

## COMMITTEE REPORT

**Committee:** Planning Committee

**Ward:** Rural West York

**Date:** 29 March 2007

**Parish:** Hessay Parish Council

**Reference:** 06/02868/FULM

**Application at:** North Of England Clay Target Centre Tinker Lane Rufforth York YO23 3RR

**For:** Construction of 9 hole golf course and fishing lake (resubmission)

**By:** Philip Thompson

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 30 March 2007

### 1.0 PROPOSAL

1.1 The applicant seeks planning approval to construct a 9 hole golf course, with associated contouring, landscaping and fishing lake. (resubmission)

1.2 The application site is located within the designated Green Belt and the Minerals & Waste - Area of Search for Minerals (MW1) allocation on the City of York Proposals Map (April 2005).

1.3 The site and existing field boundaries are currently dominated by both managed and fragmented hedging. Mature tree species also exist within and along the aforementioned field boundaries.

1.4 The flat topography of this area has necessitated the construction of dykes to aid drainage. Smawith Dyke is particularly prominent within the site. Shallower drainage channels follow the lines of past field boundaries that no longer exist.

1.5 The "Reconnaissance Agricultural Land, Classification Survey" (ALC) Survey, Report and Map, February 1999. (Farming and Rural Conservation Agency) rates the agricultural land as being Grade 3b; moderate quality agricultural land. Generally this land consists of poorly drained soils with medium clay loam, heavy clay loam or clay topsoils directly overlying gleyed and slowly permeable clay subsoils.

1.6 Currently the application site is used for the grazing of bullocks.

1.7 The application site borders the North of England Clay Target Centre to the east, Low Moor Lane to the north and is equidistant to the villages of Hessay and Rufforth.

#### Relevant History

06/01991/FULM - Construction of 9 Hole Golf Course and Fishing Lake - Withdrawn 13th November 2006

01/02756/FUL - Formation of Fishing Lake - Approved 11th July 2002

This approval remains valid until July 2007.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

Floodzone 2 Flood Zone 2 CONF

Floodzone 3 Flood Zone 3

### 2.2 Policies:

CYGP4A  
Sustainability

CYGP14  
Agricultural land

CYGB1  
Development within the Green Belt

CYGB3  
Reuse of buildings

CYGB13  
Sports facilities outside settlements

CYT4  
Cycle parking standards

CYL3  
Criteria for golf course/driving ranges

CYMW1  
Areas of search for sand and gravel

## **3.0 CONSULTATIONS**

## INTERNAL

### 3.1 YORK CONSULTANCY (Drainage) - No Objections.

"However, raising of the existing ground levels in this north-east section (adjacent to hole 7) should be minimised to prevent loss of flood storage area."

### 3.2 CITY DEVELOPMENT - No Objections - (Policy guidance provided)

3.3 SPORT AND ACTIVE LEISURE PARTNERSHIP - Support the application as they "are keen to develop and support new facilities that will increase opportunities for participation in Sport and Active Recreation activities".

### 3.4 ENVIRONMENTAL PROTECTION UNIT - No Objections (Conditions and Informatives to be included).

### 3.5 LIFELONG LEISURE AND LEARNING - No Objections

"While the facility will not have a significant impact on the provision of outdoor sport and recreation opportunities in the city we would welcome its development as it would offer some opportunities in the west of the city"

## EXTERNAL

### 3.6 ENVIRONMENT AGENCY - No Objections (Conditions Included)

The Agency has no objections to the proposed development but wishes to make the following comments:

"Nothing other than inert excavated natural materials shall be tipped on the site"

3.7 MARSTON MOOR INTERNAL DRAINAGE BOARD - do not object to the proposals in principle but believe that there is a number of details that require to be provided by the applicant before the Board are happy to accept that there will be no impact.

Therefore at this time the Board requires that any approval granted to the proposed development includes conditions.

### 3.8 NATURAL ENGLAND - No Objections (Informatives Included)

### 3.9 YORKSHIRE WATER - No Objections (Conditions and Informatives Included)

### 3.10 HESSAY PARISH COUNCIL - No Objections (Comments Included)

\* Two applications are required one for a tip and one for the golf course.

\* Application should be called in by the Secretary of State, due to the City of York Councils financial interest in the site.

\* Concerned about where the extracted clay will be extracted to.

- \* Concerns about the impact on Oak View, Low Moor Lane.
- \* Impact upon the Yorkshire Water sewerage pipe.

3.11 PARISH OF RUFFORTH AND KNAPTON - No Objections. The following comments were made:-

- \* Noise Controls should be introduced during construction.
- \* Concern over a possible increase in traffic.
- \* Condition should be included to prevent future floodlighting.

3.12 Three letters of objection has been received regarding the applicants' proposals. The following concerns have been raised.

- \* Increased noise, traffic and pollution.
- \* Adequate provisions for fishing already exists in the area.
- \* Loss of wildlife habitats and grassland.
- \* Concerns about the extraction of clay down to a depth of two metres.
- \* City of York Councils financial interest in the site has not been declared.
- \* There is no demand for a golf course.
- \* Concerned about access through Hessay village.
- \* Visual Impact of bunding.

## 4.0 APPRAISAL

### KEY ISSUES

- \* Planning Policy
- \* Visual Impact
- \* Access/Vehicular Movements
- \* Drainage/ Contouring/Importation of Recovered Soil
- \* Landscape/Environment
- \* Flood Compensatory Measures
- \* Impact upon Designated Green Belt

### PLANNING POLICY

4.1 Policy GP14 (Agricultural Land) states that planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1,2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal can not be located elsewhere.

The proposed site is located on grade 3b agricultural land as indicated above.

4.2 Policy GB1 - Development in the Green Belt states that within the Green Belt, planning permission for development will only be granted where:

- a) the scale, location and design of such development would not detract from the open character of the Green Belt; and

- b) it would not conflict with the purposes of including land within the Green Belt; and
- c) it would not prejudice the setting and special character of the City of York;

AND it is for one of the following purposes (includes relevant criteria only)

essential facilities for outdoor sport and outdoor recreation; or  
cemeteries

or

reuse of existing buildings.

All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

4.3 Policy L3 - Golf Courses and Driving Ranges states that applications for golf courses and driving range development will be permitted providing:

- a) the proposal would not have an adverse effect on the landscape, the dominant features of which should be retained; and
- b) new buildings are kept to the minimum in line with the operational requirements of the activity; and
- c) proposals would not lead to the loss of existing public rights of way and would exploit the opportunity to provide new public access to the countryside; and
- d) the proposal does not involve development on the best and most versatile agricultural land (defined as grades 1,2, or 3a); and
- e) proposal would not be visually intrusive due to the use of floodlighting or extensive fencing.

4.4 Policy GB3 - Reuse of Buildings states that outside defined settlement limits planning permission for the reuse of buildings within the Green Belt and open countryside will be granted provided:

- a) the reuse does not have a materially greater impact than the present use on the openness of the Green Belt; and
- b) the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
- c) the proposed reuse will generally take place within the fabric of the existing building and will not require extensive alteration, rebuilding or extension; and
- d) the form, bulk and general design of the buildings are keeping with their surroundings; and
- e) the buildings are not in close proximity to intensive livestock units or other uses that may result in a poor level of amenity for the occupier of the building; and

- f) there is already a clearly defined cartilage.

4.5 Policy GB13 - Sports Facilities Outside Settlement Limits states that within the Green Belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where:

- a) the facilities are essential to support the outdoor provision; and
- b) the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity; and
- c) there are no opportunities to provide the built facilities in adjacent settlements; and
- d) any new buildings or structures and associated parking do not detract from the openness of the Green Belt or open countryside or result in the coalescence of settlements; and
- e) the proposal will not compromise grades 1,2 or 3a agricultural land.

Proposals for non-essential facilities even if they are considered to complement the principle outdoor activity (e.g. additional function rooms, indoor leisure) are inappropriate developments. In such cases the applicant would be required to demonstrate very special circumstances to justify why the presumption against development should not apply.

The proposed site is rated as grade 3b agricultural land.

4.6 Policy MW1 - Minerals and Waste (Areas of Search) is to provide flexibility in meeting demand for aggregate minerals and will safeguard the meeting of demand for sand and gravel extraction beyond the period of the Local Plan. The proposed development is deemed not to compromise the area of search and the meeting of demand for sand and gravel extraction.

4.7 Policy T4 - Car and Cycle Parking states that the provision of cycle parking will be required in accordance with the standards set out in Appendix E of the Development Control Draft Local Plan. Information regarding car parking standards is also set out in the aforementioned Appendix E. Comments should also be received from the Highways Department.

4.8 Policy NE1 'Trees, Woodlands and Hedgerows' the aforementioned, which are of landscape, amenity, nature conservation or historical value, will be protected by:

- \* Refusing development proposals, which result in their loss or damage; and
- \* Requiring trees or hedgerows which are retained on development sites to be adequately protected during any site works; and
- \* Making tree preservation orders for individual trees and groups of trees which contribute to the landscape or local amenity; and
- \* Making hedgerow retention notices where appropriate to protect important hedgerows and; ensuring the continuation of green/wildlife corridors.

4.9 NE2 'Rivers and Streams Corridors, Pond and Wetland Habitats' states that development which is likely to have a detrimental impact upon the natural features of

the river and stream corridors, ponds or wetland habitats will not be permitted. Their environmental and amenity value will be conserved and enhanced by:

- \* Protecting existing natural features and marginal vegetation and encouraging their reinstatement when lost;
- \* Resisting development that would have adverse impact on their landscape character
- \* Promoting the maintenance, enhancement and , where appropriate, the restoration of their character;
- \* Ensuring the design of structures and engineering works are appropriate in form and scale to their setting.

4.10 NE3 'Water Protection' states that when determining applications, account will be taken of any impact the development will have on watercourses, open water or underground water supplies. Development proposals will be expected to minimise any adverse effects on these sources.

4.11 GP15a "Development and Flood Risk" states, there will be a presumption against built development (except for essential infrastructure) within the functional floodplain outside existing settlement limits.

Proposals for new built development on previously undeveloped land outside defined settlement limits will only be granted where it can be demonstrated that the development will not result in the net loss of floodplain storage capacity, not impede water flows and not increase flood risk elsewhere.

#### 4.12 GP4a "Sustainability" Policy GP4a: Sustainability

Proposals for all development should have regard to the principles of sustainable development as summarised in criteria a to i below.

All commercial and residential developments will be required to be accompanied by a sustainability statement. The document should describe how the proposal fits with the criteria listed below and will be judged on its suitability in these terms.

Development should:

- a) provide details setting out the accessibility of the site by means other than the car and, where the type and size of the development requires, be within 400m walk of a frequent public transport route and easily accessible for pedestrians and cyclists;
- b) contribute toward meeting the social needs of communities within City of York (including, for example, housing, community and recreational facilities, car clubs, recycling facilities and communal laundry blocks) and to safe and socially inclusive environments;
- c) maintain or increase the economic prosperity and diversity of the City of York and maximise employment opportunities (including supporting local goods and services providing training and employment for local unemployed and young people);

- d) be of a high quality design, with the aim of conserving and enhancing the local character and distinctiveness of the City;
- e) minimise the use of non-renewable resources, re-use materials already on the development site, and seek to make use of grey water systems both during construction and throughout the use of the development. Any waste generated through the development should be managed safely, recycled and/or reused. The whole life costs of the materials should be considered;
- f) minimise pollution, including that relating to air, water, land, light and noise;
- g) conserve and enhance natural areas and landscape features, provide both formal and informal open space, wildlife areas and room for trees to reach full growth;
- h) maximise the use of renewable resources on development sites and seek to make use of renewable energy sources, such as heat exchangers and photovoltaic cells;
- i) make adequate provision for the storage and collection of refuse and recycling.

4.13 PPS1 - Delivering Sustainable Development (Paragraph 1) states that good planning contributes towards environmental protection. Paragraph 19 states that planning authorities should seek to enhance the environment as part of development proposals.

4.14 Planning Policy Guidance Note 2 'Green Belts' sets out the purposes of including land within Green Belts and establishes specific categories of development that are appropriate within Green Belts. All other development is deemed inappropriate and therefore harmful to the Green Belt. For such development to be acceptable in Green Belts very special circumstances must be demonstrated to show that the harm is outweighed by other considerations. Policy E8 of the North Yorkshire County Structure Plan establishes a Green Belt around the City of York and Policy E9 states that planning permission will only normally be granted for the change of use or redevelopment of existing buildings in connection with agriculture, outdoor sport, cemeteries or large institutions and 'other uses appropriate in a rural area'. The boundaries of the Green Belt are detailed on the Proposals Map of the City of York Local Plan Deposit Draft (CYLPDD) and this site clearly falls within the Green Belt.

4.15 Planning Policy Statement 7 "Sustainable Development in Rural Areas" sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas.

4.16 Planning Policy Statement 9 "Biodiversity and Geological Conservation" sets out planning policies on protection of biodiversity and geological conservation through the planning system..



4.17 Planning Policy Guidance 13 "Transport" objectives are to integrate planning and transport at the national, regional, strategic and local level and to promote more sustainable transport choices both for carrying people and for moving freight.

4.18 Planning Policy Guidance 17 "Planning for Open Space, Sport and Recreation" sets out the policies needed to be taken into account by regional planning bodies in the preparation of Regional Planning Guidance (or any successor) and by local planning authorities in the preparation of development plans (or their successors); they may also be material to decisions on individual planning applications.

4.19 Planning Policy Statement 25 "Development and Flood Risk" sets out Government policy on development and flood risk. It's aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall.

## VISUAL IMPACT

4.20 The nature of the surrounding topography and the lack of extensive habitation or public access, in close proximity to and across/around the site respectively, mitigates the visual impact of the development significantly. The villages of Hessay and Rufforth (the latter's Parish Council submitting no objections) are both located at a lower level than the site and significant vantage points are limited.

4.21 The visual impact is further mitigated by the following distance provisions:-

Distance from Junction of Low Moor Lane to nearest Golf Course boundary = 451 metres.

Distance from Mizpath Cottage(nearest dwelling) on Shirbutt Lane = 480 metres.

Distance from Mizpath Cottage(nearest dwelling)on Shirbutt to the proposed first tee = 1230 metres.

Distance from the Defined Settlement Limit of Hessay to nearest Golf Course boundary 600 metres.

4.22 Peripheral bunding to a height of 3 metres (used to define and contour the course) in conjunction with significant tree, shrub and grass planting (although visible as individual landscape components)screen any proposed earth works, land surface contouring or additional water bodies from most viewpoints other than those immediately adjoining the site.

4.23 Photographs illustrate clearly the limited visual impact, from a number of relevant vantage points, including the Rufforth Hall and Middlewood Close, Rufforth and Low Moor Lane, Hessay.

## ACCESS/VEHICULAR MOVEMENTS

4.24 The proposed golf course and fishing pond will be accessed from Wetherby Road, using the partially shared (with Yorwaste Ltd)metalled access road. The

aforementioned road already services the North of England Clay Target Centre and has provisions for vehicles to pass.

4.25 No access has been proposed from Low Moor Lane.

4.26 Vehicle movements to and from the Clay Target Centre, using the only access/exit road on Saturday and Sunday (the Centres busiest day) currently stand at 40 vehicles per day. The majority arrive between 9am and 1pm, staying for approx. 2-3 hours.

4.27 A nine hole golf course can accommodate 36 players at anyone time (based on 9 fourballs). Most fourballs are anticipated to play 18 holes, with tee off times restricted to 20 minute intervals, therefore 12 players are expected to tee off every hour. On competition days the shooting ground will be closed, therefore the maximum number of vehicles using the site roads and car parks at the most concentrated times will be approx. 28 per hour.

4.28 On none competition days playing groups will often consist of 1, 2, 3 and 4 players, teeing off at sporadic times, therefore in order to estimate a reasonable worse case scenario a figure of 10 players per hour has been used arriving in 8 cars.

4.29 Highway Network Management have no objections to the proposal.

#### DRAINAGE/CONTOURING/IMPORTATION OF RECOVERED SOIL

4.30 The application site is very flat and low lying. This not only reduces the interest in golfing terms, but also prevents the necessary levels of surface water drainage required to keep a golf course in a playable condition throughout the year.

4.31 The impeded nature of the existing drainage means that the required shaping is unachievable through cut and fill; it is therefore necessary to import recycled soils and sub-soils to create the new grades. The new holes will be graded with positive falls in all directions of around 5%, and raised to allow invert above the water table. Flows will be directed into the existing dyke network and proposed ponds, avoiding an increase in water levels in low areas around existing trees.

4.32 Both "Marston Moor Internal Drainage Board" and "York Consultancy" have no objections to the applicants' proposals, however conditions have been imposed requiring the submission more detailed and specific plans for future approval.

4.33 The applicant proposes to import approx 620,000 tonnes of fill to create the desired landforms. The exact quantity of imported soils required to achieve this volume depends on the level of settling out combined with the compaction that occurs.

4.34 Imported materials will consist of excavated, uncontaminated earth spoils and soils from Harewood Whin. All the tipped materials will be free from litter and putrescible/biodegradable matter. The Environment Agency in their consultations require this to be the case and relevant conditions have been imposed.

4.35 Materials will be transported across land using an existing network of tracks. The development therefore serves a dual purpose by providing an outlet for the surplus materials and eliminating the problem of alternative disposal.

## LANDSCAPE/ENVIRONMENT

4.36 In parts the landscape will be raised approx. 3 metres (principally in the south west corner, along the north eastern boundary and either side of Smawith Dyke). Slopes will gradually incline for ease of management and to bolster their suitability for habitat creation.

4.37 Generally though, the areas between the aforementioned high points will be raised approx. 1 metre above existing ground levels with the exception of higher golf hole detailing. Area around retained landscape features will be remain as existing.

4.38 The majority of mature trees and hedges will be retained and it is not anticipated that there will be any loss of historic features or boundaries. Bunding and other golf course contouring will be formed and located to secure the future wellbeing of the aforementioned trees. At the request of the Local Planning Authority, a distance of 12 metres (minimum) as been provided to ensure earthworks are not carried out under existing tree canopies. With the existing grassland being largely devoid of wildlife habitats, the proposed alterations along with new planting are considered to enhance the scale and range of habitats increasing the richness and diversity.

4.39 Landscaping has been divided into 5 distinct categories, which cumulatively, along with existing landscape features combine to improve both the visual/wildlife interest of the golf course.

Woodland Block Planting - will consist of mixed native tree/shrub planting. Whips (0.6 - 0.9m) will dominate, however some feather standards (1.8 -2.7 m) will be planted amongst them, providing immediate height and interest. Woodland planting will dominate the eastern boundaries, however small clusters of planting are proposed centrally.

Hedgerow Planting - hedgerows containing Hawthorn, Blackthorn, Hazel, Field Maple, Holly and Dogwood (1300 metres in total) will be planted along the northern field boundary with Mullingar Farm House and the eastern boundary with the adjoining property "Moor Villa Farm. Additional planting is also proposed to bolster existing field boundaries. The benefit of such planting it threefold; firstly it screens the golf course from the aforementioned properties, secondly it improves wildlife corridors and finally it increases available habitat for a range of species.

Marginal Planting - native species planting around the proposed water features.

Grass Seeding - will be introduced to provide a high quality playing surface as well as providing valuable habitats for wildlife. This latter is particularly pertinent in the areas set aside as both semi and deep rough.

Wildflower Planting - drift of wildflowers will be seeded sporadically across the site, to be managed/harvested for the benefit of insects and other wildlife species.

4.40 The Countryside Officer for the Local Authority also considers the proposals to have little impact on existing wildlife interests and foresees considerable potential for wildlife enhancement, particularly with the amount and mix of native planting proposed.

#### FLOOD COMPENSATORY MEASURES

4.41 The course is not adjacent, or close to major watercourses. Smawith Dyke, which flows through the site, drains local field runoff and does not have a significant catchment to contribute to flows. The Environment Agency's flood zone map does not indicate that flooding of the course site from Smawith Beck is likely.

4.42 The aforementioned flood zone map does show two parts of the site, where flood risk issues should be considered prior to the construction. These areas include:-

- a) a minor watercourse that forms the western boundary of the site (though the risk is confined to the banks of the channel). To mitigate any impact no grading works are proposed within 8 metres of the bank top.
- b) The north eastern corner of the site lies within Flood Zone 2. This area is not a flow route, with flooding resulting from the backing up of a watercourse running north towards Poppleton and the Ouse.

4.43 To address (b), Compensatory Storage will be incorporated into the scheme. Calculations taking into account the difference between current ground elevations (18.20M AOD) and those required to form the golf course, it was determined that there would be a loss of 1613 cubic metres of floodplain storage. To mitigate the loss of the available floodplain a calculated area within the north eastern corner (running adjacent to the Low Moor Lane boundary) will be lowered to 18.05m AOD.

#### IMPACT UPON THE DESIGNATED GREEN BELT

4.44 The facilitation of outdoor recreation within the designated Green Belt is considered to be an appropriate form of development under Policy GB1, providing it meets certain criteria. Criteria (a) "the scale, location and design of such development would not detract from the open character of the Green Belt" is most pertinent in this instance.

4.45 The aforementioned bunding by virtue of its proximity to existing field boundaries will be visible from certain vantage points (in particular Low Moor Lane), however the open expanses of grasslands and mature field boundaries which would appear to "characterise" this particular site and those areas surrounding have been retained in the main and are only significantly adapted to accommodate specific features of the golf course.

4.46 Currently, there are very few direct views across the application site from beyond designated boundaries. Views are continually interrupted by the

aforementioned landscape features; although this is admittedly compounded by the proposed bunding and contouring in places, the open countryside can still be enjoyed through the adaptation of personal vantage points as is the case currently.

4.47 Policy L3 "Golf Courses and Driving Ranges" requires golf courses not to "have an adverse effect on the landscape, the dominant features of which should be retained". By virtue of the requirement to consider the overall impact upon the designated Green Belt, the same conclusions as set out above are relevant in this instance.

## **5.0 CONCLUSION**

5.0 The proposed 9 hole golf course is considered to be an appropriate form of development within the designated Green Belt. In terms of design, the proposed topography, course design and landscaping, all combine to provide significant interest to this low grade agricultural land, for wildlife, golfers and other countryside users.

The construction processes and indeed usage following completion, will have little impact upon the amenity currently enjoyed by the villages of Rufforth and Hessay as well the residents of neighbouring properties, in particular Mullingar Farm, Moor Villa Farm and other properties on Low Moor Lane.

## **COMMITTEE TO VISIT**

**6.0 RECOMMENDATION:** Approve

1 TIME2

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

To be completed on the receipt of revised plans

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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

3 Unless otherwise agreed in writing by the local planning authority, no building or other obstruction, including trees and ground level changes, shall be located over or within 3 (three) metres either side of the centre line of the sewer, which crosses the application site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

- 4 No materials other than inert excavated natural materials from Harewod Whin shall be tipped on the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and in the interests of visual amenity.

- 5 No development shall take place until (a) the applicant has secured the implementation of an agreed programme of archaeological work (archaeological evaluation to include geophysical survey and trial trenching) which has been agreed in writing by the LPA and submitted a report on the evaluation to the LPA and these have been agreed in writing by the LPA and (b) the applicant has secured the implementation of an agreed programme of archaeological mitigation measures (such measures to record any archaeological features and deposits which will be destroyed or damaged by the approved development) which has been agreed in writing by the LPA.

Reason: This development may have an effect on archaeological deposits which may be preserved within the site and this effect must be kept to a minimum.

- 6 LAND1

- 7 Prior to the development commencing details showing the point of discharge of or overflow from the ponds, along with details of how such a discharge operates shall be submitted for the written approval of the Local Planning Authority.

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

- 8 Prior to the development commencing details showing the condition and ability of existing ponds to accept surface water discharge shall be submitted for the written approval of the Local Planning Authority.

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

- 9 Prior to the development commencing details showing the condition and ability of existing watercourses to accept surface water discharge shall be submitted for the written approval of the Local Planning Authority.

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

- 10 Prior to the development commencing full details of all Smawith Dyke crossings shall be submitted for the written approval of the Local Planning Authority.

Reason: In the interests of good watercourse management and user safety.

- 11 No development approved by this permission shall be commenced until details of any temporary works, in, under, over or adjacent to the watercourse have been submitted to and approved by and implemented to the satisfaction of the Local Planning Authority.

REASON : To maintain the watercourse whilst works are carried out.

- 12 A strip of land 9 metres wide adjacent to the top of both banks of all watercourses on Site shall be kept clear of all new buildings and structures (including gates, walls, fences and trees) unless agreed otherwise in writing with the Local Planning Authority. Ground levels must not be raised within this area.

REASON : To maintain access to the watercourse for maintenance or improvements.

- 13 All drainage routes through the Site shall be maintained both during the works on Site and after completion of the works. Provisions shall be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

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

Informative

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The affect of raising Site levels on adjacent property must be carefully considered and appropriate measures taken to negate influences.

- 14 No development approved by this permission shall be commenced until a Scheme for the provision of surface water drainage works has been approved by the Local Planning Authority . Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

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

- 15 An assessment of the contamination status of soils brought onto site shall be undertaken. The results of the investigation shall be submitted to and

approved by the local planning authority in writing prior to any development commencing on the site.

Reason: to Protect the Health of users of the golf course

- 16 No access to the site shall be taken from Low Moor Lane, Hessay, by vehicles associated with the construction of the development or patrons of the completed development.

Reason: To avoid damage to the public highway and in the interest of highway safety and the amenities of the residents of Hessay.

- 17 No use of the existing internal access route to and car park of the Clay Target Centre shall be made by earth moving equipment.

Reason: To avoid conflicts between current users of the site and construction traffic in the interests of public safety.

- 18 No deliveries of imported bulk construction materials to the site shall be from the B1224 via the village of Rufforth.

Reason: In the interest of the amenities of the residents of Rufforth and highway safety.

- 19 Prior to the development coming into use, details shall be submitted to and approved in writing by the Local Planning Authority, of strengthening works to and passing place provision on the access track to the site and to the extension of the car park provision.

Reason: In the interest of safety and convenience of patrons and visitors to the site.

- 20 Prior to the commencement of the development hereby permitted detailed estimates of the tonnage of construction materials and the number of associated vehicle movements shall be submitted to and approved by the Local Planning Authority.

Reason: To assess the impact of heavy vehicle movements on the local highway network and in the interests of highway safety.

- 21 HWAY31

## **7.0 INFORMATIVES: Notes to Applicant**

### **1. REASON FOR APPROVAL**

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged



importance, with particular reference to visual amenity, environmental/landscape issues, flooding/drainage, highway issues and its impact upon the designated Green Belt. As such the proposal complies PPS1, PPG2, PPS7, PPS9, PPG13, PPG17, PPS25 and Policies L3, GB3, GB13, MW1, T4, GP4a, NE1, NE2, NE3, GP15a, of the City of York Development Control Draft Local Plan.

## 2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be 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 attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. 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.	

2. 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".

3. 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.

4. 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.

5. 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.

6. There shall be no bonfires on the site

### 3. Yorkshire Water Observations

i) On the Statutory Sewer Map, there is a 100mm diameter public foul water sewage pumping main recorded to cross the site. The agent is being contacted direct. In this instance, a stand-off distance of 3 (three) metres is required at each side of the sewer centreline.

ii) Development of the site should take place with separate systems for foul and surface water drainage.

iii) Foul water domestic waste (if any) may discharge to the 100mm diameter public foul water sewage pumping main recorded crossing the site. A pumped connection will be required and the peak foul water discharge must not exceed 3 (three) litres per second.

iv) Foul water from kitchens and/or food preparation areas of any restaurants and/or canteens etc. must pass through a fat and grease trap of adequate design before any discharge to the public sewer network.

v) The local public sewer network does not have capacity to accept any discharge of surface water from the proposal site.

vi) Sustainable Systems (SUDS), for example the use of soakaways and/or permeable hardstanding, may be a suitable solution for surface water disposal that is appropriate in this situation. The use of SUDS should be encouraged and the LPA's attention is drawn to PPS25. The developer and LPA are advised to seek comments on the suitability of SUDS from the appropriate authorities. The developer must contact the Highway Authority with regard to acceptability of highway drainage proposals.

vii) The developer is also advised to contact the relevant drainage authorities with a view to establishing a suitable watercourse for the disposal of surface water. It is understood that a watercourse (Smawith Dike) is located through/to the south of the site.

4. The applicant is informed that the granting of planning permission does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of the Circular 06/2005.

#### **Contact details:**

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