

COMMITTEE REPORT

Date: 17 October 2019 **Ward:** Strensall
Team: East Area **Parish:** Stockton-on-the-Forest
Parish Council

Reference: 18/01128/FULM
Application at: The Gardens, Malton Road, Stockton On The Forest, York
YO32 9TN
For: Erection of employment units for B2 use following demolition
of existing buildings together with alterations to existing
access and associated car parking and landscaping.
By: Malton Road Developments Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 21 October 2019
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is located on the edge of York, about a mile beyond the outer ring road, to the north east of the city. The site is broadly rectangular with a red line site area of 4.5 hectares. It abuts the A64 Malton Road to the west with two access points off the A64. The application site includes the residential property known as The Gardens. Further land within the ownership of the applicant is situated to the north and east of the site, which is in agricultural use.

1.2 Surrounding the site, residential properties are located to the south west, and accessed from a private road within the application site. To the south is the Forest Park Golf Club. On the opposite side of the A64 there is a lay-by, transport café and associated dwelling and a nursery with associated café and dwelling.

1.3 Prior to 2002, the site was formerly in agricultural use as an intensive pig farm. The former farm buildings have been converted to industrial and commercial uses with some additional buildings. The site currently provides employment uses (B2/B8 use class) and the application documents suggest that there are approximately 50 companies present on the site. The footprint of the existing buildings across the site is 5,439sqm and is split by:

B2/B8	4,812sqm
Agricultural store	441sqm
Car Wash (sui generis)	186sqm

1.4 Planning permission is sought for additional employment units for B2 (General Industrial) use following demolition of existing buildings (amounting to 376sqm floorspace) together with alterations to existing access and associated car parking

and landscaping, together with a pond for surface water attenuation. It is also proposed to plant a tree belt along the northern boundary of the site.

1.5 The proposals indicate that the existing B8 (Storage or Distribution) uses currently on site would not be retained.

1.6 The plans have been substantially revised. The proposals to introduce units specifically for a B1 (business) use have been withdrawn. The agent does however suggest that there may be ancillary office accommodation across the site. In summary the revised proposals involve additional units as follows:

Units 25, 26 and 27

- positioned on the western boundary with 'Gardenia'. The plans indicate the existing low level wall removed and replaced with a 1.8m high close boarded fence. There is a blockwork wall measuring 2.5m high to Gardenia. The units will be set back 0.6m to allow for access to the rear. It will have a mono-pitched roof with the lower eaves level on the western side boundary within the neighbouring property.

In total these units will measure:

63.3m x 11m x 2.48m (to eaves) / 3.45m (to ridge) equating to an external footprint of 696sqm.

Units 22, 23 and 24

- will be positioned adjoining existing units (identified as No's. 3, 5, 6, 7, 8, 9, 10, 11) on the southern side and will partly replace existing units that will be demolished. One unit on the existing units will also be demolished.

In total these units will measure:

81.9m x 11m x 3.5m (to eaves) / 4.7m (to ridge) equating to an external footprint of 900sqm

1.7 All units will be constructed in metal cladding to the roof and walls, with roller shutter doors to the units.

1.8 Whilst the applicant previously sought a 24hour use, they are now agreeable to the imposition of the operating hours previously imposed on the application to regularise development at the site (Ref: 12/01667/FULM) which are Monday to Sunday 07:00 to 21:00 hours.

1.9 In terms of other works, the application seeks the stopping up of the northern access off the A64 and a continuation of the grass verge. A single point of entry will be provided. Internally within the site there will be a rationalisation of layout with designated parking areas and sealed access road. The plans have been further revised with a reduction in the number of car parking spaces reduced from 158 to 107 with 8 of these being accessible spaces and an increase in cycle parking spaces from 6 to 16.

1.10 The additional landscaping includes a 15m wide woodland planting along the whole of the northern boundary. Part of the original scheme proposed a 3m high landscape embankment along the southern and eastern sides, continuing westwards along the southern boundary with hedgerow planting to the southern boundary, this has now been removed from the scheme. However it is noted that the landscape embankment is partly in situ.

Planning History

01/03567/OUT- Outline application for employment development with associated access and parking; Application refused in March 2003 because of the location of the site in the Green Belt and the unsustainable location of the site. Appeal dismissed in June 2004 (APP/C2741/A/03/1116987)

05/00623/FUL - Change of use of redundant farm buildings to general industrial (Class B2) and storage/distribution (Class B8) use; Application permitted 31.01.2007
Of note, condition 4 of this permission confined the uses to the following permitted hours:

- 0800 to 2100 Mondays to Saturdays
- 0900 to 1800 Sundays and Bank Holidays.

07/01436/AGNOT - Construction of an agricultural building under the agricultural notification procedure (Unit 2)

09/00845/FULM - Change of use of existing agricultural building into a waste sorting station; Application permitted 14 August 2009 (Unit 17)

11/00361/FUL - Change of use of agricultural building to 15 no. individual storage units (use class B8). Erection of general industrial unit (use class B2) following demolition of existing agricultural unit; Application withdrawn to allow the applicant to submit a comprehensive application to regularise all unauthorised development at the site.

12/01667/FULM - Retrospective application for;

- retention of unit 1 as a car wash
- retention of units 3-12 incl, 13 to 16 incl. and unit 18 for B2/ B8 industrial/storage use
- retention of units 20 - 34 for B8 storage use
- unit 19 Demolition and replacement of existing building for B2/B8 use (part retrospective)
- retention and provision of car parking to serve the
- provision of area for external storage of agricultural equipment

Approved 12 February 2013

Of particular note, this consent was granted with a condition restricting hours of operation to Monday to Sunday 07:00 to 21:00 hours.

2.0 POLICY CONTEXT

2.1 Yorkshire and Humber Regional Spatial Strategy (RSS) 2008 (partially revoked)

Saved Policies

YH9(C) Green Belts

Y1(C1 and C2) York Sub area policy

2.2 PUBLICATION DRAFT LOCAL PLAN 2018

The policies which are directly and most relevant are:

SS2	The Role of York's Green Belt
EC1	Provision of Employment Land
EC2	Loss of Employment Land
EC5	Rural Economy
D1	Placemaking
D2	Landscape and Setting
D11	Extensions and Alterations to Existing Buildings
GI4	Trees and Hedgerows
GB1	Development in the Green Belt
ENV3	Land Contamination
ENV5	Sustainable Drainage
T1	Sustainable Access

2.3 DRAFT DEVELOPMENT CONTROL LOCAL PLAN (2005)

The policies which are directly and most relevant are:

GP1	Design
GP3	Planning against Crime
GP4a	Sustainability
GP4a	Air Quality
GP6	Contaminated Land
GP9	Landscaping
GP15a	Development and Flood Risk
NE1	Trees, Woodlands and Hedgerows
HE11	Trees and Landscape
GB1	Development in the Green Belt
GB10	Major Developed sites in the Green Belt
GB11	Employment Development Outside Settlement Limits
T4	Cycle Parking Standards
T5	Traffic and Pedestrian Safety
E3b	Existing and Proposed employment sites

3.0 CONSULTATIONS

INTERNAL

COUNCILLOR DOUGHTY

3.1 Clarification requested in respect to boundary treatments and green belt issues

FORWARD PLANNING TEAM

3.2 Comments were received following the submission of the original scheme stating;

3.3 The York green belt has been established for many years but has never been formally adopted. Whilst the Regional Spatial Strategy for Yorkshire and Humber has otherwise been revoked, its York Green Belt policies have been saved together with the key diagram which illustrates those policies and the general extent of the Green Belt around York. It is therefore the role of the new Local Plan to define what land is in the Green Belt and how Green Belt purposes are interpreted in the York context. Until a Local Plan for York is adopted, development management decisions in relation to proposals falling within the general extent of the Green Belt (as defined in the RSS) will be taken on the basis that land is treated as Green Belt. This application site falls within the general extent of the York Green Belt and should be afforded the commensurate protection of Green Belt policy.

3.4 The primary purpose of York's Green Belt is to preserve the historic character and setting of the City. The key evidence base outlining this is the 'Approach to the York Green Belt Appraisal' (February 2003 and updated 2011 and 2013) and Topic Paper (TP1) 'Approach to Defining York's Green Belt' (May 2018). Common aspects of openness include:

- Views: the perception of an area as being open. The impact of development on views into and across the site, as well as views of important features (eg York Minster) should be taken into account;
- Compactness of urban form. York has a contained concentric form, flat terrain and views and planned rural villages;
- Landscape character and setting, including impacts on York's historic character and setting and on the existing use of land (e.g. agriculture). A key piece of evidence supporting Green Belt policy in the Local Plan includes the 'Approach to the Green Belt Appraisal' (2003, updated 2011 and 2013). The site falls within an 'Extension of Green Wedge' area of historic character and setting for York. Consequently, the impact of the proposed development on the extension of Green Wedge must be taken into account when determining this application. The 'Approach to the Green Belt Appraisal' (2003, updated 2011 and 2013 SD107A) describes the importance of the 'Extension of Green Wedge' to the East of Monks Cross (Area D2), as "to retain open approaches, rural and historic setting of York adjacent to the A1036, an important approach road to the City; and situated

adjacent to Stockton-On-The-Forest conservation area, the character of which is enhanced by the adjoining agricultural landscape.”

3.5 Given the likely impacts on openness, and within the context of NPPF paras 143 to 147, the application amounts 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 to the Green Belt the scheme causes. Development should not be approved except in very special circumstances; it will be for the applicant to prove that very special circumstances exist which would clearly outweigh the potential harm to the Green Belt and any other harm.

3.6 Given the advanced stage of the 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, EC5, D1, D2, GI2, GI3, GI4, and T1 should be applied with moderate weight.

3.7 Given that the overall scale of the proposed development has been reduced significantly compared to the previous version of the application, it is considered that the proposal does not now have a significantly greater impact on the openness of the Green Belt, particularly in the context of NPPF paragraph 145 – criterion (g), and that very special circumstances do not have to be demonstrated in this case.

HIGHWAYS NETWORK MANAGEMENT

3.8 The site is not in a sustainable location as there are no opportunities for staff and customers to access the site by modes other than the private car. The requirements set out in NPPF paragraph 108 can therefore not be met.

3.9 In terms of road safety, this area of the A64 is an accident cluster identified by the Council and regularly reported to Highways England. Although the additional number of vehicles using the site due to the proposed development might be considered as relatively low, the proposal to close the northern access into the site and focus all movements through the southern access could have a significant impact on road safety in this location as the southern access is in conflict with movements to/from the Highwayman Cafe lay-by. We understand that Highways England has requested a condition related to the organisation's involvement in the detail design process for the stopping up of the northern access and any changes to be made to the southern access but has not requested a Road Safety Audit.

3.10 This was decided at the start of 2019, when the dualling of this portion of the A64 seemed likely. This might have contributed to Highways England judging the road safety risk as limited as the dualling scheme would have addressed this issue. The dualling of this part of the A64 is now looking very unlikely however so the existing issues would remain and the proposed development is likely to increase the risk of collision at this junction.

3.11 Any increases in collisions on this section of the A64 (which is part of Highways England's network) would have significant impacts on the movement of traffic on CYC's road network (including North Lane and the A1237). The local highway authority therefore requests a planning condition to ensure that a full 3 stage Road Safety Audit (RSA) is undertaken to review the proposed changes to access arrangements to the site, with CYC and Highways England officers involved in the RSA, the detailed design and construction process to ensure that recommendations from the RSA are fully implemented.

DESIGN, CONSERVATION AND SUSTAINABLE DESIGN (LANDSCAPE ARCHITECT)

3.12 The landscape context of the application site is largely experienced from the A64. Approaching from the east, the A64 travels through open arable and pastoral fields, and also significant blocks of woodland relating to Sand Hutton Common in the east, and Stockton Common & Strensall Common in the west, and also at The Hermitage. A full panorama of the developed site and the disorderly over-spill into the area to the east of it, is visible from the A64 once past Barr Lane. The hedge bordering the A64 and a limited number of hedgerow trees, provides some screening; the effect of this varies throughout the year depending on leaf cover and hedge height.

3.13 Whilst the buildings are shed-like, the group of buildings does not have the character/appearance of a farmstead due to the lack of variety within the buildings, and the absence of a farmhouse. The nature of the buildings is industrial. This is already a sizeable built development, which appears as an anomaly in the rural landscape context.

3.14 The hedge bordering the A64 and a limited number of hedgerow trees, provides some screening of the site. Breaks in the vegetation allow regular glimpse views of the site. A full panorama of the developed site and the disorderly over-spill of vehicles and makeshift earth bunding in the area to the east of it, are visible from the A64 once past Barr Lane, and from Barr Lane itself. The sprawling, casual use of the site beyond the industrial units, which are otherwise relatively contained, present a significant detractor to the setting of the development within the wider landscape.

3.15 Relative to the existing arrangement of buildings presently on site, the proposed built development, would not cause significant harm to views from the A64, or the landscape character.

3.16 The proposed woodland belt would not be out of character with the landscape type of the area. However, the bunding – existing and proposed - is an artificial intervention that is at odds with the flat terrain of the wider landscape character type,

and it does not make a positive contribution to the landscape features of the site, or views of it.

DESIGN, CONSERVATION AND SUSTAINABLE DESIGN (ECOLOGY)

3.17 A phase 1 Habitat survey (dated September 2017) submitted in support of the application. The buildings to be demolished have been assessed and found to have negligible potential to support roosting bats and no evidence of nesting birds was found.

3.18 The Old Foss Beck to the east of the site is suitable for Water Voles or Kingfisher however will not be impacted by the proposals. Standard good working practices, such as included in a Construction Environmental Management Plan, should be followed to ensure that no pollution enters the water course during construction.

3.19 The area where the new buildings are to be constructed is currently bare ground with some ephemeral vegetation, and is of low ecological value.

3.20 As part of the proposed planting, if native species are predominantly used, once established this will provide a biodiversity enhancement to the site. The proposed balancing pond will also provide some benefits to wildlife.

3.21 Planning conditions should be used to secure an appropriate landscaping scheme and to secure native species within the northern woodland belt in order to conserve and enhance biodiversity protecting the local floristic gene pool that has evolved within the local landscape and to prevent the spread of non-native species and those of no local provenance.

LEAD LOCAL FLOOD AUTHORITY (LLFA)

3.22 There are differences in how the proposed surface water discharge rate has been calculated between the submitted Flood Risk Assessment and Drainage Strategy and with no consideration to the hierarchy of surface water disposal and the use of infiltration methods of surface water disposal. However there is enough information provided and if infiltration methods are not possible, due to the nearby watercourse we are content that a proper drainage design can be achieved and details of this can be sought by way of conditions if the Local Planning Authority are minded to grant planning permission.

PUBLIC PROTECTION

Noise

3.23 The application involves additional B1 and B2 uses to operate 24 hours a day on an existing industrial estate nearby to residential premises. Some uses have the potential to generate noise and other environmental impacts (such as odour, light

and dust), potentially having an adverse impact upon the amenity of local residents. A noise assessment is recommended to be submitted in order to demonstrate that the combined rating level of any noise generating activities proposed at the site from vehicles, plant or equipment would not be excessive.

3.24 Details of any additional lighting which is visible outside of the premises boundary and other activities generating emissions including dust and odour to be submitted for approval.

Electric Vehicles

3.25 Recommend 4 car parking spaces providing Electric Vehicle Recharging points to comply with the Council's Low Emission Strategy (LES).

Land Contamination

3.26 The ground conditions report submitted with the application indicates that the site currently comprises commercial and industrial properties including a car wash and vehicle maintenance garage. Historically, the site has been used as a piggery, for window tinting and as railway land. The site is identified as a waste facility associated with the historical use as a pig farm (issued January 2010). The report identifies a moderate risk to potential receptors given the historical uses of the site and recommends that site investigation is carried out. The report recommends the site investigation includes trial pits and boreholes and associated soil and groundwater sampling and gas monitoring. The phase I report and proposed site investigation works are acceptable.

EXTERNAL

STOCKTON ON THE FOREST PARISH COUNCIL

3.27 Whilst the drawings address some of the concerns raised, the whole site remains a matter of concern.

HIGHWAYS ENGLAND

3.28 Following submission of additional documents, the proposed development is not considered to have a detrimental impact as to the operation and safety on the A64 at the site location. The initial objections have been withdrawn, subject to further detailed information being required by a necessary Road Safety Audit.

ENVIRONMENT AGENCY

3.29 Original objection relating to Flood Risk has now been removed on the basis that it is no longer proposed to raise ground within Flood Zone 3.

3.30 No objections to the proposed development from the perspective of groundwater and contaminated land. The previous use of the site as railway area,

pig farm and vehicle maintenance presents a high risk of contamination that could be mobilised during construction to pollute controlled waters.

3.31 The desk study submitted in support of this planning application provides us with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. The proposed development will be acceptable subject to conditions requiring the submission of a remediation strategy.

YORKSHIRE WATER

3.32 No observation comments to make on revised details (foul still to existing septic tank/package treatment plant and surface water via pond to local watercourse).

FOSS INTERNAL DRAINAGE BOARD

3.33 The development is unacceptable because of its proximity to the top of the bank of the watercourse. The permanent retention of a continuous unobstructed area is essential requirement for future maintenance or improvement.

DESIGNING OUT CRIME

3.34 No crime or anti-social behaviour within a 200m radius of the site was reported between 1 June 2017 and 31 May 2018. It is important to consider the crime risks that a large number of commercial buildings might inadvertently create, such as numerous paths behind buildings for emergency exits and large areas set aside for car parking. Legitimate activity on industrial estates for example can be very low at weekend, and at night, and this inactivity can attract criminals.

3.35 It is noted that the site will have a clearly defined perimeter. Routes from the car parks to receptions and delivery points should be clearly defined and benefit from overlooking from reception and other occupied buildings.

3.36 Secure cycle parking should be provided, as well as fitting units with security rated windows and doors, alarms and external lighting.

PUBLICITY

3.37 Four letters of representation have been received from local neighbours including the Highwayman Café and Forest Park Golf Club, raising the following concerns;

Highways

- insufficient parking
- dangerous access
- generate extra traffic

Noise and disturbance

- neighbours already suffer from excessive noise and disturbance
- will affect local businesses
- hours of business should be same as existing (Monday-Saturday 08:00-21:00, Sunday and Bank Holidays 09:00-18:00)
- B2 use increase noise in close proximity to neighbouring residents

- location within the greenbelt
- landscaping and screening should be dense and high enough along the full extent of the boundaries and within the application site
- potential for contamination of The Old Foss Beck
- surface water should be dealt with in such a way as not to cause flooding down the Beck
- previously used for storage of vehicles - there was a major clean up prior to the application
- there have been instances of fires started at the site

4.0 APPRAISAL

4.1 Key Issues:

- Principle of development
- Employment Need
- Landscape and Visual Impact
- Design (inc Lighting)
- Highways and Access
- Ecology
- Drainage and flood risk
- Land Contamination
- Residential Amenity
- Very special circumstances

PLANNING LEGISLATION

4.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. In this area, the development plan comprises the Green Belt retained policies in the Yorkshire and Humber regional Spatial Strategy (RSS), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013.

NATIONAL PLANNING POLICY FRAMEWORK (2019)

4.3 The revised National Planning Policy Framework (NPPF) (2019) sets out the government's planning policies for England and how these are expected to be applied. Paragraph 7 states that the planning system should contribute to the achievement of sustainable development. To achieve sustainable development, the

planning system has three overarching objectives; economic, social and environmental.

4.4 In the absence of a formally adopted Local Plan the most up-to date representation of key relevant policy issues is the NPPF (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. The NPPF sets out the presumption in favour of sustainable development unless the application of specific policies in the NPPF indicate development should be restricted.

4.5 Section 6 of the NPPF seeks to build a strong and competitive economy. In paragraph 80 it states that significant weight should be placed on planning policies and decisions that support economic growth and productivity, taking into account both local needs and wider opportunities for development.

4.6 Sustainable transport is covered in Section 9 of the NPPF advising that significant development should be focused upon locations which are or can be made sustainable through limiting the needs to travel and offering a genuine choice of transport modes (paragraph 103). It continues, stating that opportunities to maximise sustainable transport solution will vary between urban and rural areas, and this should be taken into account.

4.7 NPPF Section 12 seeks to achieve well designed places, with good design being a key aspect of sustainable development, creating better places in which to live and work and helps to make development acceptable to communities (paragraph 124).

4.8 Policies relating to the protection of the Green Belt are in Section 13 of the framework. Further information is provided in section 4 in the main body of the report.

4.9 Section 14 of the NPPF discusses the challenge of climate change, flooding and coastal change. Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided and where development is necessary, development should be made safe without increasing flood risk elsewhere.

4.10 Planning policies and decisions should contribute to and enhance the natural and local environment and is covered in section 15 of the NPPF.

REGIONAL STRATEGY FOR YORKSHIRE AND HUMBER (PARTIAL REVOCATION) ORDER 2013

4.11 Policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant

historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

PUBLICATION DRAFT LOCAL PLAN 2018

4.12 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.

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

- Employment Land Review Update September 2017

Proposed modifications to the Local Plan

4.14 The Council has undertaken a consultation on proposed modifications to the Local Plan as a result of new evidence primarily regarding the overall approach to the Green Belt and the assessed Objectively Assessed Housing Need (OAHN). The proposed modifications consultation took place between 10 June 2019 and 22 July 2019. In respect to this application, the modifications to the Green Belt do not affect this site or its immediate locality.

DEVELOPMENT CONTROL LOCAL PLAN (2005)

4.15 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 and can be afforded very little weight in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

ASSESSMENT

PRINCIPLE OF THE DEVELOPMENT- ASSESSMENT OF HARM TO THE GREEN BELT

4.16 The application site lies within the general extent of the York Green Belt as shown on the Key Diagram of the saved RSS Green Belt policies and therefore Section 13 (Protecting Green Belt Land) of the NPPF is applicable. Paragraph 133

of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and permanence.

4.17 Paragraph 144 of the NPPF establishes that substantial weight should be given to any harm to the Green Belt. Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. Paragraph 145 states that the construction of new buildings in the Green Belt should be regarded as inappropriate unless they fall within certain specified exceptions.

4.18 One of these exceptions (paragraph 145 (g)) is limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development;

Whether the proposals reflect limited infilling or partial redevelopment of previously developed land

4.19 It is recognised that the site forms previously developed land, formerly forming an intensive pig farm, and is now in industrial use. The industrial and storage uses were regularised in 2013 and whilst there is an agricultural store on the site this appears to serve the land surrounding the site which is in agricultural use.

4.20 The site covers 4.5 hectares which has a number of buildings providing smaller industrial and storage units within them. The site is managed and owned by Malton Road Developments Ltd. The rear of the site, beyond the current developed area is an area of open land, however there is evidence that this was being used for the storage of vehicles.

4.21 The proposed development now comprises of an extension to an existing building following demolition of a row of units and a new building positioned on the boundary with residential properties to the west of the site. The increase in floorspace in comparison to what is already present at site equates 22.4%.

4.22 There is no definition contained within the NPPF or the 2018 Draft Plan of 'limited infilling'. However an Inspector in a (non-binding) Green Belt appeal decision interpreted that this required consideration of both the scale and form and the minimisation of the loss of significant gaps between buildings.

4.23 The new building and the extension to an existing building are both situated within the developed site, surrounded by existing development. The extension and new building will not be any higher than existing buildings. It is considered that their

size, scale and form would represent limited infilling of previously developed land. It is therefore necessary to assess whether the construction of the new buildings proposed would have a greater impact on the openness of the Green Belt than the existing development.

4.24 Therefore the development would not constitute inappropriate development in the Green Belt and as such, very special circumstances are not required to justify the proposals.

Harm to openness and purposes of the Green Belt

4.25 The NPPF states that openness is an essential characteristic of Green Belts. The fundamental purpose of Green Belt policy is keep land permanently open. The concept of 'openness' in this context means the state of being free from development, the absence of buildings, and relates to the quantum and extent of development and its physical effect on the site.

4.26 Paragraph 134 of the NPPF goes onto state that the Green Belt serves five purposes. These are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.27 The site can be seen when approaching from the north. The backdrop to the development from this direction is a fairly substantial landscaped boundary and open fields. Generally the buildings in their height and massing are reflective of the industrial uses that have been present on the site since the agricultural use has ceased and the introduction of the proposed industrial buildings would not significantly change the overall visual appearance of the site when viewed from this vantage point. Approaching the site from the south it is screened by existing dwellings and their landscaped boundaries.

4.28 The proposed erection of the extension and new building to the southern boundary, due to their nature as built development will reduce openness within this part of the Green Belt, however due to its setting within the existing site, their size and scale being similar to existing buildings, the loss of openness is considered to be limited. When compared to the existing development and taking into account the reduced nature of the proposal, it is considered that the new buildings would not have a significantly greater impact upon the openness of the Green Belt than the existing buildings and therefore it would not constitute inappropriate development in accordance with paragraph 145 g of the NPPF.

4.29 However, paragraph 146 indicates that certain other forms of development are not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it. These exceptions include engineering operations (para. 146b).

4.30 The construction of a surface water attenuation pond is viewed as an engineering operation. The attenuation pond is not an entirely alien concept in the area and would be consistent with the flat terrain of the wider landscape character. It is considered in this instance that the surface water attenuation pond would preserve the openness of the green belt and would not conflict with the purposes of including land within it. This element of the proposal is therefore considered to be appropriate development in Green Belt policy terms.

LANDSCAPE AND VISUAL IMPACT

4.31 The application is supported by a landscape and visual impact assessment. The arable fields on the south side of the A64 provide the foreground setting; and the tree cover with gold course forms a wooded backdrop to the development. The buildings on the site are shed-like with industrial character. Whilst previously forming an intensive piggery farm, the site does not have the character/appearance of a farmstead due to the lack of variety within the buildings and the absence of a farmhouse.

4.32 It is not considered that the additional buildings would significantly increase the proportion of the public views that the group of buildings occupy and therefore the development would not have adverse visual impact.

4.33 In respect to the proposed woodland belt, at 15m width this could provide substantial screening once established. It should be planted on natural topography of the field and not on any artificial intervention, such as an earth bund to ensure that it would not be out of character with the landscape of the area. The woodland belt should be planted and managed appropriately to replicate a shelter belt with suitably spaced, healthy trees and a dense under-storey. Conditions could be imposed to ensure this is achieved.

4.34 The surface water drainage basin is considered to represent a positive addition, subject to its topography, landscape treatment and management; it is not an entirely alien concept in the area. Its value is in its potential contribution to biodiversity and landscape interest within the setting.

4.35 Concerns were raised during the course of the application in respect to the planted embankment; work has started on this and the applicants suggest this was to address concerns from the golf course regarding visual impact. This is an artificial landscape feature that does not make a positive contribution to the landscape character of the site. It is at odds with the flat terrain of the wider landscape character type. It is welcomed that this part of the original application has been

removed from the proposals, and whilst the concerns of the Golf Course are noted in respect to visual impact, the application has been amended to such a degree that would significantly reduce the visual impact from wider neighbouring buildings and uses the planted embankment would not be considered a necessary feature.

DESIGN (inc LIGHTING)

4.36 The new buildings are of a modular metal clad type of building of single storey. They would in all respects match the majority of the building already present on the site in terms of size, scale and materials. It is not considered that the buildings would be consistent with surrounding buildings and would not be harmful to the visual amenity of the area.

4.37 It is likely that given the operating hours of up to 21:00 and the rationalisation of the internal road layout and uses present, there would be a requirement for lighting. In order that the visual amenity of the area is maintained, lighting details shall be secured by condition.

EMPLOYMENT NEED

4.38 Paragraph 83 of the NPPF states that planning policies and decisions should enable the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings.

4.39 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. Policy EC1 of the Plan sets out employment land requirements and allocated sites to meet the forecast demand. Overall, around 38ha of new employment land is required; although B2 uses have been identified as not requiring any additional employment land. It is reinforced that the site is not an allocated site identified in the Plan to provide additional employment uses during the plan period.

4.40 The applicant states that the scheme is to provide small industrial units to meet the needs of local companies. It is however a speculative application and no specific details of companies wishing to relocate to the site have been provided. Currently, the site provides 134 units, which are all let. The application is supported by an industrial market report prepared by Lawrence Hannah (dated 27 March 2018); it provides a summary of the availability or lack of industrial units at existing sites within York and the cost at other sites. They conclude that demand would outstrip supply and it will be difficult to find suitable options for smaller units either immediately or in the medium term.

4.41 The provision of 1220sqm of B2 industrial floorspace on the whole is welcomed, following the significant reduction from the initial application, which sought an increase of B1 and B2 floorspace of over 2666sqm.

4.42 The loss of B1 office use (other than as ancillary) is also welcomed. Planning policy, both nationally and locally seek to provide office development within existing town centres or edge of centre, where there is access to sustainable transport modes. Additionally, York Central has been identified in the 2018 Draft Plan as a key strategic location for office development with Policy SS5 seeking to deliver 100,000sq m of grade A office development. The retention of B1 office use at the application site would give rise to location issues, given that the site is remote from existing settlements and public transport routes. This assessment was supported by the Inspector in the appeal decision (dated 27 April 2004) (and subsequently by the Secretary of State) for office development.

4.43 The application documents are unclear as to the current split between B2 and B8 uses within the existing buildings. The application involves the loss of B8 uses across the whole site, however as the majority existing have a flexible B2 or B8, this loss could occur without requisite planning consent. The site will remain in employment use and therefore policy EC2 of the 2018 Draft Plan would be satisfied. The site uses across the site has already diversified from the former agricultural use to employment uses and therefore Policy EC5 is not applicable in this regard.

HIGHWAYS AND ACCESS

4.44 The site is located about a mile beyond the outer ring road to the north east of the city. It abuts the A64 (trunk road). The A64 is under Highways England jurisdiction. Access to the site is via two access points on the site frontage. Approximately 45m within the site from the southern access there is a junction with the access lane to the residential properties.

Location

4.45 The applicant acknowledges in their supporting Transport Statement that there is limited opportunity to travel to the site by non-car modes. The development is and would continue to be car orientated. The site is in an isolated location well outside the nearest settlement. There is no pavement along the road and no street lighting. The road is not conducive to being accessed by walking or cycling. There is no direct access to be able to walk or cycle from the site (without having to cross private land) to access local services and amenities in the village of Stockton-on-the-Forest. However, the site provides existing employment uses and has done since 2013.

Access

4.46 The proposals involve the stopping up of the northern access, retaining the southern access as a sole two-way entry to/from the A64. Highways England raise no objections to the scheme subject to conditions.

4.47 The Council's Highway Network Management officers have raised concerns as to the proposals regarding access and egress onto the A64 citing that this area has been identified as an accident cluster with collisions on this section of the A64 could have significant impact on the movement of traffic on the Local Highway Authority road network (North Lane and A1237). The A64 is outside the control of the Council as the Local Highway Authority and given this, the design and safety of the stopping up an existing and retaining an alternative access to and from the site from the A64 would be the matter of Highways England. The comments of the Highway Network Management Officers are noted however given that Highways England have not raised any objections to the proposal and subject to appropriate conditions on balance the proposals are considered acceptable.

4.48 Access to the residential properties from the access lane that meets the application site would not be affected. Concern has been raised from local residents that this access could become dangerous, particularly with the intensification of the site. As the proposals have been amended, the increase in employment floorspace is unlikely to generate significant additional traffic. The rationalisation (one way system) of the internal road layout would help to improve traffic flows, and access egress at this junction.

Car and Cycle Parking

4.49 Internally within the site there will be a rationalisation of layout with designated parking areas and sealed access road. The car parking arrangements at the site have never been formalised and the application seeks 107 car parking spaces with 8 of these being accessible spaces.

4.50 Paragraph 110 of the NPPF seeks to ensure that developments incorporate facilities for charging plug-in and low emission vehicles. The Council's Low Emission Strategy seeks to provide 2% of all car parking spaces with electric vehicle charging points. Following a reduction in the level of parking across the site, 2 car parking spaces should be provided with these facilities. This can be secured by condition.

4.51 The proposals indicate 16 cycle parking spaces to be provided, however it is not anticipated, that people arriving by bicycle will be encouraged given the danger for cyclists posed by the A64.

4.52 Highways England have requested that a travel plan is sought to encourage sustainable travel choices for users of the site, to maximise knowledge of local transport choice, encourage reduction in car dependency and single occupancy car journey. It is acknowledged that alternative travel options are limited; however there could be further opportunities if the duelling of the A64 is implemented. The use of plug-in and low emission vehicles could be encouraged in the travel plan given the requirements for charging facilities.

ECOLOGY

4.53 The NPPF seeks to protect and enhance biodiversity and geodiversity. A Phase 1 habitat survey has been submitted in support of the application. The buildings to be demolished have been assessed and found to have negligible potential to support roosting bats and no evidence of nesting birds was found. The area where the new buildings are to be constructed is currently bare ground with some ephemeral vegetation, and is of low ecological value.

4.54 As part of the proposed planting, if native species are predominantly used, once established this will provide a biodiversity enhancement to the site. The proposed balancing pond will also provide some benefits to wildlife.

4.55 Planning conditions securing an Construction Environmental Management Plan could be attached to ensure that standard good working practices prevent pollution from entering the water course during construction and a landscaping scheme could be conditioned to ensure that suitable native species are incorporated, conserving and enhancing the local biodiversity.

DRAINAGE AND FLOOD RISK

4.56 The site is within the surface water catchment area of the River Foss 5km to the west. The closest watercourse to the application site, Old Foss Beck, is directly to the southern boundary of the site. This watercourse runs to the west where it discharges to the River Foss.

4.57 Paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

4.58 The majority of the site is located within Flood Zone 1; however the eastern boundary of the application site is located within flood zones 2 and 3. The development of the buildings and the surface water attenuation pond are all located within flood zone 1. There is to be no development undertaken within Flood zones 2 or 3 following the relocation of the planted embankment and subsequent withdrawal from the scheme. As a result, the Environment Agency has removed their objection. The application is supported by a Flood Risk Assessment, which states that as the proposed works are kept away from flood zones 2 and 3 and as such they are considered not to have any impact on the scheme.

4.59 As such, a sequential nor exception test has not been undertaken by the applicants. The aim of a sequential test is to steer new development to areas with the lowest risk of flooding. The development comprising of two building for general industrial use and the surface water attenuation pond are all located within flood

zone 1 and are classified as either less vulnerable or water compatible as detailed in Table 2: flood risk vulnerability classification of the Planning Practice Guidance. It is noted that these uses are compatible in flood zones 1, 2 and 3a in accordance with Table 3: flood risk vulnerability classification and flood zone compatibility of the Planning Practice Guidance. However, as located within flood zone 1, the development would be located in an area of the lowest risk of flooding. It is therefore considered that the proposed development has been directed away from areas at highest risk of flooding and the development is unlikely to increase the risk of flooding elsewhere, and the application complies with NPPF policy in this regards.

LAND CONTAMINATION

4.60 The application is supported by a Phase 1 land contamination desk study. The site has had numerous previous uses including piggery, railway and window tinting as well as current uses including car washing and vehicle maintenance. The report recommends that site investigation is carried out which includes trial pits and boreholes and associated soil and groundwater sampling and gas monitoring. Public Protection officers consider this approach to be acceptable. Additionally, no objections are raised from the Environmental Agency in respect to groundwater contamination. Conditions are recommended to ensure the site investigation is undertaken along with any remedial action so the site is brought to a condition suitable for its intended use.

RESIDENTIAL AMENITY

4.61 Paragraph 127 (f) of the NPPF seeks to ensure that developments create places that have a high standard of amenity for existing and future users. Policy D1 (v) of the 2018 DCLP also seeks to ensure that design considers residential amenity.

4.62 There are four residential properties located on the south side of the site. The property at the entrance to the site known as 'The Gardens' is owned and occupied by the applicant. Two further residential properties are located with an A64 frontage set away from the application area and the fourth property, 'Gardenia' shares the southern boundary with the application site. The proposals include the replacement of an existing low level wall with a 1.8m high close boarded fence along the joint boundary. The area had previously been occupied by a large agricultural building, but records show that this was in situ prior to the 2013 application.

4.63 Public protection officers have raised concern that the uses could have the potential to generate noise and other environmental impacts that adversely impact local residents. Local residents have objected to the potential for increase noise and disturbance.

4.64 The application is supported by a Noise Impact Assessment (dated June 2019). This assessment sets out that a worst-case approach has been undertaken

including assuming all units are occupied by businesses which undertake noisy activities and operate 24 per day. It is also assumed that the development as a whole will load/unload four trucks per hours, during both day time and night time which they state is unlikely to occur in practice. The assessment also considers key features of the development including that the proposal is within an existing industrial/commercial areas and so it is not out of context with the area; the character of rated sound is unlikely to be different from the existing sound due to similar operations already present in the locality and considered unlikely that noise from the development will be distinct from the existing residual sound. Additionally, as the proposed units face away from residential dwellings, they provide screening from the loading bays of the existing units. The assessment concludes that the proposed development is considered to achieve good acoustic design, with all loading bays and workshop entrances screened from residential dwellings and the overall impact associated with the entire business park as a whole is likely to reduce should the development progress.

4.65 Uses and processes falling within Class B2 (General industrial) are wide ranging, however the type of businesses that operate from this site include motor repairs, storage facilities and fabrication business. The previous permission relating to the regularisation of the buildings on site (Ref: 12/01667/FULM) has restricted operating hours to Monday to Sunday 07:00 to 21:00 hours and the applicants are agreeable to the imposition of a similar condition to control the hours of operation of the new buildings.

5.0 CONCLUSION

5.1 There have been substantial amendments to the application scheme since the initial submission. This includes the removal of a landscaping embankment and reducing the number of units/buildings to 6 additional B2 units (provided in two separate buildings). The application also involves landscaping in the form of a tree belt and surface water drainage attenuation pond, as well as the realignment of the internal access roads and alterations to the access including the stopping up of the northern access off the A64 and a continuation of the grass verge.

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

5.3 National planning policy (para. 145) states that the construction of new building in the Green Belt should be regarded as inappropriate unless it falls within one of the exceptions. It is considered that the buildings comprising of 1596sqm for B2 use

represents limited infilling of previously developed land and due to their size, scale, form and position within the site would not would not have a greater impact on the openness of the Green Belt than the existing development. The proposal is therefore considered to fall within the exception in paragraph 145g) of the NPPF and is considered to be appropriate development in the Green Belt.

5.4 The other engineering operations presented in this application, namely the surface water attenuation pond is considered to preserve the openness of the green belt and to not conflict with the purposes of including land within it. Therefore it does not constitute inappropriate development by virtue of paragraph 146b) of the NPPF.

5.5 Whilst concerns have been expressed in respect to the stopping up of an access off the A64, this is outside the jurisdiction of the Local Highways Authority and the A64 trunk road is the responsibility of Highways England who have not raised any objections to the alterations of the access arrangements.

5.6 In other respects, the scheme following substantial revisions and subject to appropriate conditions, the scheme is considered acceptable in terms of visual and landscape impact, residential amenity, design, ecology and in respect to other environmental considerations.

5.7 As such, the proposal is considered to accord with national guidance in the NPPF and the Draft Development Control Local Plan policies subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

105 P10 Proposed Overall Site

110 P01 Proposed Plans and Elevations Units 22-24

111 P01 Proposed Plans and Elevations Units 25-27

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 uses hereby permitted shall be restricted to Monday to Sunday 07:00 to 21:00 hours

Reason: To protect the amenity of neighbouring residents

4 All deliveries to and from the site shall be confined to the following hours:

Monday to Sunday 7:00 to 21:00 hours

Reason: In the interests of the amenity of adjacent residential properties.

5 No parts, containers, waste materials or equipment connected with any process undertaken within any of the buildings the subject of the approval shall be placed or stored on any part of the site other than within a building.

Reason: To protect the openness of the Green Belt and the visual appearance of the site.

6 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval in writing. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment as so approved and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

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

7 Prior to the occupation of any unit hereby permitted, details of any additional lighting to be provided which is visible outside of the premises boundary shall be submitted to and approved by the local planning authority in writing. This should detail predicted light levels at neighbouring residential properties including a description of the proposed lighting, a plan showing vertical illuminance levels (Ev).

Reason: To protect the visual amenities of the Green Belt and the amenities of neighbouring occupiers.

8 Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:

- human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- iii. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10 Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land

and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

11 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12 Before the occupation of the units hereby permitted, 2 no Electric Vehicle Recharging Points shall be provided in a position and to a specification to be first agreed in writing by the Council. Within 3 months of the first occupation of the development, the owner will submit to the Council for approval in writing (such approval not be unreasonably withheld or delayed) an Electric Vehicle Recharging Point Maintenance Plan that will detail the maintenance, servicing and networking arrangements for each Electric Vehicle Recharging Point for a period of 10 years.

Reason: To promote and facilitate the uptake of electric vehicles on the site in line with the Council's Low Emission Strategy (LES) and the National Planning Policy Framework (NPPF).

13 Prior to commencement of development detailed design for the stopping up of the northern access shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the approved details for the stopping up have been implemented.

Reason: In the interests of highway safety as the proposed development takes access directly from the A64.

14 Prior to the commencement of development detail designs for a single southern access shall be submitted to and approved in writing by the Local Planning Authority. The development shall not brought into use until the approved details for the single southern access have been implemented.

Reason: In the interests of highway safety as the proposed development takes access directly from the A64.

15 Within 6 months of first occupation of either building hereby approved, a travel plan shall be submitted to the Local Planning Authority for approval in writing. The travel plan shall be developed and implemented in line with Department for Transport guidelines and shall be updated annually. The site shall thereafter be occupied in accordance with the aims, measures and outcomes of the approved travel plan. Within 12 months of occupation of the site a first year travel survey shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To reduce private car travel and promote sustainable travel.

INFORMATIVE: The travel plan shall contain; information on how to encourage reduction in car dependency and single occupancy journeys and to maximise knowledge of local transport choice.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that order), development of the type described in classes A and C of Schedule 2 Part 8 of that Order shall not be erected or constructed without the prior written approval of the Local Planning Authority following specific application in that respect.

Reason: In order to protect the openness of the Green Belt, in the interests of the visual amenity of the area and to ensure drainage is adequately provided for it is considered that development should be restricted. Furthermore the Highways Agency has expressed concerns about the potential to increase the use of the site and the impact of this on the A64 Trunk Road. In the interests of highway safety it is considered that any further development should be specifically controlled.

17 Notwithstanding the annotation shown on the plan, prior to the construction of the units, a detailed landscaping scheme for the area identified as 'tree belt' on the approved plan (Ref: 105 P10) shall be submitted to and approved in writing by the Local Planning Authority. It shall include the species, stock size, density (spacing), and position of trees, shrubs.

The landscaping scheme shall be implemented within a period of six months of the completion of the industrial buildings. Within three months of the implementation of the 'tree belt' a management plan detailing how the tree belt will be managed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: The plans do not provide details in respect to the 'tree belt' and to ensure that that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the entire site in order to conserve and enhance biodiversity.

18 HWAY19 Car and cycle parking laid out

19 The units hereby permitted shall only be used for Class B2 General Industrial purposes. The units must not be used for any other purpose, including any within Class B1 of the Town and Country Planning (Use Classes) Order 2015 (as amended).

Reason: The location of the site off a busy trunk road with limited access to public transport and cycling facilities is deemed to be an unsustainable location for office development.

20 The use of any units as offices (Class B1) shall only be as ancillary to General Industrial (Class B2) use.

Reason: The location of the site off a busy trunk road with limited access to public transport and cycling facilities is deemed to be an unsustainable location for office development (Class B1).

21 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

22 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: So that the Local Planning Authority may be satisfied that no foul and surface water discharges take place until proper provision has been made for their disposal.

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:

- Negotiation in respect to green belt issues, access and other works on site

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 recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

(c) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

(d) The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

(e) All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

(f) There shall be no bonfires on the site

3. INFORMATIVE:

i) The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

ii) The applicant should be advised that the Foss (2008) Internal Drainage Board's prior consent is required (outside the planning process) for any development including fences or planting within 9.00m of the bank top of any

watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge of surface water and/or treated foul water to the watercourse will also require the Board's prior consent.

Contact details:

Case Officer: Lindsay Jenkins

Tel No: 01904 554575