise raise no objection in principle to the scheme as amended subject to the imposition of detailed conditions in respect of controlling noise from later working along with the potential for light pollution. It is also recommended that any permission be conditioned to secure remediation in the event of potential land contamination.

## Highway Network Management:-

3.2 Initially objected to the proposal on the grounds that it would give rise to significant harm to highway safety in respect to problems related to the capacity of the A59/New Lane junction to accommodate additional HGV traffic. The amended proposals are now supported on the basis that:-

The junction alterations have been designed to allow vehicles to clear the A59 more readily. Auto track vehicular swept paths of HGV'S demonstrate that these vehicles can pass and re-pass each other at the junction mouth. Obviously smaller vehicles will greatly benefit from the improvements.

3.3 The Highway Authority is satisfied in principle for the proposed off site works to be accepted as mitigation. This junction has been brought to our attention prior to the application but due to the limited personal injury accidents recorded, this has not attracted funding to alter the junction. Feels that the proposals maximise the manoeuvring space at the junction utilising land under highway authority control. The improvement scheme will benefit all highway users. This offer will be capped; to reduce the financial risk to the council of unforeseen costs. The works would be carried out by a section 278 agreement.

3.4 With regard to the objections raised throughout the rest of the route leading to the industrial estate.

## **Access to Industrial Estate, New Road**

3.5 Turning in and out of the industrial estate requires the use of the full carriageway at the junction with the industrial estate. 2 Way movement is not achievable within the highway boundary for the largest of vehicles, even if road widening took place within highway limits. There are however a number of factors that present a different scenario to the above junction. It being on a rural road, with width of 5.2m to 5.6m on the whole, which naturally slows down larger opposing traffic; visibility is excellent from the estate up to the A59, therefore any manoeuvring vehicle can clearly see and react to vehicles approaching or turning in/out of the junction; there

is far less background traffic on New Road (87 two way movements passing) which reduces the risk of any hazard occurring; should there be an imminent vehicle turning into the estate, any exiting vehicle would have a reasonable chance of reversing back into the site if necessary on private land.

3.6 Some overrun of the footway has occurred opposite the entrance to the estate. Due to the kerbs being damaged by being over-run, CYC Highways have lowered the kerbs opposite to allow for occasional overrunning. This is an existing feature which would operate in a similar way with any conflicting vehicles.

3.7 Due to the same HGVs accessing the site we feel that the likelihood of conflicts at this access/junction is considerably less. The nature and ability once at the entrance to see oncoming vehicles approaching the junction (and waiting to allow passing) is beneficial.

3.8 The width of New Road allows for some but not all traffic to pass within the carriageway, however, visibility is such that vehicles are able to position themselves appropriately in order to pass each other at a reduced speed. This is an existing situation affecting all traffic and very common in such environments. It is also noted that due to the lack of available destinations on route, the level of pedestrian activity will be limited and it is not considered that the traffic from the planning application presents an unacceptable or hazardous situation.

Strategic Flood Risk Management:-

3.9 Was consulted with regard to the proposal on 4th April 2017. Views will be reported orally at the meeting.

Planning and Environmental Management (Ecology):-

3.10 Raises no objection in principle to the proposal subject to adequate measures being put in place to deal with newt mitigation.

EXTERNAL:-

Network Rail:-

3.11 Raises no objections in principle subject to the operation of the nearby manual level crossing not being compromised by the vehicle movements too and from the site and the construction and operation of the plant not compromising the operational requirements of the railway where it passes the site in close proximity.

Environment Agency:-

3.12 Raises no objection to the proposal identifying no harm in respect of contaminated land or the underlying aquifer. They further draw attention to the fact that it would be subject to regulation under the Environmental Permitting Regulations.

The Ainsty (2008) Internal Drainage Board:-

3.13 Raises no objection to the proposal subject to a detailed surface water drainage scheme being agreed by condition as part of any permission.

CPRE:-

3.14 Objects to the proposal on the grounds that:-

1 The impact of the proposed industrial structures on the openness of the Green Belt including the adverse impact viewed from the A59 road and passenger trains with respect to the setting on the approach to the City outskirts from the west.

2 The heights of some proposed structures will be significantly above the existing buildings located on the industrial estate and nearby farm properties.

3 The proposed development is out of keeping with existing activities on the industrial estate which are largely enclosed and are unlikely to be producing significant emissions to the adjacent green field areas, settlements and other adjacent commercial occupiers.

4 The highway infrastructure including the estate access, New Road and the access to the A59 are inadequate and do not comply with the required standards for their proposed use by HGVs associated with the development.

5 There is a projected significant addition to vehicle movements to and from the proposed site to New Road and the A59.

6 Noise from late evening/night period activities are likely to cause disturbance to local residents and farm stock.

7 Mobile plant reversing alarms may cause annoyance to local residents.

Rufforth with Knapton Parish Council:-

3.15 Objects to the proposal on the grounds that there would be a significant increase in HGV traffic through a potentially dangerous junction, it would give rise to

a significant risk of noise and air pollution and it would cause serious detrimental harm to the open character of the Green Belt.

Hessay Parish Council:-

3.16 Objects to the proposal on both Highway Safety and Planning Grounds. The following is a summary of the Highway Safety grounds:-

- \* The width and geometry of the access to the site and the adjacent New Road fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety;
- \* The width and geometry of the access from New Road on to the A59 fall well below accepted standards in terms of regular use by the types of HGV traffic envisaged and notwithstanding the present day low level accident risk the development would give rise to conditions substantially prejudicial to highway safety.

The following is a summary of the planning grounds:-

- \* Concern that the proposal amounts to inappropriate development in the Green Belt and that a case for "very special circumstances" to justify the proposal as required by paragraphs 87 and 88 of the NPPF have not been forthcoming;
- \* Concern in respect of the impact of light pollution from the site upon the pleasant rural ambience of the surroundings;
- \* Concern in respect of the impact of the proposed mixing tower and chimney on the wider setting of York Minster;
- \* Concern in respect of the impact of noise from the proposal particularly at night time and weekends upon the pleasant rural ambience of the surrounding;
- \* Concern in respect of the impact of dust emissions from the site upon the operation of neighbouring rural businesses and the openness of the Green Belt;
- \* Concern in respect of a lack of engagement with the local community by the applicant contrary to the Authority's Adopted Statement of Community Involvement (SCI).

3.17 Julian Sturdy MP objects to the proposal on the grounds of it being inappropriate development within the Green Belt without a case for "very special circumstances" in addition to concerns in respect of the creation of conditions prejudicial to highway safety at the access to the Hessay Industrial Estate as well as the junction of New Lane and the A59.

3.18 224 Letters of objection have been received in respect of the proposal the following is a summary of their contents:-

- \* Concern that traffic movements arising from the proposal would give rise to conditions substantially prejudicial to Highway safety both at the access from Hessay Industrial Estate to New Road and the junction of New Road and the A59;
- \* Concern that the proposal would give rise to substantial harm to the habitat of the

Great Crested Newt and the badger both species protected by law;

\* Concern that the proposal would give rise to substantial harm to the setting of York Minster;

\* Concern that the proposal is inappropriate development in the Green Belt and that a detailed case for "very special circumstances" to justify otherwise inappropriate development in the Green Belt as required by the NPPF has not been forthcoming;

\* Concern that the applicant has not engaged constructively with the Local Community to discuss the proposal;

\* Concern that the proposal would give rise to substantial harm to farming activities in the surrounding locality by virtue of odour, noise and dust emissions;

\* Concern that noise and light pollution from the late night activity of the plant would give rise to substantial harm to the residential amenity of neighbouring properties;

\* Concern that dust and other emissions would give rise to serious harm to the health and well-being of residents in the locality;

\* Concern that noise, disturbance and increased traffic flows would disrupt services at the Methodist and Anglican Churches within Hessay village;

\* Concern that the proposal would represent a serious departure from the previous light industrial activities which have taken place at the site;

\* Concern that the proposal would give rise to a precedent for other similar damaging developments in the locality;

\* Concern that the proposal is grossly premature pending final consultation on and adoption of the Joint Minerals and Waste Local Plan;

\* Concern that the proposed off-site junction improvements would be insufficient to address the clear capacity problems at the A59/New Lane junction with clear implications for the safety and convenience of highway users within the surrounding network;

\* Concern that the proposed amended highway layout off-site would encourage rat-running through Hessay village

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 KEY CONSIDERATIONS INCLUDE:-

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon landscape;
- Impact upon the safety and convenience of highway users on the local network;
- Impact upon the habitat of the Great Crested Newt, a protected species;
- Impact upon strategic views of York Minster;
- Impact upon the amenity of neighbouring properties by virtue of noise and light pollution through late working;
- Impact upon human and animal health by virtue of odour, dust and other

emissions.

- \*Environmental impact.
- Off-site highway works.

#### POLICY CONTEXT:-

##### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt, saved in 2013. These policies are YH9(C) and Y1 (C1 and C2) and the key diagram insofar as it illustrates the general extent of the Green Belt. It is for the local plan process to identify the precise boundaries of the Green Belt around York but the application site lies within the general extent of the Green Belt as shown on the Key Diagram of the RSS.

4.3 Although there is no formally adopted local plan the City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005. Whilst the draft Plan does not form part of the statutory development plan for the purposes of s.38(6), 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. Such policies carry very limited weight. The main draft policies that are relevant to matters raised by this application are:-

- CGP15A Development and Flood Risk
- CYE3B Existing and Proposed Employment Sites
- CYGB10 Major development sites in GB
- CYGP1 Design
- CYGP9 Landscaping

4.4 The emerging Local Plan is progressing and the 2016 consultation on Preferred Sites ended on 12 September 2016. Recently, however, announced closures of Ministry of Defence Sites in the York administrative area have given rise to further potential housing sites that require assessment and consideration as alternatives. The emerging Local Plan policies can only be afforded weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of

being a material consideration in the determination of the planning application. The main draft policies that are relevant to matters raised by this application are:

#### NPPF

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

4.6 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 14). However, this presumption in favour does not apply in this case as specific policies in the NPPF indicate that the development should be restricted because of the site's Green Belt location (please see further paragraph 4.10 below)

4.7 GREEN BELT:- As noted above, the general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies. Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 91 specifically addresses those renewable energy projects in the Green Belt which are inappropriate development and emphasises the need to supply a case for very special circumstances for inappropriate development although it is acknowledged that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. Paragraph 88 states that when considering a planning application 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 by reason of inappropriateness and any other harm are clearly outweighed by other considerations.

4.8 SAFEGUARDING OF PROTECTED SPECIES AND HABITATS:- Central Government Planning Policy in respect of biodiversity as outlined in paragraphs 118 and 119 of the National Planning Policy Framework urges Local Planning Authorities to refuse planning permission for new development which would give rise to significant harm to a rare species and or its habitat which can not be mitigated, avoided or as a last resort compensated for and at the same time it is clearly indicated that the presumption in favour of sustainable economic development does not apply in such cases.



4.9 IMPACT UPON RESIDENTIAL AMENITY: - Central Government Planning Policy in respect of amenity as outlined in paragraph 17 of the National Planning Policy Framework "Key Planning Principles" urges Local Planning Authorities to give significant weight to the need to secure a good standard of amenity for all new and existing occupants of land and buildings.

4.10 POLLUTION CONTROL AND MITIGATION: - Central Government Planning Policy in respect of planning and pollution control as identified in paragraphs 120-123 indicates that Local Planning Authorities should ensure that new development is appropriate for its location. The effects including cumulative effects of pollution on health or general amenity and the potential sensitivity of the area to adverse effects from pollution should be taken into account. Furthermore Local Planning Authorities should focus on whether the development itself is an acceptable use for the land rather than control the processes or emissions themselves where these are subject to approval under different pollution control regimes. Local Planning Authorities should assume that these regimes will work effectively.

#### IMPACT UPON THE YORK GREEN BELT:-

4.11 Policy GB1 of the York Development Control Local Plan sets out a firm policy presumption that planning permission for development within the Green Belt will only be forthcoming where the scale, location and design of such development would not detract from the open character of the Green Belt, it would not conflict with the purposes of including land within the Green Belt and it is for one of a number of purposes identified as being appropriate within the Green Belt including agriculture and forestry. Central Government Policy as outlined in paragraph 79 of the National Planning Policy Framework establishes their fundamental characteristics as being their openness and permanence and the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open. 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.

4.12 The application site comprises the western section of a former MOD depot with a planning permission for general employment use (B1/B2/B8). It is also a draft employment allocation in both Development Control Local Plan and (emerging) Publication Draft Local Plan. Whilst the Draft Allocations themselves may be afforded little weight, the Local Plan Evidence Base in the form of the Employment Land Review (2017) identifies a significant shortage of land with an existing B2 permission or suitable for allocation. A previous planning permission for a fuel

storage depot on the site was given in 2010 but was never implemented. An asphalt plant when not incorporated into an operational minerals site falls within Use Class B2 (General Industry) .The area comprises the former marshalling yard and rail head for the military depot use. A lighting tower approximately 20 metres in height surviving from the former military use survives at the north eastern edge of the site. Directly to the east and south east are a series of low rise single storey Nissan Hut type buildings with much larger hanger type structures further to the east in a variety of storage and processing uses. Paragraph 89 of the NPPF indicates that all new buildings within the Green Belt are inappropriate unless it comes within one of a number of defined exceptions, including the infilling or redevelopment of previously developed land including where in continuous use providing it does not give rise to any greater harm to the openness of the Green Belt or the purposes of its designation than the existing development.

4.13 The proposed development incorporates a chimney in of 21.5 metres in height together with a mixing tower of 20 metres in total height. This will have a materially greater impact on the openness of the Green Belt than the existing situation and as a consequence is felt to be inappropriate development. Attention has been drawn to a previous proposal incorporating an asphalt manufacturing plant in 1999 which was withdrawn following serious concern in terms of its impact upon the openness of the Green Belt. It was however of a significantly larger scale and included the clearance of a large area of the existing buildings and the reconstruction of the rail head to facilitate the transport of the manufactured asphalt by rail. Notwithstanding the height of the proposed stack and associated mixing tower the built foot print of the proposal is relatively modest and a lighting tower of 20 metres related to the previous military use survives directly to the north of the site.

4.14 Paragraph 80 of the NPPF identifies five purposes of designation for the Green Belt, two of which are relevant in the current context; namely the prevention of encroachment into the countryside and the safeguarding of the setting for the Historic City. In terms of encroachment in to the countryside, the site comprises the former railhead for a military depot and forms part of an area allocated as employment land in both the 2005 York Development Control Local Plan(4<sup>th</sup> Set of Changes) and the (Emerging) Publication Draft Local Plan. Furthermore it has been subject to an unimplemented permission for construction of a fuel storage depot from 2010. Whilst the Draft Allocations themselves may be afforded little weight , the Local Plan Evidence Whilst the Draft Allocations themselves may be afforded little weight , the Local Plan Evidence Base in the form of the Employment Land Review (2017) identifies a significant shortage of land with an existing B2 permission or suitable for allocation In terms of harm to the setting of the Historic City the proposal would be viewed against the existing hanger type structures surviving from the former military use and would not be seen in the same viewing plane as the built fringe of the Historic City. The purposes of designation of the Green Belt would not therefore be harmed.

4.15 The NPPF states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. In order to overcome the presumption against inappropriate development in the Green Belt, paragraphs 87 and 88 of the NPPF state that "very special circumstances" should exist to clearly outweigh any harm to the Green Belt by reason of inappropriateness and any other harm.

4.16 The applicant has indicated that in identifying the application site, some 7 sites including locations outside of the Green Belt were considered subject to a strict range of criteria which include a planning permission for B2 General Industrial Use, a minimum size, accessibility to the strategic highway network, accessibility other than via residential roads and immediate availability. No non-Green Belt site was able to demonstrate compliance with all of the criteria. Furthermore the proposal would form one of a strategic network of facilities which would supply developers, the local highway authority and the Highways Agency with material. It would also result in the creation of an additional 6 full time jobs. The previously approved fuel storage depot would have created five full time jobs.

#### IMPACT UPON THE SAFETY AND CONVENIENCE OF HIGHWAY USERS ON THE LOCAL NETWORK:-

4.17. Serious concern has been expressed in relation to the impact of the proposal on the safety and convenience of highway users at the access to the Industrial Estate with New Road and more significantly the junction of New Road with the A59 which the application details indicate would be the feeder route for traffic to and from the site. The available accident statistics indicate a series of four minor collisions at or in close proximity to the junction of the A59 and New Road with no recent recorded accidents at the site access with New Road. In each case the cause has been established as driver error rather than through the nature of the traffic involved. Material has been brought forward which indicates that both New Road and the existing site access fall below the accepted standard in terms of the design and layout of new industrial estate roads and access points. Anecdotal evidence has also been brought forward in respect of near misses involving vehicles entering and leaving the site with buses and agricultural traffic accessing the village. In order to address the detailed concerns in respect of the impact of the proposal upon the local highway network the applicant has come forward with a package of measures involving offsite works which involve junction improvements to the New Lane and A59 junction which will be considered in more detail below. The section of New Road to the south of the site access into Hessay village is subject to a 7.5 tonne weight restriction and as such heavy vehicles seeking to access the strategic highway network via Hessay village may be committing an offence.

4.18 Concern has also been expressed in relation to the impact of increased traffic on the existing manually operated level crossing. The applicant has agreed to carry out a dilapidation survey in respect of the level crossing and to make good any damage identified.

#### IMPACT UPON THE HABITAT OF PROTECTED SPECIES:-

4.19 The application site falls partially within a Great Crested Newt habitat and a series of surveys have identified Great Crested Newt activity taking place within the site. The applicant has agreed to secure the provision of a suitable pond with wet grassland habitat directly to the west of the site which would be the subject of a licence from Natural England. The newts within the site would be trans-located and suitable fencing to the site provided prior to construction being undertaken. It is felt that the proposals would comply with the requirements of paragraph 118 of the NPPF and are therefore acceptable for the purposes of discharging that paragraph.

#### IMPACT UPON STRATEGIC VIEWS OF YORK MINSTER:-

4.20 The clear skyline and views along key transport corridors of York Minster form an important element of the setting of the historic city and one of the principal reasons for designation of the Green Belt. The proposal envisages the erection of a mixing tower and chimney up to 23 metres in height as an integral element of the scheme. This is comparable to the height of the remaining lighting tower associated with the previous MOD use and somewhat higher than the existing hangar like structures directly to the east and south east. Concern has been expressed in terms of the impact of the structures on views of the Minster for vehicles travelling from the Harrogate direction to the west. The proposed plant would be clearly visible in glimpsed views from the A59 to the west along with longer views from the Railway. It would not however be readily visible in the same viewing plane as the Minster and its relatively modest scale notwithstanding the height of the tower and associated stack would not create a visually competing structure within the wider sky line. It is not felt that the strategic views of the Minster would therefore on balance be materially harmed.

#### IMPACT UPON SURROUNDING LANDSCAPE:-

4.21 The site lies within open countryside to the north of Hessay village forming part of a former military depot which was densely developed with Nissen Huts and hangar type structures. The surrounding countryside is largely flat partially broken up by the characteristic local boundary treatment of mature trees and lengths of hedgerow. The site would be principally viewed from Hessay village to the south and from the A59 approaching York to the north west. It would be seen within the context of the adjacent substantial hangar type structures directly to the east. The majority of the plant would be lower than and in proportion to the surviving hanger

type structures. The mixing tower and associated stack would however be appreciably higher and would notably impact upon local landscape character when viewed from the south. The applicant has agreed to paint the cladding of the mixing tower in order to enable it to blend in with the surrounding landscape. In terms of views from the A59 the site would be visible to the south east heading eastwards towards the City and any visual harm from that direction would be modest. It is acknowledged that there will be some harm to landscape character particularly in views from the south but it is felt that because of the previously developed nature of the site, and the location of the principal view points that this harm would on balance be acceptable.

#### IMPACT UPON THE AMENITY OF NEIGHBOURING PROPERTIES:-

4.22 Policy GP1 of the York Development Control Local Plan sets out a firm policy presumption in favour of new development proposals which respect or enhance the local environment, are of a scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area and ensure that residents living nearby are not unduly affected by noise, disturbance or dominated by overbearing structures. Hessay village lies some 600 metres to the south with several isolated dwellings much closer. The closest properties are New Moor Farm at 270 metres and the Old Station at 460 metres. Serious concern has been expressed in terms of the impact upon residential amenity from noise and light pollution arising from the suggested night time working. The applicant has indicated that the same type of low level flood lighting used elsewhere on the Industrial Estate would be adopted and further details have been supplied. It is felt that subject to any permission being conditioned to require the submission and prior approval of a detailed lighting scheme then the proposal would be acceptable.

4.23 A detailed noise survey has been submitted with the proposal and subsequently re-calibrated to match the standard methodology adopted by Public Protection. This was taken from three locations in the vicinity, one in the village and two at the closest residential properties. The survey clearly shows an on-going level of background noise emanating from the railway and from the A59 which is audible over a fairly wide area. Some additional noise has been identified as being generated by the plant but the detail of the survey suggests that its impact would be largely masked by the background noise levels and would on balance be acceptable during normal day time working hours. It is acknowledged that during the proposed evening and occasional night time working sessions that there would be adverse impacts by virtue of the level of background noise being appreciably lower. It is therefore recommended that any permission be conditioned to later working in accordance with the recommendations of Public Protection.

4.24 Concern has also been expressed in terms of potential for nuisance and pollution from elements of the complex being lit at night specifically the proposed

mixing tower. The applicant has indicated that a low level form of lighting similar to that currently used for the hanger type units within the site would be adopted. It is felt that this would not give rise to a significant problem for the amenity of the wider area subject to the mode and location of lighting being subject to condition as part of any planning permission.

#### IMPACT UPON AMENITY CAUSED BY DUST, EMISSIONS AND POLLUTION.

4.25 Serious concern has been expressed in terms of the levels of dust, emissions and pollution generated by the proposal and its impact upon the amenity of neighbours and farming activities in the locality. The emissions from the site are however subject to control under Part B of the Environmental Permitting Regulations and whilst the issue of potential harm is one of considerable significance paragraph 122 of the National Planning Policy Framework makes clear that it would be inappropriate for the planning system to seek to regulate the details of the process when another form of regulatory control exists. Furthermore breaches of the Environmental Permitting Regulations are of themselves a criminal offence and so a robust regulatory framework is in place in the current context.

#### ENVIRONMENTAL IMPACT ASSESSMENT (EIA):-

4.26 The proposal as being for an industrial estate development falls to be considered within Schedule 2 to the 2017 Town and Country Planning (Environmental Impact Assessment) Regulations as an industrial estate development. The proposal is in a relatively remote location, it is located within a building and the process and emissions would be regulated through the Environmental Permitting Regulations. The proposal has been subject to a formal screening exercise and it is felt that it would not, bearing in mind the detail of the scheme, the nature of the site and any likely Environmental Impact require a formal Environmental Impact Assessment.

#### OFF SITE HIGHWAY WORKS:-

4.27 The proposed junction improvement works would involve increasing the width of New Lane on the approach to the A59 to 7.3 metres with a carriageway radius at the junction itself of 10 metres. The works would be achievable within the existing highway boundary without the need for a fresh land take. The existing footway within New Lane at the eastern side of the junction would at the same time be maintained. The alterations would create additional space for large vehicles making turning movements into and out of the junction in accordance with the most up to date guidance covering access points to employment sites. It would furthermore address the issue of large vehicles making opposing turning movements at the junction at the same time with the need to mount the footway at the eastern side of the junction removed. Visibility of vehicles approaching the junction from either approach would

also be significantly enhanced. It is considered that the proposals effectively deal with the adverse impacts previously identified in respect of the A59 junction and can be secured by means of a Section 106 Agreement.

4.28 Concern has also been raised in respect of the proposed off-site works giving rise to an increased risk of rat running through the village and also in terms of the capacity of the site access with New Lane to accommodate the proposed levels of HGV traffic arising from the proposal. New Lane is the subject of a Traffic Regulation Order prohibiting access to HGVs to the south of the access effectively restricting access from the site through Hessay village. In terms of the access to the site itself from New Lane, visibility conditions are very good and the levels of traffic are appreciably lower. As such it is felt on balance that the existing conditions could accommodate the proposed vehicle flows without materially adverse harm to local highway safety.

## 5.0 CONCLUSION

5.1 The proposal represents inappropriate development within the general extent of the York Green Belt and has a harmful impact upon its openness and it should not be approved except in very special circumstances. Substantial weight should be 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. It is acknowledged that the proposal would have some adverse impact upon local landscape character. It is however felt that due to the previously developed nature of the site and the location of the principal viewpoints that the degree of harm would on balance be acceptable. The site forms a habitat for the Great Crested Newt, however a mitigation scheme has been submitted which complies with the requirements of paragraph 118 of the NPPF. It is not felt that the proposal would materially harm strategic views of the Minster and subject to the imposition of appropriate conditions on any permission any harm through noise and light pollution could be effectively mitigated. Issues of dust, odour and emissions would be mitigated through the Environmental Permitting Regulations. The applicant has come forward with a detailed package of off-site works involving junction improvements to the A59/New Lane Junction in order to address the detailed highway concerns. These works it is felt would deal with the capacity problems identified and can be secured by means of a Section 106 Agreement.

5.2 The applicant has put forward a number of 'other considerations' to weigh against the harm to the Green Belt and other harms identified above, based upon the requirement for the facility as part of a wider network, together with the absence of an alternative suitable non-Green Belt site (as set out in paragraph 4.11 above). In the overall balancing exercise, and having attributed substantial weight to the harm to the Green Belt, it is considered that these 'other considerations' in this case

do cumulatively clearly outweigh the harms identified and therefore the very special circumstances necessary to justify the development exist. The wider proposal is therefore felt to be acceptable and approval is recommended.

**6.0 RECOMMENDATION:** Approve subject to prior completion of a Section 106 Agreement to secure the following:

Off site highway works at the junction of New Road and A59  
And subject to the following conditions:

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:-2-128-12; 3-128-12; 4-128-12.

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

- 3 The following works; vegetation removal, ground clearance and demolition, or activity likely to cause harm to great crested newts shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or

b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence, and details of the approach which will be taken to avoid harming great crested newts submitted to and approved in writing by the local planning authority.

Reason: To prevent harm to a European protected species

- 4 All ecological measures and/or works shall be carried out in accordance with the approved details including detailed timetable for their implementation contained in the Proposed Habitat Creation plan produced by E3 Ecology and dated 16th May 2017 as already submitted with the planning application.

Reason: To maintain the Favourable Conservation Status of a European protected species.

- 5 VISQ8 Samples of exterior materials to be app



- 6 LC4 Land contamination - unexpected contam
- 7 ENVA1 Surface water drainage through oil inter
- 8 ENVA2 Prevention of pollution - tanks etc
- 9 HWAY18 Cycle parking details to be agreed
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY40 Dilapidation survey
- 12 HWAY41 Safety Audit
- 13 HWAY10 Vehicular areas surfaced, details reqd
- 14 VISQ4 Boundary details to be supplied

15 The hours of operation of this approved use shall be confined to 06:00 to 21:30 Mondays to Fridays, 09:00 to 12:00 Saturdays and Sundays and no working on Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

16 The stack hereby authorised shall terminate at a point at a minimum 21.5m above ground level.

Reason:- To secure appropriate dispersion of emissions.

- 17 EPU1 Electricity socket for vehicles
- 18 LC1 Land contamination - Site investigation
- 19 LC2 Land contamination - remediation scheme
- 20 LC3 Land contamination - remedial works
- 21 LC4 Land contamination - unexpected contam

22 The externally mounted lighting as detailed on approved plan "200 TPH Static Asphalt Plant drawing no. 3-128-12" and referred to within the letter from ACT Projects Ltd ref A-A 128-12 17-1 (dated 26 May 2017), shall be installed in accordance with those details prior to the plant hereby authorised being first brought

into use. The lighting proposals shall be shall be appropriately maintained thereafter.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

23 The externally mounted lighting as detailed on plan "200 TPH Static Asphalt Plant drawing no. 3-128-12" and referred to within the letter from ACT Projects Ltd ref A-A 128-12 17-1 (dated 26 May 2017), shall only be operational during the hours of 06:00 to 21:30 hours Monday to Friday, 06:00 to 12:00 Saturday and Sunday and not at all on Bank Holidays.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

24. The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

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

Works to include widening of New road, realigning eastern footpath and increasing radii at the junction with the A59 as shown indicatively on Bryan G Hall drawing number 16/404/TR/00/A – Proposed Junction Improvements. A full 3 stage road safety audit carried out with advice set out in the DMRB HD19/03 and guidance issued by the council, will be required for the remodelled junction. Stage 1 of the audit shall be submitted to and agreed in writing by the LPA prior to such works commencing

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

Informative:- The detail of the works shall be recorded within a Section 278 or similar agreement under the Highways Act.

7.0 INFORMATIVES:  
Notes to Applicant

## 1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

- i) Details of the Proposed Lighting Arrangements
- ii) Details of vehicle movements to and from the site
- iii) Detail of the proposed means of Great Crested Newt mitigation.

## 2. DEMOLITION AND CONSTRUCTION:-

The developer's attention should also be drawn to the following which should be attached to any planning approval as an informative.

1. All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228-1:2009 + A1:2014 and BS 5228-2:2009 + A1:2014, a code of practice for "Noise and Vibration Control on Construction and Open Sites".

3. Best practicable means shall be employed at all times in order to minimise noise, vibration, dust, odour and light emissions.

4. 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.

5. There shall be no bonfires on the site.

Contact details:

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