

## COMMITTEE REPORT

**Date:** 10 August 2017      **Ward:** Micklegate  
**Team:** Major and      **Parish:** Micklegate Planning  
Commercial Team      Panel

**Reference:** 15/02941/FUL  
**Application at:** English Martyrs Roman Catholic Church Dalton Terrace York YO24 4DA  
**For:** Construction of egress route from car park to rear of presbytery and church hall, relocation of gate posts and erection of gates  
**By:** FR John Bane  
**Application Type:** Full Application  
**Target Date:** 30 March 2016  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### SITE

1.1 The church site is within the Central Historic Core conservation area approximately 0.5km to the south of the city centre. The site fronts Dalton Terrace and is approximately 75m wide and 40m deep. On the site is the 1930's church with attached presbytery (both grade II listed) on the west side and a 1950's church hall on the east side. There are decorative front boundary walls that are also listed at grade II. There is a car park on the western side of the site.

1.2 The principal reception building of the Mount School, grade II listed, lies opposite the site. To the rear of the site and at a lower level is the detached dwellinghouse and garden of 20 Mount Parade (grade II listed) and the detached gardens of the early C19th development of grade II listed terraced houses at Mount Parade (the gardens sit in front of the houses being separated by a narrow lane). Immediately to the east are the 3 three storey Victorian terraced properties of 1-3 (odd) Dalton Terrace.

#### PROPOSAL

1.3 This application seeks permission for the construction of an egress route from the car park running along the rear boundary, to the rear of the presbytery and church hall, and exiting on Dalton Terrace via a new opening in the existing boundary wall circa 8m from the eastern end of the site. A new brick arch and gates would also be erected approximately 8.5m back from the new egress point.

## SITE HISTORY

1.4 Planning permission for the erection of a 3 storey end of terrace building (comprising 4 flats) was approved at the eastern side of the site, abutting no.3 Dalton Terrace, in May 2014 (CYC ref: 13/03595/FUL). Construction has just commenced on this development.

1.5 Pre-submission advice was sought for this current proposal for the construction of the egress route via the PREAPP process (CYC ref: 14/01432/PREAPP).

## COMMITTEE CALL-IN

1.6 The application has been called-in for determination by Councillor Kramm on highway safety grounds, impact on the conservation area and listed building and the general impact on the surrounding neighbourhood.

## 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF  
Listed Buildings: Grade II: Church of the English Martyrs Dalton Terrace

2.2 Policies:

CYGP1 Design  
CYHE2 Development in historic locations

## 3.0 CONSULTATIONS

### INTERNAL

Planning and Environmental Management (Conservation Architect)

Comments on Initial Submission

3.1 The proposals would maintain the character and appearance of the conservation area as seen from the main road. The effects on the setting of neighbouring heritage assets and on residential amenity need to be investigated. There is no information explaining the impact on boundary conditions to gardens at the rear of the site, the majority of which are associated with listed dwellings. This is particularly of concern due to the narrow space available at the rear of the church buildings.

## Comments following Submission of Further Information.

3.2 It is understood that highways colleagues support the scheme as it would improve safety on leaving the car park but they have required the proposed exit to be widened by 2m, however, this would not harm the character and appearance of the conservation area. As the wall is similar in character to the adjacent section which is listed, it is important that it is rebuilt in a matching style with reclaimed materials.

3.3 The main settings of the church and presbytery will be preserved. The new lane is narrow and an additional plan shows that a 1.8m-2m strip would be maintained between the lane and the boundary wall. Agents have assessed the retaining wall as not being affected by the proposals.

3.4 It is understood that further information has been provided in relation to the number and frequency of vehicular movements. If these are kept low and the fencing continued along the boundary, the quieter character of the inner block area should not be harmed.

3.5 Further information provided by the applicant/agent appears to confirm that the character and appearance of the area would be preserved, and there would be no additional harm to the setting of built heritage assets. Conditions are required for the following:

- a) Large scale details of the archway and gate
- b) The altered section of wall shall be rebuilt to match the existing wall and pier, and materials shall be reclaimed for reuse from the existing wall.
- c) A low level screen shall be provided to hide the waste bins. Details shall be provided.
- d) The extended part of the fence shall match the existing fence and timber fence posts shall be used.

## Planning and Environmental Management (Heritage Project Officer)

3.6 This site lies within the Central Area of Archaeological Importance it is also on the line of the Roman Road which approached York from Aldborough. Condition ARCH2 should be placed on any consent that is granted for this application.

## Highway Network Management

3.7 We have no objections to the proposed development from a highways point of view. The developer proposes to use a route through their land providing an informal entry and exit system for the car park of The Church of the English Martyrs on Dalton Terrace. The exit has been designed to afford a pedestrian visibility splay. The existing highway dropped crossing will be modified to provide a suitable dropped kerb access to the driveway. We would not expect a radius kerbed egress as drawn. *(Case Officer Note: Highways have since advised that this aspect can be addressed by an*

*Informative)*

3.8 Concerns have been raised about low sun affecting drivers travelling along Dalton Terrace at certain times of the year. This is an existing situation occurring sporadically which will cause drivers to slow down to observe the obstacles such as pedestrian crossing and stationary traffic experienced currently. Cars exiting the access at this point will have suitable visibility of oncoming traffic and judge the appropriate time to manoeuvre.

3.9 Concerns have been made regarding cars skidding into a neighbouring wall when turning in icy conditions whilst manoeuvring round the church. This will fall to the church to maintain and grit the route as appropriate, or provide some protection to the wall. This will be considered a private matter.

3.10 The following condition and informative, HWAY 19 (car and cycle parking laid out) and INF 1 184 (works in the highway), should be applied.

### Public Protection

3.11 There are two properties which have the potential for being most affected by the proposed egress route, one at 21 Mount Parade and the second at 3 Dalton Terrace (*CASE OFFICER NOTE: Public Protection has taken into account what the impact would be on the new end terrace when it is built*).

3.12 Noise levels in the area appear to be dominated by existing traffic along Dalton Terrace with result of the noise survey showing levels at the boundary of the site with 21 Mount Parade of 56dB(A) Leq, with L90 levels (the level of noise experienced with the noisiest 10% of events removed) of 46dB(A). Noise levels to the rear of the church show that noise levels are lower with levels of 48dB(A) Leq and 42 dB(A) L90.

3.13 Details seem to show that the majority of vehicle movements are associated with the Mount School, rather than church. Further submitted details show that up to 26 vehicles may visit the site in any one hour period. Based upon the maximum number of 113 vehicle movements the noise consultant has predicted noise levels over at 16 hour period of 40dB(A) Leq. In practice the submitted information shows that at peak times there can actually be up to 26 vehicle movements and so the likely noise level from this will be higher in the region of 46dB(A) Leq. Whilst this level is higher than the level stated within the report it would appear to be no greater than the background L90 level measured at the boundary of 21 Mount Parade and so the impact at the location is still likely to be minimal.

3.14 In terms of 3 Dalton Terrace the predicted level of noise from car movements is likely to be 4dB above the L90 level currently experienced to the rear of the church. However, any impact at this location is also likely to be minimal and there are no objections to the proposals on the grounds of loss of amenity due to noise.

3.15 In terms of air quality issues associated with fumes from vehicles the proposal site is already in the vicinity of an AQ sensitive area and is already congested. However, the traffic already exists on the network and trip generation for the site is not proposed to change and there are no concerns and an AQ assessment is not required.

3.16 In terms of the construction of the road a Construction Informative should be attached to any approval given in order to protect the amenity of the nearby residential properties.

## EXTERNAL

### Publicity and Neighbour Notifications

3.17 Objections have been received from 4 nearby households nos.7, 9, 20 and 21 Mount Parade as follows:

- a) No.21 Mount Parade sits circa 1m below the level of proposed road and effectively acts as a retaining wall - the side thrust created by thousands of vehicles using the new road will put excessive pressure on this property
- b) How will increased surface water run off be handled? – this could jeopardise the foundations of 21 Mount Parade and the stability of the soil behind this house
- c) Cars will have to negotiate a sharp right turn and will potentially collide with 21 Mount Parade especially in icy conditions – the church cannot be relied upon to grit the surface when required
- d) The garden of no.20 Mount Parade sits 1m below the church site – the existing rear wall to the Church (which is listed and is also the boundary wall for garden of no.20) will be damaged by the movement of vehicles – the wall should be inspected prior to any consent
- e) Land to north of the church site is private garden – proposal could increase on-site parking and the number of cars to 30-40 per day thereby eroding peaceful environment
- f) Noise will be worsened by cars negotiating ramp at rear
- g) Cars will travel more quickly increasing accidents
- h) Road width breaches Dft guidelines with a short 'pinch point' of 2.70m  
(CASE OFFICER NOTE: the latest layout plan provided by the applicants show that the road for its full length will meet the Dft guideline for a 'one-way' carriageway width of 2.75m)
- i) There is little justification for the route on road safety grounds; the exit point is unsafe as cars will have to project into carriageway to be able to see and it is also badly affected by winter sunlight leading to accidents
- j) What hours will church users keep?
- k) New road at rear will mean that properties will be open to burglaries
- l) Will erode character of conservation area

- m) Large vehicles will not be able to use route – what will they do when they find out?
- n) Previous approval for 4 flats (adjacent to church site) would require amendments as a result of this scheme - ie. cycle racks/waste bins/trees
- o) Existing fence will offer little sound reduction
- p) If approved conditions ensuring no construction vehicles at rear of church, details of road construction/surface/lighting/protection of rear wall and provision of full screening around north and east boundaries should be imposed
- q) Concerned that occupants of the new flats will park in church car park
- r) No mention of significant vehicle movement during school drop-off and pick up times or of church hall users during day and evening

3.18 The comments below were made specifically in relation to a Noise Impact Assessment submitted in support of the application; Public Protection response is in italics:

- s) The location chosen to undertake the survey (MP1) should have been the gardens or street of Mount Parade
  - *whilst in the gardens would have been the ideal position it is common practice to measure levels as near to the site as possible – MP1 is close to the gardens with the Church providing a noise barrier from traffic on Dalton Terrace and is therefore representative*
- t) The ‘local acoustic character’ of the area has been ignored
  - *the noise report states that the ‘local acoustic character’ of the area is ‘road traffic’ and Public Protection supports that view*
- u) Existing noise level is shown as 48dB and noise from the proposed egress route as 40dB meaning a total of 88dB which is unacceptable
  - *addition of noise levels is a logarithmic function not arithmetic so the noise projection is actually 48.6dB*

#### Micklegate Planning Panel

3.19 No comments received.

## **4.0 APPRAISAL**

### KEY ISSUES

4.1 The key issues in the assessment of this proposal are the impact upon the character and appearance of the conservation area and impact on the amenities of local residents.

### LEGISLATIVE BACKGROUND

4.2 Section 38(6) of the 1990 Act requires local planning authorities to determine planning applications in accordance with the development plan unless material considerations indicate otherwise. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of an LPA's planning function with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

## POLICY CONTEXT

### National Planning Policy Framework

4.3 There is no development plan in York other than the saved policies of the Regional Spatial Strategy relating to the general extent of the Green Belt. In the absence of a formally adopted local plan the most up to date representation of key relevant policy issues is the National Planning Policy Framework, March 2012 (NPPF). This sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. In Paragraph 17 it sets out 12 core planning principles that should underpin both plan-making and decision-taking. Of particular relevance here is the fourth principle, which advises that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

4.4 Paragraph 186 states that Local Planning Authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. Paragraph 187 states that Local Planning Authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

4.5 Paragraph 132 states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by or lost through alteration or destruction of the heritage asset or development within its setting. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use

### Draft Development Control Local Plan

4.6 The Development Control Local Plan was approved for Development Control purposes in April 2005; its policies are material considerations although it is considered that their weight is limited except where in accordance with the content of the NPPF. Policy CYGP1 requires development to respect or enhance the local environment, be of a design that is compatible with the character of the area and

neighbouring buildings, protect private, individual or community amenity space and ensure residents are not unduly affected by overlooking, overshadowing or dominated by overbearing structures. Policy HE2 'Development in Historic Locations' advises that development in conservation areas must respect adjacent buildings and be of a design that is compatible with the character of the area and neighbouring buildings.

## ASSESSMENT

### Proposals

4.7 There is a small car park on the western side of the Church site. This is used by parishioners and for activities undertaken in the church hall. It has been also used for a number of years, with the agreement of the Church, by parents dropping off and picking up children from The Mount infant and junior schools. The existing access/egress point for the car park has poor visibility for drivers leaving the site due to its location on a fairly tight bend and the proximity of a high brick boundary wall.

4.8 The application proposes to address this problem of visibility by providing an access route along the rear of the site that would egress via a new exit point on Dalton Terrace circa 75m to the east of the existing access/egress point. The existing access would be used as an 'in' point only and the new egress for exit purposes only. A brick arch with gates would be erected at the exit point 8.5m back from Dalton Terrace between the new 3 storey end of terrace building currently being erected and the church hall.

4.9 There is an existing access with brick piers either side in the front boundary wall at this eastern end of the site. This is on the site of the new end terrace building and would be lost due to the construction of this dwelling. The new exit point will be created slightly further to the west, between the church hall and the new dwelling, and one of the original brick piers would be rebuilt on the left hand side of this new egress point. Railings will be erected on the other side of the exit marking the front boundary of the new terrace building.

4.10 On the western half of the rear boundary there is a 2.1m high close boarded timber fence that sits in front of the brick boundary wall (listed structure) to no.20 Mount Parade. In the central part of the rear boundary is a stretch of 1.6m to 2m high rendered brickwork. To the east of this is a small length of 1.35m high close boarded timber fence beyond which, stretching to the eastern boundary, is a 0.8m high brick wall. The 2.1m high fence and rendered brickwork section will be retained as will the 0.8m high wall. It is proposed, however, to erect a 1.8m high close boarded fence in front of the 0.8m section of wall on the church side of the boundary.

4.11 Officers requested clarification about the number of vehicles that currently use the car park and how many it was considered may potentially use it if the scheme was



approved. Information provided by the applicants indicated that the largest user of the car park were parents visiting the schools. At first the figures showed that there were between 20 and 26 cars per session (ie. morning and afternoon drop off and pick up times). These were later downgraded to circa 15 cars per session; ie. a total of 30 per day Monday – Friday.

4.12 However, following discussions with officers the applicants have advised that the car park and new rear access will only be used in association with church activities and have provided details of these users who are namely parishioners coming to church services and users of the church hall; these are outlined below:

<u>Day</u>	<u>Activities</u>	<u>Begin</u>	<u>Finish</u>	<u>Cars</u>
Sunday	Service	10.00	12.00	15
Monday	Irish Dancing	17.00	19.00	4
	Service	18.00	19.00	3
	Scottish Dancing	19.00	23.00	2
Tuesday	Service	09.00	10.00	4
	Yoga	18.00	20.00	3
Wednesday	Service	12.00	13.00	2
	Tango	19.00	21.00	4
	Tango	20.00	23.00	3
Thursday	Running Class	17.00	19.00	2
	Service	18.00	20.00	4
Friday	Service	09.00	11.00	4
Saturday	Tango	10.00	12.00	4
	Service	17.00	19.00	15

4.13 On the basis of these latest figures, the general level of vehicular movements that would utilise the rear access amount to between 4 and 9 cars per day Monday to Friday with 15 on a Sunday and 19 on a Saturday. The greatest concentrations would be around services on a Sunday and Saturday when there would be 15 cars arriving circa 10.00 and 17.00 respectively and the same number of cars leaving circa 2 hours later each day.

### Evaluation

### Residential Amenity

4.14 In terms of the potential impact on the amenities of nearby residents the applicants submitted a Noise Impact Assessment. This Assessment was based on the higher level of car park usage first indicated by the applicants, which included parents dropping off/picking up at the Mount School. This assumed daily vehicle movements associated with the school from Monday to Friday to be between 60 and 78. On this basis the estimated total vehicular movements for the church car park from Monday to Friday were between circa 70 and 100 with movements on Saturday and Sunday circa 16-24.

4.15 Officers in Public Protection considered the Assessment and came to the conclusion that the impact of the scheme in noise terms would be minimal and they also had no concerns about impact on air quality. It should be noted that the consideration of this Assessment by Public Protection occurred before the applicants confirmed that the car park and new access would only be used by vehicles associated with church usage; ie. Public Protection's evaluation of the proposals was based on a considerably higher level of vehicular movements than would actually occur.

4.16 In this respect, the noise levels will be even lower than predicted in the Noise Assessment and the impact on air quality will also be reduced. On this basis it is not considered that there would be grounds to refuse the application on the basis of adverse impact on noise or air quality conditions for nearby residents.

4.17 In terms of potential noise from vehicles manoeuvring the ramp at the rear of the site. The applicants have submitted a plan which shows a section along the rear access. This shows that the existing ramp on the rear boundary has a gradient of 1:8 and that it will be re-graded to 1:13 (ie. a rise of 1m over a distance of 13m) and as a result it is not considered that negotiation of the ramp by vehicles would give rise to adverse noise emissions. The applicants have also confirmed that no additional lighting is proposed for the access road.

#### Impact on Stability of Rear Boundary Wall and 21 Mount Parade

4.18 The layout plan submitted with the application shows that its nearest point to no.21 Mount Parade it would be circa 1.85m away. This distance is maintained between the access road and the rear boundary wall along the full length of the rear boundary, increasing to 1.92m towards the eastern end of the site. In view of this distance of the road from the rear boundary, the fact that it is not of a particularly deep construction (ie. 460mm – 18 inches) and the limited number of vehicles that would use the rear access, it is not considered that there would be any adverse impact on the structural integrity of the rear boundary wall or 21 Mount Parade. It is considered, however, that a Method Statement for construction of the access road should be required by condition to ensure that any necessary mitigation measures to avoid adverse impact on the wall are implemented during the build.

4.19 It should be noted that the road surface itself will be of a permeable material thereby avoiding instability in the soil adjacent to and the foundations of the boundary wall and 21 Mount Parade. It is also not considered that cars will be travelling at such a speed in the car park that there would be a danger of collision with no.21 Mount Parade. If the conditions were icy it would be up to the Church, as it would be for any landowner, to address any potential problems by implementing measures to help, such as gritting. The LPA cannot enforce such measures.

### Highway Safety

4.20 Officers in the Council's Highways section consider the proposals to be acceptable and in respect of cars egressing at the new exit point, they consider there will be suitable visibility of oncoming traffic and an ability to judge the appropriate time to manoeuvre. With regards to large vehicles not being able to use the new access road, it is considered that it would be up to the Church to advise delivery companies of the limitations of the access. However, the car park is little used and it is likely that if a large vehicle did encounter difficulties it would be able to manoeuvre within the car park and egress by the access point.

### Other Issues

4.21 It is not considered that the proposal would give rise to burglaries of nearby properties.

4.22 On the point of the scheme involving changes to cycle parking, bin storage and tree proposals for the new end terrace dwelling, officers can advise that this consent did include the provision of shared cycle parking and bin storage in an area near the front of the adjacent church hall. However, the applicants now propose to provide cycle parking for the new dwelling within its own curtilage and revised details for bin storage in the same area adjacent to the church hall have been submitted with this application. No landscape proposals are affected by the proposals. Also any unauthorised use of the church car park by occupants of the new end terrace dwelling would be a private matter for the Church to resolve.

### Legislative and NPPF Policy Compliance

4.23 It is considered that the proposals will preserve the character and appearance of the conservation area and that in approving this application the Local Planning Authority will have properly exercised its duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4.24 In assessing the proposal officers have considered the desirability of sustaining and enhancing the significance of this listed building and putting it to a viable use consistent with its conservation, as required by Paragraph 131 of the NPPF. They have also considered the impact it would have on the significance of the conservation

area and listed building, as required by Paragraph 132 of the NPPF, and have judged that there will be no harm. As it is considered there will be no harm, there is no need to weigh the proposal against the public benefits as outlined in Paragraph 134 of the NPPF.

## **5.0 CONCLUSION**

5.1 It is considered that the proposals will respect the character and appearance of the conservation area and will not cause harm to the living conditions of local residents reason of noise or harm to air quality. As such it is considered that they satisfy national guidance in the NPPF and Development Control Local Plan Policy and are acceptable.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION:**

1 TIME2 Development start within three years

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

440/01(02)22D, 440/01(09)020, 440/01(09)022, 440/01(90)010, 440/01(90)011A, 440/01(03)031

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

3 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- a) new archway and gate
- b) waste bins enclosure

Reason: So that the Local Planning Authority may be satisfied with these details in the interests of the character and appearance of the conservation area.

4 The altered section of front boundary wall shall be rebuilt to match the existing wall and pier, and materials shall be reclaimed for reuse from the existing wall.

Reason: In the interests of the character and appearance of the conservation area.

5 The extended part of the fence shall match the existing fence and timber fence posts shall be used.

Reason: In the interests of the character and appearance of the conservation area.

6 The access road hereby approved shall not be brought into use until the areas shown on the approved plans for parking and manoeuvring of vehicles have been 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.

7 The rear access shall only be used for vehicle trips which are carried out in connection with activities at the church, presbytery and church hall (except for emergency vehicles).

Reason: In the interests of restricting the use of the car park to protect the amenities of local residents

8 A sign shall be erected at the entrance to the car park, prior to the use of the rear access hereby approved, advising that the access can only be used by vehicles visiting the site in connection with activities at the church, presbytery and church hall. Details of the sign shall be submitted to and approved in writing by the local planning authority prior to its installation and the sign shall thereafter be retained in perpetuity.

Reason: In the interests of restricting the use of the car park to protect the amenities of local residents

9 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an Area of Archaeological Importance and the development will affect important archaeological deposits which must be recorded during the construction programme.

10 A Method Statement outlining how the access road will be constructed, including in particular any mitigation measures required to ensure there will be no adverse impact on the structural integrity of the rear boundary wall and no.21 Mount Parade, shall be submitted to and approved in writing by the local planning authority prior to the commencement of works and the works shall be carried out in strict accordance with the approved details.

Reason: In the interests of protecting the structural integrity of the boundary wall and no.21 Mount Parade.

## **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:

Further details of proposed vehicular usage of proposed access, rear boundary treatment, bin storage, road position and construction and visibility at exit were secured.

Account has been taken of all relevant national guidance and local policies and with the attachment of conditions the proposal is considered to be satisfactory.

### 2 HIGHWAYS INFORMATIVE

The existing highway dropped crossing on the will be widened to provide a suitable dropped kerb access to the driveway. We would not accept a radius kerbed egress as drawn.

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

Streetworks Special Permission Contact: [streetworks@york.gov.uk](mailto:streetworks@york.gov.uk)

### 3 CONTROL OF POLLUTION ACT 1974

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

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