



## Notice of meeting of

### **East Area Planning Sub-Committee**

- To:** Councillors Hyman (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, King, Moore, Orrell, Taylor and Wiseman
- Date:** Thursday, 7 May 2009
- Time:** 2.00 pm
- Venue:** The Guildhall, York

## **A G E N D A**

**There will be no Site Visits for this meeting.**

**1. Declarations of Interest**

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Minutes**

(Pages 3 - 23)

To approve and sign the minutes of the last meeting of the Sub-Committee held on 12 March and 9 April 2009.

**3. Public Participation**

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is **Wednesday 6 May 2009 at 5pm.**

#### **4. Plans List**

To determine the following planning applications related to the East Area.

- a) **2 Millford Mews, Haxby, York, YO32 3HY.** (Pages 24 - 28)  
**(09/00387/FUL).**

This application seeks planning permission for the erection of a single storey pitched roof side extension on a detached property. [Haxby & Wigginton Ward].

- b) **Wigginton Cottage Farm, Wigginton** (Pages 29 - 46)  
**Road, Wigginton, York, YO32 2RH.**  
**(09/00095/FUL).**

This application seeks full planning permission for the drilling of boreholes for the testing, appraisal and operation of a coal bed methane plant and associated works. [Haxby & Wigginton Ward]

#### **5. Urgent Business**

Any other business which the Chair considers urgent under the Local Government Act 1972

#### Democracy Officer:

Name: Laura Bootland

- Telephone – (01904) 552062
- E-mail – [laura.bootland@york.gov.uk](mailto:laura.bootland@york.gov.uk)

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

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If you would, you will need to:

- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
- ensure that what you want to say speak relates to an item of business on the agenda or an issue which the committee has power to consider (speak to the Democracy Officer for advice on this);
- find out about the rules for public speaking from the Democracy Officer.

**A leaflet on public participation is available on the Council's website or from Democratic Services by telephoning York (01904) 551088**

### Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

### Access Arrangements

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

Every effort will also be made to make information available in another language, either by providing translated information or an interpreter providing sufficient advance notice is given. Telephone York (01904) 551550 for this service.

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### **Holding the Executive to Account**

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

### **Scrutiny Committees**

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

### **Who Gets Agenda and Reports for our Meetings?**

- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
- Relevant Council Officers get copies of relevant agenda and reports for the committees which they report to;
- Public libraries get copies of **all** public agenda/reports.

City of York Council

Committee Minutes

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	12 MARCH 2009
PRESENT	COUNCILLORS HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN
APOLOGIES	COUNCILLORS

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**70. INSPECTION OF SITES**

Site	Attended by	Reason for Visit
8 Audax Close	Cllrs Hyman, Douglas, Firth and Wiseman. Cllr Moore as Ward Member.	To familiarise Members with the site.
York University	Cllrs Hyman, Douglas, Firth, Moore, Wiseman and Orrell.	To familiarise Members with the site.

**71. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Moore declared a personal and prejudicial interest in agenda item 4c (Audax Court) as he had spoke in objection to the Licensing Application for the premises concerned and therefore had pre-determined the application. He spoke from the floor as Ward Councillor and then left the room and took no part in the discussion and voting for this item.

Councillor Funnell declared a personal non-prejudicial interest in agenda item 4c (Audax Court) as she had sat on the Licensing Hearing for the premises.

**72. MINUTES**

RESOLVED: That the minutes of the meetings of the Sub-Committee held on 8 January 2009 and 5 February 2009 be approved as a correct record and be signed by the Chair.

**73. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme on general issues within the remit of the Sub-Committee.

**74. PLANS LIST**

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable development), relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and Officers.

**74a 8 Hall Rise, Haxby, York, YO32 3LP. (08/02429/FUL)**

Members considered a full application for the demolition of an existing bungalow and the erection of 2 detached dwellings.

Officers updated that the application had been referred to the Sub-Committee due to a previous refused application. Members were advised that the Town Council now had no objections subject to a condition requesting the retention of trees, shrubs and railings. These suggestions had already been taken into account in Conditions 6 and 20. Officers advised that condition 8 had also been amended. Officers confirmed that the proposed external building materials would relate well with the other buildings in the surrounding area.

RESOLVED: That the application be approved subject to the conditions listed in the officers report and the following amended condition:<sup>1</sup>

Condition 8 – Notwithstanding the information shown on the approved drawings, prior to the development coming into use, the initial 6.0m of the vehicular access, measured from the back of the public highway, shall be surfaced, sealed and positively drained within the site.

REASON – To prevent the egress of water and loose material onto the public highway.

REASON: 1.In the opinion of the Local Planning Authority the proposal, subject to the conditions listed in the Officers report and above, would not cause undue harm to interests of acknowledged importance, with particular reference to:

- Design and Appearance
- Residential Amenity

- Highway Safety
- Tree Protection
- Sustainability
- Drainage
- Safeguarding of Protected Species
- Open Space Contributions

As such the proposal complies with national planning advice contained within Planning Policy Statement 1 (“Delivering Sustainable Development”) and Planning Policy Statement 3 (“Housing”), and Policies H4a, H5a, GP1, GP4a, GP15a, NE6, GP9, GP10, GP3 and L1c of the City of York Local Plan Deposit Draft.

2.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 remediation scheme 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.

3. The developers 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

- i. 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”.
- ii. 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.
- iii. 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.

- iv. 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.

4. **INFORMATIVE**

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 as follows: Vehicle Crossing Section 184).

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**74b C D Bramall Garage, 260 Malton Road, Huntington, York, YO32 9TE. (08/02816/FULM)**

Members considered a major full application for the change of use from a car showroom to a tile and stone warehouse/distribution outlet with ancillary retail sales.

Officers updated that an outstanding issue with highways had now been resolved. They advised that an additional condition relating to cycle storage and parking would be required.

Members queried the following:

- Whether another tile warehouse would be closed if this one be approved
- If an extension would be applied for by the applicant
- If delivery times to the site could be conditioned.
- If any improvements towards discouraging car use had been made since the previous application.
- If officers could act if retail sales become dominant.
- Why a sequential test had still not been carried out.

In answer to Members questions, the Applicant's Agent confirmed that the site is large enough for her client's requirements and no extension would be required and that there would be no store closures in other parts of York as a result of this application. She advised due to the nature of the goods being supplied, it was reasonable to expect patrons to be using cars, but the site is close to the Park and Ride.



Members commented that this use would be preferable to another car dealership and that they were happy to see the site being brought back into use.

RESOLVED: That the application be approved subject to the conditions listed in the officers report and the following additional condition:<sup>1</sup>

Condition to be advised.

REASON: 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 impact on the Green Belt, highway safety, retail impact on York City and other shopping centres, neighbour amenity and sustainability. As such the proposal complies with national advice within Planning Policy Guidance Note 2 ("Green Belts") and Policies GB1, GB3, GP1, SP7A, S2 and GP4A of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**74c 8 Audax Close, York, YO30 4RB. (08/02511/FUL)**

Members considered an application for the change of use from office use to a hot food takeaway.

Officers updated that a letter had been received from the neighbouring nursery and in response to members questions, confirmed notices were displayed in the vicinity and letters sent to neighbouring properties advising of the application.

Representations in objection to the application were heard from the owner of a neighbouring children's nursery. He raised concerns regarding traffic problems in the area, including the fact that 95% of children attending the nursery arrive by car. He felt that if this application were to be approved, the area would become further congested, especially in the evening. He advised that at present he controls bollards at the entrance to the court which he puts up on an evening and that he would be unwilling to take them down so the takeaway would not have direct vehicular access at the time it would require it.

Representations also in objection to the application were received from Councillor Moore as Ward Member. He confirmed that crime had been

reduced in the area in recent times and he felt that if approved, a takeaway which would be open when everything else is closed, could attract people into an otherwise quiet area. He felt that the application was an inappropriate use for these particular commercial outlets.

Members felt they could not support the Officers recommendation of approval as they felt that the use of an office unit for a takeaway was inappropriate and would have a detrimental effect on the letting of the other vacant units in its vicinity. Some Members also had concerns in relation to traffic and access.

Officers confirmed that the application could be refused under the national guidance relating to incompatibility of mixed use.

RESOLVED: That the application be refused.<sup>1</sup>

REASON: It is considered that the nature of the proposed use would be incompatible with the adjacent office uses and may hinder the future letting of these vacant units. It is considered that the proposal would result in the loss of an existing employment site and would thus conflict with Policy E3b of the City of York Draft Local Plan. The proposal would also conflict with Central Government advice contained within Planning Policy Guidance Note 4 "Industrial and Commercial Development and Small Firms", which recognises that the juxtaposition of incompatible uses can cause problems for the occupiers both of the new and the existing development. The guidance states that planning authorities should consider carefully whether particular proposals for new development may be incompatible with existing industrial and commercial activities.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**74d Dunnington Lodge, Elvington lane, Dunnington, York, YO19 5LT.  
(09/00044/FUL)**

Members considered an application to convert an existing farmhouse and attached cottage into an organic children's day nursery with associated landscaping and car parking.

Officers updated that the reason for refusal had been reworded into one following discussion with Highways Officers.

Members queried why the York Maize Maze application was approved which is in a similar location to this application. Officers confirmed that the Maze Maize only operates for 3 months of the year while this application is year round and is therefore deemed unsustainable.

Representations in support of the application were heard from the applicant who advised Members that a 3 stage safety audit had been submitted and that there are no safety issues for the site. In response to the potential problems of transport to the site, it was confirmed that an agreement had been reached to allow a private minibus, operated by the Nursery, to run from the closest park and ride site. She stated that already 55 parents had expressed an interest in using the nursery and that 20 jobs would be created.

Members felt that as the applicant had a solution to the transport problems and would be providing such a good facility for the area, they were happy to approve the application and delegated to Officers to draft up any conditions.

RESOLVED: That the application be approved subject to the following conditions:<sup>1</sup>

Condition 1 – The development shall be begun not later than the expiration of the three years from the date of this permission.

Reason – To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

Condition 2 – The development hereby permitted shall be carried out only in accordance with the approved plans or any plans or details subsequently agreed in writing by the Local Planning Authority as 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.

Condition 3 – Before the development works associated with the approved use of the building as a day nursery begin, details of all external materials, to be used in the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 4 – Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved details, before the use as a day nursery commences.

New windows, rooflights and doors.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 5 – Notwithstanding the details shown on the approved plan, no permission is hereby granted for the insertion of the two sets of French/double doors in the front elevation of Dunnington Lodge.

Reason – In the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan Policy GP1.

Condition 6 – The building shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles (and cycles, if shown) have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of highway safety.

Condition 7 – Details of the lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority and subsequently implemented in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason – In the interests of visual amenity of the area and York Green Belt and to comply with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan Policies GP1 and GB1

Condition 8 – The premises shall be used for a Childrens day Nursery and for no other purpose, including any other purpose in Class D1 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason – So that the Local Planning Authority may re-assess alternative uses which without this condition may have been carried on without planning permission

by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987.

Condition 9 – A scheme to provide 5% of the energy requirements of the approved use as a day nursery from renewable energy sources generated on site shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented prior to the commencement of the use. Written confirmation from the installer of the technology, post build, verifying the installation has been installed shall be submitted to the Local Planning Authority prior to occupation. The site thereafter must be maintained to the required level of generation.

Reason – In the interests of providing sustainable development and to comply with Planning Policy Statement 22: Renewable Energy and City of York Draft Local Plan Policy GP4a

Condition 10 – The use as a day nursery shall not commence until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason – So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan policies GP1 and GP9.

Reason – So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of visual amenity and to comply with Planning Policy Statement 1: Delivering Sustainable Development and City of York Draft Local Plan policies GP1 and GP9.

Condition 11 – Before the commencement of and during the works to create the car parking and dropping off area, adequate measures shall be taken to protect the existing planting on this site. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior to

the commencement of works, including excavation or storing of materials.

Reason – The existing planting is considered to make a significant contribution to the amenities of this area and to the visual amenity of the York Green Belt and to comply with Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan policies GP1 and NE1.

Reason – The existing planting is considered to make significant contribution to the amenities of this area and to the visual amenity of the York Green Belt and City of York Draft Local Plan policies GP1 and NE1.

Condition 12 – Details of all means of enclosure to the site boundaries and within the site shall be submitted to and approved in writing by the Local Planning Authority and shall subsequently be provided on site before the use as a day nursery commences.

Reason – In the interests of the visual amenities of the area and the York Green Belt and to comply with Planning Policy Statement 1: Delivering Sustainable Development, Planning Policy Guidance Note 2: Green Belts and City of York Draft Local Plan Policy GP1.

Condition 13 – Prior to the use commencing, a travel plan shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include measures to be adopted by the day nursery to reduce dependence on the private car and encourage sustainable means of travel to and from the site, along with details for annually monitoring staff and customer travel to the site.

Reason – To ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with provision of parking on site for these users in accordance with advice contained in Planning Policy Guidance Note 13: Transport.

**REASON:**

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 the impact on the Green Belt, highway safety and the benefits of the proposal, particularly the local need for the facility, which outweighs the disadvantages in terms of sustainability. In terms of car journeys, it is considered that the proposed use would not be unsustainable due to the potential for linked trips. As such the proposal

complies with Policies GP1, GP4a, GB1, GB3, T13A, NE1, C1 and C7 of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**74e The University of York, University Road, Heslington, York, YO10 5DD. (08/02807/FULM).**

Members considered an application for a three storey building for the Centre of Immunology and Infection with roof top plant room and associated parking, cycle parking and landscaping.

Officers circulated an update detailing a number of additional conditions, particularly in relation to drainage.

Representations in support of the application were received from the applicant's agent who referred to the sustainable features of the proposed building including the design and use of timber to ensure a low carbon footprint and the bio mass boiler.

Certain members commented on the design of the building, and felt it was not visually pleasing but in context to other buildings in the vicinity, overall they were happy with the proposal.

RESOLVED: That the application be approved subject to the conditions listed in the report and the following additional conditions:<sup>1</sup>

Condition 10 – 10% of the energy requirements of the development hereby approved shall be provided from renewable energy resources generated on land under the control of the applicant. The development shall be carried out in accordance with submitted details and the approved scheme shall be implemented prior to the first occupation of the development. Written confirmation from the installer of the technology, post build, verifying the installation has been installed shall be submitted to the Local Planning Authority prior to occupation. The site thereafter must be maintained to the required level of generation.

Reason – In the interests of providing sustainable development.

Condition 11 – The development hereby approved shall be constructed to a BREEAM standard of at least Very Good. A formal post construction assessment by a licensed BREEAM assessor and a copy of the

certificate will be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority'.

Reason – In the interests of sustainable development.

Condition 12 – No development shall commence until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority and carried out in accordance with these approved details.

These details shall include:

1. Calculations and invert levels of the existing surface water system should be provided together with details to include calculations and invert levels of the proposals for the new development. This will enable the impact of the proposals on the downstream University watercourse/lake to be assessed.

2. Additional surface water shall not be connected to any foul/combined sewer, if a suitable surface water sewer is available.

3. Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 1.40l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst case volume required.

4. Details of run off rates including calculations of both the existing and proposed rates.

5. Details of future management /maintenance of the proposed drainage system.

Reason – So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site to comply with guidance contained within Planning Policy Statement 25 (Development and



Flood Risk) and that provision has been made to maintain the proposed drainage system.

REASON:

1. 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 the impact on the Green Belt, the principle of development within the existing campus, visual impact, design and appearance, sustainable development and drainage. As such the proposal complies with national guidance in Planning Policy Statement 2 ("Green Belts") and Policies GB1, GP1, ED6, GP4a and GP15a of the City of York Local Plan Deposit Draft.

2. The developers 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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974.

- i. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS5228: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".
- ii. 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.
- iii. 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.
- iv. 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.
- v. Any asbestos containing materials shall be removed by licensed contractors to a licensed disposal site.

vi. There shall be no bonfires on the site.

3. In the event that contamination is found at any time when carrying out the approved development, the findings must be immediately reported in writing to the Local Planning Authority. In such cases, an investigation and risk assessment shall be undertaken, and where remediation (clean-up) is necessary a remediation scheme must be prepared which is subject to the prior written approval of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which shall be subject to the written approval of the Local Planning Authority.

Should the 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.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 3.40 pm].

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MEETING	EAST AREA PLANNING SUB-COMMITTEE
DATE	9 APRIL 2009
PRESENT	COUNCILLORS FIRTH, HYMAN (CHAIR), GREGAN (VICE-CHAIR), DOUGLAS, FUNNELL, KING, MOORE, ORRELL, TAYLOR AND WISEMAN

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**75. SITE VISITS**

	Attended by	Reason for Visit
Willow Court, Holtby.	Cllr Hyman & Cllr Moore	To familiarise Members with the site.
York University	Cllrs Hyman & Cllr Moore	To familiarise Members with the site.

**76. DECLARATIONS OF INTEREST**

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Councillor Cregan declared a personal non prejudicial interest in agenda item 4b (Land to the West Of Metcalfe Lane, Osbaldwick, York) due to his involvement with the Derwenthorpe Partnership Forum.

**77. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED: That the press and public be excluded from the meeting during consideration of the Annexes to agenda item 5 (Enforcement Cases Update) on the grounds that they contain information, if disclosed to the public would reveal that the Authority proposes to give, under any enactment a notice under or by virtue of which requirements are imposed on a person, or that the Authority proposes to make an order or directive under any enactment as exempt under Paragraph 6 of Schedule 12A Section 100A of the Local Government (Access to Information) (Variation) Order 2006.

**78. PUBLIC PARTICIPATION**

It was reported that nobody had registered to speak under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

**79. PLANS LIST**

**79a Former Piggeries Rear Of Willow Court, Main Street, Holtby, York.  
(08/01446/FULM)**

Members considered a major full application for the change of use of dilapidated pig rearing buildings to commercial storage. None of the buildings would be extended but would need building works to bring them up to the required standard. A communal toilet block would be constructed to serve the development. Other proposed works include new hard-standings, turning areas, parking spaces, access-ways, fencing, external lighting, cycle parking, drainage and landscaping.

Officers updated that two further letters of objection had been received and that there would be grounds for refusal of the application under Holtby Village Design Statement.

Representations in objection to the application were heard from the Parish Council who advised that 80 residents had objected to the proposal due to considerable concern regarding the potential for an increase in traffic going through the village. Representation in objection to the application was also heard from the Ward Member who raised concerns mainly regarding the visual impact of the proposed buildings on the Green Belt and Holtby Village as the site is clearly visible from the road.

Representations in support of the application were heard from the applicant who advised that the site is a problem as it is difficult to find an alternative use. He advised that he had looked at similar sites nationally and that the application had been carefully considered and would be a suitable use.

Members queried the possible impact on Holtby village should the site return to farming and debated that any use would increase traffic and impact visually on the area due to the location of the site.

Certain members sympathised with the applicants plight and felt that they could support the application as a use needs to be found for the site due to its current unsightly appearance.

Other Members felt that the use applied for was unsuitable due to its location and likely impact on Holtby and the Green Belt.

**RESOLVED:** That the application be refused.<sup>1</sup>

**REASON:** 1.It is considered that the nature and scale of the proposed development and the associated uses of land, together with the prominent location of the site,

would give the site an overtly commercial character, out of keeping with the rural character of Holtby village and the surrounding area, contrary to national planning advice contained within Planning Policy Statement 1 (“Delivering Sustainable Development”), policy GP1 of the Draft City of York Local Plan and design guidelines contained within the Holtby Village Design Statement (2005).

2.It is considered that the nature and scale of the proposed development and the associated uses of the land, together with the prominent location of the site, would have a materially greater impact than the present use on the openness of the Green Belt. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 (“Green Belts”) and policies SP6, GB1 and GB3 of the Draft City of York Local Plan and design guidelines contained within the Holtby Village Design Statement (2005).

3.The applicant has not demonstrated to the satisfaction of the Local Planning Authority that the buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction. The proposal therefore constitutes inappropriate development in the Green Belt, contrary to national planning advice contained within Planning Policy Guidance Note 2 (“Green Belts”) and policies SP6, GB1 and GB3 of the Draft City of York Local Plan.

4.The site is in a remote location with inadequate cycle and pedestrian facilities within the adjacent public highway network and lack of convenient public transport connections. Bearing in mind these local constraints the applicant has not demonstrated that the proposal constitutes a sustainable form of development in accordance with national planning advice contained within Planning Policy Guidance Note 13 (“Transport”) and policy GP4a of the Draft City of York Local Plan.

5.The site is directly served by a derestricted and unlit road with no dedicated cycle and pedestrian facilities. Bearing in mind these local constraints the applicant has not demonstrated the proposal is suitable in terms of highway safety and security, having particular regard to its year round use with associated traffic movements into/out of the site during the hours of darkness.

6. Insufficient drainage details have been submitted to show how foul and surface water generated by the proposal would be properly attenuated and how flood risk from all sources to the development itself and to others will be managed. The application therefore conflicts with the national planning advice contained within Planning Policy Statement 25, policy GP15a of the Draft Local Plan and the council's adopted Strategic Flood Risk Assessment.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**79b Land To The West Of Metcalfe Lane, Osbaldwick, York.**

Members considered a full application for the erection of a two storey building containing a single storey plant room and two storey ancillary community facility with separate foul water pumping station and access road. The community facility consists of a lobby with seating area and an office on the ground floor. The first floor would contain a viewing gallery and a large multi-purpose room which could be used for a variety of community uses.

Officers reminded members that the site has outline planning consent for 540 houses and a community facility site. Members were updated that Drainage had no objections but had added another condition.

Representations in objection to the application were heard from a local resident who represents Meadlands Residents Association who expressed concern at this further application being made for a Community Facility following a previous additional application for Temple Avenue and the initial application for 540 houses. He suggested that the application should be rejected until all the issues surrounding traffic, sustainability, drainage and hedge management are resolved.

Representations in objection were also heard from York Natural Environment Trust who object in principle to the development of the land.

Representations in support of the application were heard from the applicant who advised that the biomass boiler included in the application would assist in achieving the eco-homes targets required under the Section 106 agreement for the site. The applicant confirmed he would be happy to have a BREEAM rating of very good for the building as a condition.

Members queried why no sustainability statement had been submitted for the application. Officers advised that although no statement had been

received, sustainability had been addressed as the development in itself is sustainable.

Members queried whether treatment of the boundary hedge could be conditioned, Officers confirmed it could.

RESOLVED: That the application be approved subject to the conditions listed in the Officers report and the following additional conditions:<sup>1</sup>

Condition 12 – Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with the approved details.

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

Condition 13 – Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development first comes into use.

Reason – In the interests of visual amenities of the area.

Condition 14 – Prior to the commencement of development, the developer shall submit for the written approval of the Local Planning Authority a preliminary BREEAM Design and Procurement stage assessment for the development. This shall indicate that a minimum 'Very Good' rating will be achieved under the appropriate code. This shall be followed by the submission of a BREEAM Post Construction Review and a BREEAM Certificate for this review shall be submitted to the Local Planning Authority after completion of the building. Both assessments shall confirm that the minimum 'Very Good' rating indicated in the preliminary BREEAM Design and Procurement assessment submitted with the application.

Reason – In order to create sustainable development.

REASON 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:

- the principle of development
- access;

- design/visual amenity
- environmental health;
- sustainability; and
- biodiversity

As such the proposal complies with Policies GP1, GP4a, NE7 and C1 of the City of York Draft Local Plan.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**79c Telecommunications Installation including 12m high pole with 3no antenna (perpendicular design with overall height of 14.2m) and associated ground equipment (revised mast design).**

Members considered an application for prior notification for approval to be granted for a telecommunications installation including a 12m high pole with 3no antenna (perpendicular design with overall height of 14.2m) and associated ground equipment (revised mast design) for Vodafone Ltd.

Officers updated that no objection had been received from Hull Road Planning Panel but objections had been received from Osbaldwick Parish Council as the site is on the border of both Wards. Officers advised that other sites had been considered including the other side of the same street but a gas main had prevented that side being used. Members were advised that the site was the most suitable in terms of the coverage level required by the applicant.

Representations in objection to the mast were heard from a family member of a resident who lives directly opposite the proposed site. He advised that the house had been the family home since it was built and his elderly relative was distressed at the prospect of a mast being located outside of the property. Representations in objection were also heard from Osbaldwick Parish Council who advised that the proposed site is too close to residential properties and the trees nearby will offer little visual protection from the mast.

Councillor Morley spoke as Ward Member in objection to the application and advised that the location is unacceptable and feels the applicant has merely changed to the other side of the street due to a gas main at the other side as alternate sites do not give suitable coverage. He felt the site would be too close to local schools. He urged Members not to approve the mast.



Members commented that residents have a right to object if a mast is proposed to be located outside of their property and that the local authority should be supporting these objections.

RESOLVED: That the approval of the authority is refused.<sup>1</sup>

REASON: The proposed mast would result in a visually intrusive structure that would have a detrimental impact on residential amenity due to its siting in close proximity to adjacent properties, its height and appearance. This is considered contrary to national guidance in PPG8 (Telecommunications) and Policy GP20 of the City of York Development Control Local Plan, 4<sup>th</sup> set of changes approved April 2005.

Action Required

1. Issue the decision notice and include on the weekly planning decision list within the agreed timescales. SS

**80. ENFORCEMENT CASES - UPDATE.**

Members considered a report, which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by this Sub-Committee.

RESOLVED: That the reports be noted.

REASON: To update Members on the number of outstanding enforcement cases within the Sub-Committee area.

K Hyman, Chair

[The meeting started at 2.00 pm and finished at 4.00 pm].

## COMMITTEE REPORT

**Committee:** East Area  
**Date:** 7 May 2009

**Ward:** Haxby And Wigginton  
**Parish:** Haxby Town Council

**Reference:** 09/00387/FUL  
**Application at:** 2 Milford Mews Haxby York YO32 3HY  
**For:** Single storey pitched roof side extension  
**By:** Mr Nigel Burchell  
**Application Type:** Full Application  
**Target Date:** 29 April 2009

### 1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of a single storey pitched roof side extension on a detached property at 2 Milford Mews, Haxby

Size - Projects approx 4.0m. Width approx 9.25m. Height 2.6m to eaves, 3.5m to ridge.

1.2 Relevant Property History - Planning Application ref. 3/57/7793/OA removed Permitted Development Rights from this property (Classes A to E) Had this not been the case, the proposal would have constituted Permitted Development.

1.3 The application is referred to Committee as the applicant is an employee of City of York Council.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005

2.2 Policies:

CYGP1  
Design

CYH7  
Residential extensions

### 3.0 CONSULTATIONS

#### INTERNAL

Design Conservation and Sustainable Development - Tree and Landscape Officer

The extension would be located approximately 5.0 metres from a protected oak tree. A condition has been recommended requiring the tree to be protected during the construction phase.

#### EXTERNAL

Haxby Town Council - No objections

Neighbour Response - No objections from consulted neighbours.

### 4.0 APPRAISAL

Key issue(s)

- impact on neighbours
- impact on the streetscene

The relevant policies and guidance:

4.2 DRAFT LOCAL PLAN POLICY CYH7 - residential extension states that residential extensions will be permitted where (i) the design and materials are sympathetic to the main dwelling and the locality (ii) the design and scale are appropriate to the main building (iii) there is no adverse effect upon the amenities of neighbours.

4.3 DRAFT LOCAL PLAN POLICY CYGP1 - design sets out a series of criteria that the design of development proposals would be expected to meet. These include requirements to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.4 Supplementary Planning Guidance 'A Guide to Extensions and Alterations to Private Dwelling Houses' March 2001

The main planning issues raised by this application are whether the proposed development would have a detrimental impact on the residential amenities of nearby properties and the visual appearance and amenities of the surrounding area.

4.5 The Application site. No 2 Milford Mews is set within a spacious plot. There would still be sufficient amenity space following development. There are no issues in terms of off-road parking, or cycle storage.

4.6 Effect upon the Street Scene. Part of the proposed extension will be visible from Milford Mews. However, it is set back approx 0.5m, is of modest scale, well designed, and harmonious to the existing dwelling. It would not significantly harm the character and appearance of the area.

4.7 Effect Upon Neighbouring Property. The proposed extension will barely be visible from the adjoining properties, nos 1 and 3 Milford Mews. It is set back a minimum of approx 7.0m from the shared boundary of no 117 York Road, and this boundary is well screened with a hedge. The dwelling itself is a further approx 25.0m away. As a result of these separation distances, no issues arise in terms of overshadowing, loss of light, privacy or over-dominance. Immediate neighbours have been consulted and no replies have been received.

4.8 The extension would be located approximately 5.0 metres from a protected oak tree. The Tree and Landscape Officer considers the proposal to be acceptable subject to a condition requiring the tree to be protected during the construction phase.

## 5.0 CONCLUSION

The proposal is unlikely to detract from the character and appearance of the area or have a detrimental impact on the neighbours within close proximity to the proposal. It would not cause undue harm to the amenity of neighbours or the impact significantly upon the street scene.

## 6.0 RECOMMENDATION: Approve

- |   |        |  |
|---|--------|--|
| 1 | TIME2  | Development start within three years   |
| 2 | PLANS1 | Approved plans - Drawing nos 830-03 and 830-04 received on 3rd March 2009  |
| 3 | VISQ1  | Matching materials   |
| 4 |        | Before the commencement of development including excavations, site clearance, building operations, or the importing of materials, a method statement regarding protection measures for the existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. This statement shall include details and locations of protective barriers to be shown on a plan; site access during demolition/construction; arrangements for loading/off-loading; parking |

arrangements for site vehicles; locations for storage of materials; location of site compound.

The protective barrier line shall be adhered to at all times during development to create exclusion zones. None of the following activities shall take place within the exclusion zones: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles. Within the exclusion zones there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new service runs or drains et al.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and make a significant contribution to the amenity of the area.

**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 the impact on the residential amenity of adjacent occupiers and the impact on the streetscene. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the Council's Supplementary Planning Guidance "Guide to extensions and alterations to private dwelling houses".

**Contact details:**

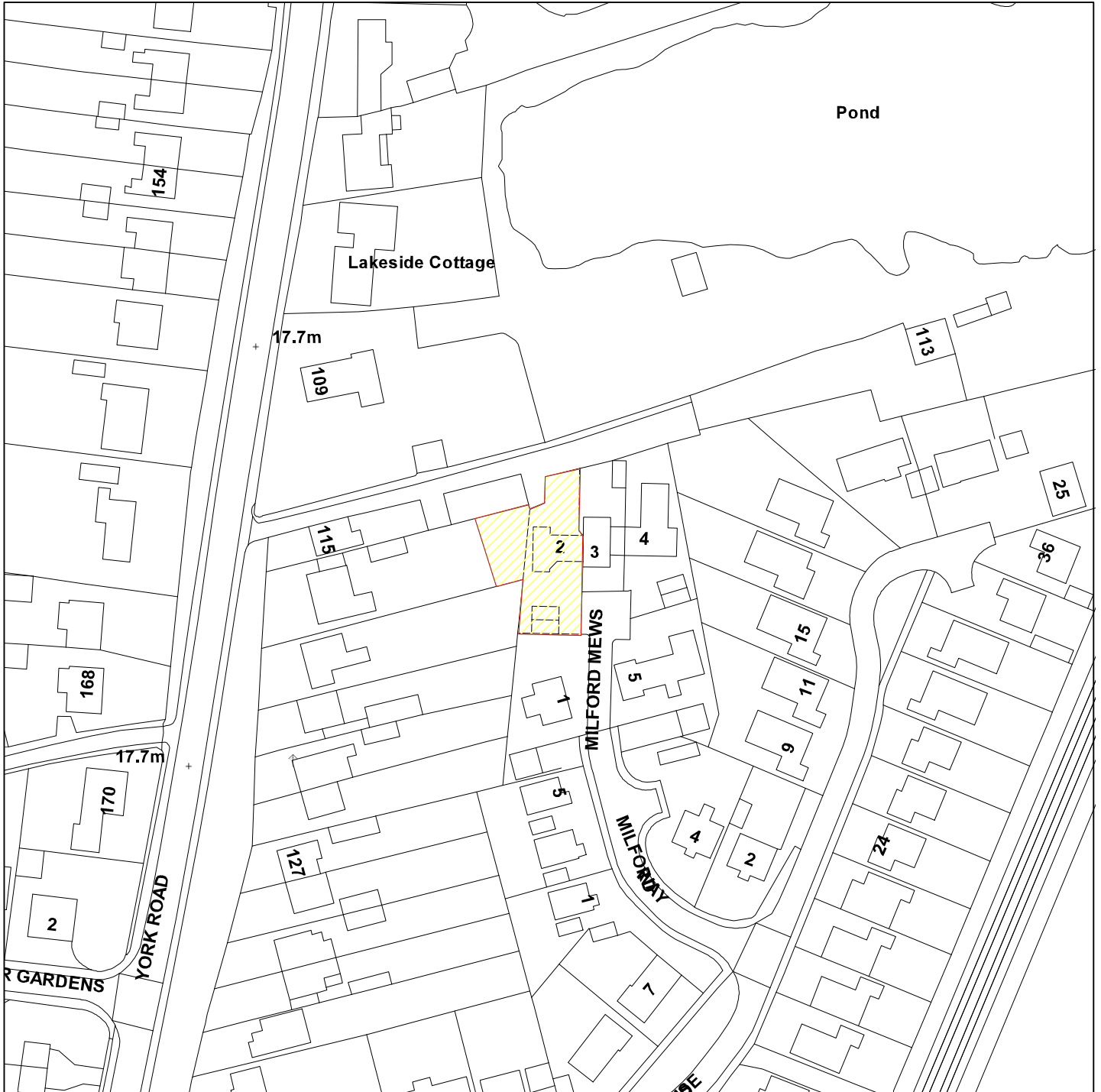
**Author:** Paul Edwards Development Control Assistant  
**Tel No:** 01904 551668

# 2 Milford Mews

09/00387/FUL



GIS by ESRI (UK)



Scale : 1:1250

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	28 April 2009
<b>SLA Number</b>	Not Set

**COMMITTEE REPORT****Committee:** East Area**Ward:** Haxby And Wigginton**Date:****Parish:** Wigginton Parish Council**Reference:** 09/00095/FUL**Application at:** Wigginton Cottage Farm Wigginton Road Wigginton York YO32 2RH**For:** Drilling of boreholes for the testing, appraisal and operation of a coal bed methane production plant and associated works**By:** Mr Gary Cooper**Application Type:** Full Application**Target Date:** 23 March 2009**1.0 PROPOSAL****1.1 Proposed Development**

The application seeks full planning permission for the drilling of boreholes for the testing, appraisal and operation of a coal bed methane extraction production plant and associated works on land to the south west of Wigginton Cottage Farm, Wigginton Road, Wigginton. The application has been accompanied by an Environmental Statement.

The development would take part in four stages; site preparation; drilling to appraise the suitability of the coal to produce gas; extraction of gas; capping and restoration. Site preparation would take approximately 8 weeks and includes; construction of an access road; removal of topsoil to be stored in a bund around the site; installation of surface water drainage; laying of a geo textile membrane to protect the sub soil and aid with site stability; the laying of compacted stone to provide a suitable surface for machinery and vehicles; and erection of a post and rail fence.

Once the site preparation has been completed, equipment would be brought onto the site including; a drilling rig; water storage tanks; drilling mud screens and tanks, pipes and stores. Fuel for the rig would be stored on site within double skinned containers. Approximately 10 cabins would be placed on site to house the drilling crew. Circular concrete cellars would be constructed below ground level for each borehole to be drilled, with the drilling rig (which will not exceed more than 30 metres in height) located above each cellar in turn. During this phase the strata would be drilled to a depth of up to 1000m. A safety device known as a "blowout preventor" would be placed above each well, which prevents any loss of gas into the atmosphere, should there be any change in gas pressure. Drilling and taking coal cores would take approximately 6 weeks and drilling would be continuous for 24 hours a day, seven days a week.

If the results of this initial drilling indicate that the coal contains readily flowing gas from the coal, horizontal wells of up to 1000m in length would be drilled into the selected coal seams. Drilling of these "laterals" would take approximately 12 weeks after which the amount of gas released over a 3-4 month period will be assessed. If

the coals are not "gassy" or the gas does not flow readily from the coals, the well would be plugged and the site restored. Whatever the result, the drill rig would then be removed from the site.

If the results from the laterals are favourable the site would become a production hub and the wells connected to the National Gas Distribution Network for up to 20 years. After the testing phase has been completed the area not required for production would be capped, all equipment would be removed and the wellhead plugged to the safety standards required by the Department of Energy and Climate Change (DECC) and the Health and Safety Executive(HSE) The remaining restoration operations on the production hub would then be carried out within 12 months from the cessation of production. The site would be monitored over a five year period to ensure that restoration is complete and identify any requirements for further remediation.

During the production phase, gas would be transported to the National Gas Distribution network through a number of underground pipes.

### 1.2 Application Site

The application site measures 1.2 hectares in area and is located to the west of Wigginton Road, Wigginton. The site currently forms part of two agricultural fields attached to Wigginton Farm. An access road would be formed along the southern boundary of the first field adjacent to Wigginton Road leading to a square area of land within the next field measuring approximately 100m by 100m.

### 1.3 Planning History

There is no planning history on this site.

### 1.4 Land Use Allocations

The application site is located within the green belt on the City of York Draft Local Plan.

### 1.5 Planning Committee

The application has been referred to Planning Committee following a request from Councillor Firth due to issues of light and noise pollution during construction and exploration and whether the company has made adequate plans to look elsewhere in the same coalfield.

### 1.6 Other Consents

It should be noted that the proposed coal bed methane extraction plant will also require a Petroleum Exploration and Development License (PEDL) from the Department of Energy and Climate Change (DECC) and there is a general overarching health and safety requirement from the Health and Safety Executive.

## **2.0 POLICY CONTEXT**

### 2.1 Development Plan Allocation:

City Boundary : York City Boundary 0001

DC Area Teams : East Area (2) 0005



2.2 Policies:

CYGP4  
Environmental sustainability

CYGP4B  
Air Quality

CYGP9  
Landscaping

CYGP23  
Temporary planning permission

CYNE1  
Trees, woodlands, hedgerows

CYNE3  
Water protection

CYNE7  
Habitat protection and creation

CYGB1  
Development within the Green Belt

CYMW3  
Criteria for minerals extraction

CYMW4  
After use of minerals working

### 3.0 CONSULTATIONS

#### 3.1 Internal Nature Conservation

The field in which the proposed development would be located is fairly species poor semi-improved grassland. The overall surrounding area is however quite interesting and there are a number of opportunities for some habitat enhancement and mitigation work within this scheme. The surrounding habitat has a Great Crested Newt interest with two notable ponds within close proximity, this issue therefore needs to be taken into account with this application and a great crested newt mitigation plan will be required during the construction phase. The hedgerows surrounding the site are generally well managed, species present include hawthorn, blackthorn, dog rose, crab apple, oak, ash, hazel and elder. The removal of some small section of hedgerow to create the proposed new access into this site would not

be a problem as non would be classified as important under the hedgerow regulations 1997 although some management of hedgerows would be beneficial to mitigate for this loss of habitat. During the site visit, a lot of bird activity was noted, particularly within the hedgerows, any work proposed on the hedgerows should be carried out outside of the bird nesting season and the hedges should be checked carefully for nesting birds prior to works commencing. Conditions are recommended relating to Great Crested Newt mitigation, habitat enhancement and bird protection.

#### Archaeology

The site lies between two archaeological sites, which have produced significant archaeological features and deposits, dating to the Iron Age and Romano-British periods. It is probable that there will be similar features and deposits on this application site. Recommends a condition requiring an archaeological watching brief.

#### Highways

No objections. Based on the information provided the greatest levels of traffic will be generated during the site preparation phase. This phase will generate in the region of 30 trips per day plus 20 trips associated with the installation of the drill rig. Access is to be taken directly from the B1363 Wigginton Road via a new access. Visibility at the proposed access is in excess of the required standards and forward visibility for vehicles travelling along Wigginton Road also meets the required standards. It is therefore considered that the level of traffic generated by the site is minimal and can be easily accommodated by the proposed junction and adjacent highway network. Conditions are suggested relating to access, surfacing, parking, turning, mud on highway, dilapidation survey and management of construction works.

The application site is in the field immediately to the north of one of the Park and Ride site options so there is no a conflict of interests. Concerns are raised however regarding the positioning of the underground pipeline if it went due south towards the A1237 outer ring road.

#### Environmental Protection

Noise - Background noise monitoring was carried out by the Environmental Protection Unit at the nearest two residential dwellings to the site to ascertain the normal noise environment experienced by occupiers of these properties. Once the works have been carried out to construct the three metre high soil bund and straw bale barrier around the application site, then noise levels will be reduced at both locations and it is unlikely that noise will be of concern. However, as no details have been provided regarding hours of operation for site preparation and set up I would recommend that a condition be attached to any approval to restrict hours of operation for these activities. The proposed drilling is expected to be a 24 hours 7 days a week operation for a period of 6 weeks, it is therefore necessary to condition that the proposed mitigation measures (i.e. acoustic bund) be fully installed and retained throughout the drilling works.

Vibration - No levels on the likely level of vibration from the drilling operation have been provided. Requests details be provided.

Contaminated Land - No concerns regarding land contamination at this site. However, methane gas (which is flammable) may be released during drilling works, so safety measures should be put in place to protect people and the environment. The Environmental Statement proposed the use of well casing and bentonite drilling mud to stabilise the hole and restrict the ability of methane to migrate in an uncontrolled manner, which is acceptable. It is also important that the site be suitably decommissioned once it comes to the end of its operational life.

Air Quality - Due to the temporary nature of the preparatory works and considering the long term proposed use of the site, there are no concerns regarding air quality associated with the development. In the Environmental Statement a number of measures to minimise dust emissions from site are recommended, including erection of barriers, washing of vehicles, use of water as a dust suppressant. In order to ensure that such methods are employed on site a condition is recommended requiring a scheme to be submitted to minimise dust.

#### Internal Drainage Board

The Board maintain a watercourse to the west of the site, which does not appear to be impacted upon by the development. We would however remind the applicant of the Board's Byelaws to retain a 7m maintenance strip alongside the watercourse and also that they will require formal consent if any additional discharge is proposed into the watercourse from the site.

#### Structures and Drainage

The development is in low risk Flood Zone 1 and should not suffer from river flooding. No objection in principle as the development is temporary, and the drainage information provided is of a 'Sustainable' method of surface water management, should mimic as near as possible the existing land drainage situation and will be reinstated after works are complete on the site.

### 3.2 External

#### Natural England

The proposal does not fall within any nationally designated landscapes. Natural England accepts that any significant landscape impacts will be restricted to the drilling phase of the proposal and will thus be temporary in nature. The proposed site does not lie close to any Site of Special Scientific Interest (SSSI) or other statutory nature conservation site. Furthermore the Phase 1 Habitat Survey indicates that the majority of the site is semi-improved grassland, a commonly occurring habitat of limited conservation value. Lighting is likely to have a negative impact on foraging bats using the nearby hedgerow network and whilst mitigation to limit the potential impact of lighting, Natural England questions the effectiveness of the proposed method. Twenty four hour illumination of an area considered 'very likely to be used for foraging' by bats will have a negative impact. Under the Wildlife and Countryside Act 1981 it is an offence to damage or destroy the nest or eggs of any wild bird during the breeding season (March to April).

#### Environment Agency

The Environment Agency has no objections, in principle, to the proposed development but recommends that if planning permission is granted conditions

should be imposed to ensure the protection of ground water quality in the area. They also recommend a number of informatives relating to environmental protection.

Wigginton Parish Council

No objections, but request that the Local Planning Authority ensures that adequate measures are in place to deal with the following;

- \* Noise emitted by the drilling plant and equipment and any extraction systems.
- \* Visual intrusion by the drilling plant and equipment, given the green belt setting of the application site.
- \* Access problems as a result of visits to the site by heavy goods vehicles carrying drilling and plant equipment from the B1363.
- \* Possible emission of gas should any break out or failure in the drilling process allow escape.
- \* Possible light pollution, given the green belt setting of the application site.

### 3.3 Neighbour Representations

Letters / emails of representation have been received from a resident of Eastfield Avenue, Haxby, who objects to the application on the following grounds;

- \* Inappropriate location as it would have a significant visual impact on the green belt
- \* Allowing this development would undermine the green belt in this location even further
- \* No details of other sites which were considered have been included within the application
- \* No details of the engineering works to link the site to the gas mains has been submitted
- \* The illumination and noise from a 24 operation close to residential properties would be unacceptable
- \* No community benefits have been identified
- \* There is no reference to prevention or protection against accidental gas release during exploration and production
- \* The prevailing wind blows from W / SW, thus any smell, noise or gas will be blown towards the residential area.
- \* The proposed development would set a precedent for further drilling and extraction in unsuitable locations. A series of gas wells would be developed on a 2000m grid to exploit the reserves in the coal seams below the whole area.

## 4.0 APPRAISAL

### 4.1 Key Issues

- Policy Context
- Principle of Development in Green Belt
- Amenity
- Highway Safety
- Nature Conservation
- Drainage
- Archaeology
- Other Issues

## 4.2 Policy Context

### National Planning Policies

Planning Policy Statement 1 - Delivering Sustainable Development, sets out the Government's planning policies on the delivery of sustainable development through the planning process. It identifies that one of the aims of sustainable development is the use of natural resources.

Planning Policy Guidance 2 - Green Belts, sets out how green belts are designated and outlines green belt land use objectives and the presumption against inappropriate development. It states that Mineral Extraction need not be inappropriate development providing high environmental standards are maintained during the site's operational activity and the land is suitably restored to after uses consistent with green belt policies.

Planning Policy Statement 9 - Biodiversity and Geological Conservation, seeks to ensure there is no unacceptable harm to protected species or habitats.

Planning Policy Guidance 13 - Transport, seeks the deliver of integrated transport policy to ensure safety on the highway network.

Planning Policy Guidance 23 - Planning and Pollution Control, sets out the Government's policy on controlling and minimising pollution.

Minerals Policy Statement 1 - Planning and Minerals, sets out the Government's approach to minerals and planning, to ensure the production of minerals in the interests of the economy whilst limiting the impacts on the environment and local residents.

Minerals Policy Statement 2 - Controlling and Mitigating the Environmental Affects of Mineral Extraction in England, sets out the principles of considering the environmental affects of mineral workings.

City of York Draft Local Planning Policies  
Listed at paragraph 2.2.

### 4.3 Principle of Development in Green Belt

The application site is located within the green belt on the City of York Draft Local Plan where there is a presumption against inappropriate development except in very special circumstances. National planning advice is contained within Planning Policy Guidance Note 2 "Green Belts" (PPG2). Whilst mineral extraction does not fit within one of the uses specifically identified as being an appropriate form of development in the green belt, paragraph 3.11 of PPG2 states 'Minerals can be worked only where they are found. Their extraction is a temporary activity. Mineral extraction need not be inappropriate development: it need not conflict with the purposes of including land in Green Belts, provided that high environmental standards are maintained and that the site is well restored.'

The proposed development will, for a temporary period of approximately 5 months, include a drill rig measuring 30 metres in height. Once the drilling and appraisal

phase has been completed the drill rig will leave the site. Should gas which is suitable for extraction be found, the plant on site would be limited to approximately three well heads and a water tank (1.5 metres in height) surrounded by a 1.5m high post and rail fence. The access road would remain in place to allow for maintenance, but the car parking area would be restored back to agricultural land.

In terms of site restoration, the timing of this would depend upon the suitability of the gas for extraction. If it is not suitable for extraction the site would be restored after the appraisal stage. If the gas is suitable for extraction the site would be restored after the extraction phase, in accordance with a scheme, which shall first be submitted to and approved in writing by the Local Planning Authority. The land would be restored back to agricultural use, with the gas production hub capped and the wellhead plugged, within a period of 12 months. Thereafter the site would be monitored over a five year period to ensure that restoration is complete and identify any requirements for further remedial action.

Conditions will also be attached to any approval to deal with archaeology, nature conservation, ground water protection and limiting the hours of site preparation, therefore providing a high level of environmental protection.

Whilst the drill rig will be visible from the surrounding area, due to its temporary nature, it is not considered that it would have a permanent detrimental impact on the open character of this green belt location.

It is not therefore considered that the proposed development would be contrary to the aims of green belt policies.

#### 4.4 Amenity

The closest residential properties to the application site are; Clifton Gate Farm, located approximately 110m south west of the application site boundary and; Wigginton Cottage Farm located approximately 210m to the north east of the application site boundary. Noise readings were taken at both these properties by the Environmental Protection Unit to ascertain existing background noise levels. Based on estimated noise levels, they advise that the noise levels during site preparation would be acceptable during the day, however to protect the amenity of surrounding residents they recommend a condition preventing site preparation at night time and on Sundays. Once the site preparation works have been completed, which includes the construction of the acoustic barrier, it is not considered that the noise from the 24 hour drilling operation would be detrimental to the residential amenities of surrounding residential properties.

With regards to visual amenity, as outlined above, the drill rig will be in place for a temporary period of approximately 5 months. It would be located over 200m from Wigginton Road. The nature of the rig is a tall narrow structure measuring 30 metres in height of a lattice construction with several guide ropes. Whilst the rig will be visible from the surrounding area it would be viewed from Wigginton Road against a backdrop of trees to the west of the site. Given its distance from Wigginton Road and the outer ring road to the south and its narrow lattice construction it is not considered that the drill rig will appear overly intrusive during its temporary period. During the drilling process lighting will be required for health and safety reasons, a

condition is recommended requiring details of the proposed lighting including the location, height, type, orientation, intensity and timing.

In terms of air quality, concerns have been expressed regarding the possible escape of methane gas into the atmosphere. In response to this the applicants have advised that the gas in the coal bed is not under pressure and there would therefore be no uncontrolled gas release. Notwithstanding this a blow-out preventer will be placed above each borehole during the drilling works. This safety device prevents any escape of gas into the atmosphere should there be any changes in gas pressure. As a result of no gas escaping from the site, there would be no smells emitted in the area.

With regards to vibration, the applicants have confirmed that there would be no perceptible levels of vibration as a result of the drilling operations.

#### 4.5 Highway Safety

Following consultation with the highways section, they acknowledge that the highest levels of traffic to and from the site will be during the construction phase and this will amount to a maximum of 50 trips a day, which over a 10 hour period (Monday to Fridays only) would equate to 5 additional traffic movements per hour. It is considered that the existing highway network has the capacity to accommodate this temporary increase without compromising the safety or free flow of traffic along the B1363 and the surrounding highway network. Furthermore the visibility at the new site access onto Wigginton Road would be in excess of the required standards. The proposal is therefore considered acceptable on highway safety grounds.

#### 4.6 Nature Conservation

Conditions relating to bird protection, Great Crested Newt mitigation plan and habitat enhancement are recommended in accordance with the advice provided by English Nature and the Council's Countryside Officer.

Concerns have been raised regarding the impact of lighting during the drilling process on roosting and foraging bats. The applicants have advised that the lights will only be used when absolutely necessary or in the interest of Health and Safety. They will be mounted on lighting towers, which will enable their height and direction to be altered as appropriate. As a matter of routine, the lights will be directed downwards at all times to avoid light spillage and unnecessary light pollution. No bat roosts will be directly illuminated as a consequence of the proposed development and the impact of the lights on potential bat foraging areas will be minimised by the soil bunds and straw bales surrounding the site. A condition is proposed which will require a lighting scheme to be submitted to the Local Planning Authority for approval.

#### 4.7 Drainage / Water Pollution

One of the main issues during coal bed methane extraction is the risk of ground water pollution. The geology at the site is Sherwood Sandstone, which is classed as a major or principle aquifer. The overlying drift is Lacustrine/Warp deposits which is classified as a secondary aquifer. Following consultation with the Environment Agency, no objections were raised to the proposal, subject to a number of conditions and informatives to protect ground water quality in the area.

In terms of drainage, the applicants submitted additional information to the Structures and Drainage department showing the drainage works to be undertaken during the site clearance and preparation works. As a result there are no objections to the proposed development, subject to the proposal being carried out in accordance with the drawing submitted. A condition is proposed which will require the development to be carried out in accordance with the Environmental Statement and the approved drawings.

#### 4.8 Archaeology

Given the possibility of archaeological features and deposits the site, a condition will be attached to any approval requiring an archaeological watching brief during all ground works.

#### 4.9 Other Issues

In terms of the underground pipeline to connect the gas extraction plant to the mains network, this could be carried out as Permitted Development under Part 17 of the Town and Country Planning (General Permitted Development) Order 1995, however the applicants have indicated that gas pipeline will follow the site access road to the public highway and then alongside the highway verge.

With regard to possible alternative sites, guidance contained within MPS1 states that minerals can only be worked where they occur naturally and does not require applicants to adopt a sequential approach for such type of development. Whilst the applicants have not provided details of any alternative sites which were considered or the reasons for rejecting them, they have provided a list of factors which determined the selection of this site, these include; local geological conditions (such as depth and dip of the coal seam); initial study of planning constraints; proximity and sensitivity of nearby residents; the willingness of the land owner to accommodate the development; and suitability of local highway infrastructure. Given the extent of the green belt boundary in the area it is unlikely that there would be any sites outside the green belt which would be available or suitable for development proposed. The applicants have been asked to provide a plan showing the extent of the coal seam to be worked so this issue can be considered further.

In terms of community benefits the applicants have listed the following; benefit local businesses including crane hire, engineering firms and hotels.

This application has been considered on its own merits in accordance with local and national planning policies and as such the outcome of this application would not undermine green belt policy in the area, nor would the development set a precedent for other applications for drilling and extraction of methane or any other natural resource.

## 5.0 CONCLUSION

5.1 It is considered that the proposed development is appropriate in this green belt location given the significant number of environmental controls which will be employed. Following consultations with a number of internal and external consultees there were no objections on environmental issues including nature conservation,



ground water quality, pollution, noise and archaeology, subject to a number of conditions. The site will be fully restored back to its former agricultural use, following completion of the appraisal or extraction phase, and monitored for a period of 5 years. The drill rig and associated equipment required during the drilling and appraisal stage will be in situ for a relatively short period of time, therefore any visual impacts would be temporary. Should the site be suitable for methane extraction the amount and height of equipment on the site in the long term would be very limited and barely visible from Wigginton Road or the two closest residential properties. The level of traffic generated and the good visibility at the proposed junction would mean that the development would not impact on the free and safe flow of traffic on Wigginton Road.

5.2 For the reasons outlined above the application is recommended for approval, subject to conditions.

**6.0 RECOMMENDATION:** Approve

1 The development shall be begun not later than the expiration of the three years from the date of this permission. Written notification of the date of commencement shall be sent to the City of York Council Planning Department within seven days of the commencement.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 The permission hereby granted for the exploration, appraisal and operation of a well for coal bed methane production is valid only until 23 years from the date of commencement as confirmed in accordance with condition 1. Testing and appraisal shall be completed within 2 years of the date of commencement, after which the drill rig shall be removed from the site within 1 calendar month. Production shall be completed within 22 years of the date of commencement. Site restoration shall be completed within 23 years from the date of commencement in accordance with a scheme approved under condition 28.

Reason: To reserve the rights of control by the Local Planning Authority.

3 The development hereby permitted shall be carried out in accordance with the Environmental Statement dated 6th January 2009 (including all proposed mitigation measures) and the following plans and details;

Location plan dated 06.01.09

Elevation details showing drilling rig, acoustic barriers and site cabins received on 23.01.09

Photograph of typical rig dated 22.12.09

Schematic diagram of extraction equipment dated 06.01.09

Gas extraction diagram dated 06.01.09  
Capped production hub diagram 06.01.09  
Layout drawing; site clearance and preparation works dated 02.04.09  
Proposed site layout dated 09.01.09  
Topographical survey dated November 2008

and in accordance with such other details as may be subsequently approved in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans.

- 4 HWAY12 Initial 10m surfaced, details reqd
- 5 HWAY14 Access to be approved, details reqd
- 6 HWAY19 Car and cycle parking laid out
- 7 HWAY21 Internal turning areas to be provided
- 8 HWAY31 No mud on highway during construction
- 9 HWAY40 Dilapidation survey

10 Prior to the commencement of any works on the site, a detailed method of works statement identifying the programming and management of construction works shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

11 During the 'Site Preparation' and 'Capping and Restoration' phases of the works (including deliveries to and despatch from the site), the hours of use shall be restricted to between 07.00 and 19.00 Monday to Friday , 09.00 and 13.00 on Saturdays with no working at all on Sundays or Bank Holidays.

Reason: In the interests of residential amenity in accordance with Policy GP1 of the City of York Draft Local Plan.

12 The acoustic barriers and bunds, as detailed on the proposed site layout plan Figure 4.2 dated 9.1.09, shall be fully installed in accordance with these details prior to drilling operations commencing. Once installed the barriers and bunds shall remain in place and be fully maintained until all of the drilling works have been completed.

Reason: In the interests of residential amenity and in accordance with Policy GP1 of the City of York Draft Local Plan.

13 Prior to any works commencing on site, a dust minimisation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the steps and procedures that will be implemented to minimise the

creation of dust from the site preparation, set up of drilling rig, drilling operations, capping and restoration works. Once approved, the scheme shall be adhered to at all times, unless otherwise first approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for access within the development.

14 No external lighting shall be installed except in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of location, height, type, orientation, intensity and timing of the lighting.

Reason: To minimise the visual impact of the development and to limit any impact on bats in accordance with Policies GP1 and NE6 of the City of York Draft Local Plan.

15 Unless otherwise approved in writing by the Local Planning Authority there shall be none of the following; oil-based drilling methods used in strata shallower than, and including, the Sherwood Sandstone aquifer; oil based drilling methods used in strata deeper than the Sherwood Sandstone aquifer unless all shallower strata have been cased off and pressure tested to ensure no loss of drilling fluid into the shallower strata; potentially contaminating substances allowed to enter ground water in strata shallower than, and including, the Sherwood Sandstone aquifer.

Reason: To protect the ground water quality in the area.

16 Unless otherwise approved in writing by the Local Planning Authority, there shall be no de-watering of the site.

Reason: To protect groundwater quality in the area.

17 The borehole shall be constructed in such a way so as to cause no contamination between, and including the overlying drift deposits and Sherwood Sandstone aquifer. The borehole shall be steel-cased through these deposits.

Reason: To protect controlled waters.

18 ARCH2 Watching brief required

19 Development shall not commence until a Great Crested Newt mitigation plan has been submitted to and approved in writing by the Local Planning Authority.

The plan shall include the following details; i) A Wildlife Protection Plan of how the development work is to be carried out to take account of the possible presence of Great Crested Newts; ii) Details of what mitigation / compensation provision is to be made to replace the habitat lost through development to ensure there is no significant impact on the population overall; iii) The timing of all operations.

The works shall be implemented in accordance with the approved details and timing, unless otherwise approved in writing by the Local Planning Authority.

Reason: To take account of and enhance habitat for a protected species.

20 Development shall not commence until a scheme detailing what measures are to be provided within the site to enhance the biodiversity of the area (i.e. habitat enhancement for species such as bats and birds and enhancement of the boundary ditch and hedgerows) including timescales for the works, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the approved time scales.

Reason: To take account of and enhance the habitat and biodiversity of the locality.

21 No work on, or removal of hedgerows shall take place between 1st March and 31st August inclusive in any year unless a thorough check of the hedgerows has been made and the route of the proposed new access road including all sections of hedgerow to be removed are found to be clear of nesting birds.

Reason: To take account of nesting birds and enhance the habitat of a declining species.

Informative:

Wildlife and Countryside Act 1981 - cutting trees & hedges

Please note that under Section 1 and 99 of the Wildlife and Countryside Act 1981 it is an offence to damage or destroy any birds nest whilst it is in use being built or to damage or destroy a bat roost.

Tree work and hedge cutting should not take place if there is a risk of the work, or its effects, being harmful to resident birds. Therefore it is recommended that major pruning of hedges is done during January and early February, that is after birds have eaten the berries and before they start to nest, and that hedge trimming is avoided between March and August (nesting season).

However, if a hedge has to be trimmed or a tree has to be felled between March and August it should be inspected carefully for active nests and, if found, work should be delayed until the young birds have flown. If, despite best efforts and a nest is found after work has started, a buffer area must be left inviolate, around the nest.

22 Before any buildings or drilling equipment are brought onto the site, all topsoil and subsoil required to be removed shall be stripped and stored separately on site in locations as specified in the application details and as far as practicable shall be handled only when dry and friable.

Reason: To protect soil resources in the interests of achieving a good standard to agricultural restoration.

23 Written notification shall be given in advance to the Local Planning Authority and nearby residents confirming the starting date of drilling at least 7 days prior to

drilling commencing.

Reason: In the interests of residential amenity.

24 No major maintenance operation shall take place prior to the approval in writing by the Local Planning Authority of a scheme of work detailing the operations involved. Such a scheme shall make provision for notifying the Local Planning Authority and neighbouring residents seven days in advance of the operations.

Reason: In the interests of residential amenity.

25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking or re-enacting that Order) no buildings, plant, machinery or structure (whether fixed or portable in design) other than those specified in the planning application shall be erected or placed on the site without the prior written approval of the Local Planning Authority.

Reason: To reserve the rights of control by the Local Planning Authority in the interests of amenity.

26 On completion of the operations hereby approved, a detailed scheme of restoration shall be submitted to and approved in writing by the Local Planning Authority . The borehole shall be capped, all imported materials shall be removed and the land shall be restored in accordance with the approved details within twelve months of the completion of operations.

Reason: To ensure full restoration of the site.

27 After care of the site shall be carried out for a period of 5 years in accordance with a scheme which shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for such steps as may be necessary to return the land to the required standard for use for agriculture, including the reinstatement and maintenance of the land for agriculture.

Reason: To ensure full restoration of the site.

## **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:

- Impact on the openness, character and appearance of the Green Belt
- Residential Amenity
- Highway Safety
- Nature Conservation

- Drainage
- Archaeology

As such the proposal complies with Policy YH9 and Y1C of The Yorkshire and Humber Plan, Policies GP4a, GP4b, GP9, GP23, NE1, NE3, NE7, GB1, MW3 and MW4 of the City of York Development Control Local Plan and Central Government advice contained within Planning Policy Guidance Note 2 'Green Belts' and Minerals Policy Statement 1 'Planning and Minerals'.

2. The British Geological Survey Geology map sheet 63 York, shows the geology at the site to be Sherwood Sandstone which are classed a major or principal aquifer. The overlying drift is Lacustrine/Warp deposits (clay, sand and gravels) and sand and gravel, which is classed as a secondary aquifer. There are a number of abstractions and drains in the vicinity of the site, therefore it is essential that the proposed development does not adversely affect either the quality or the quantity of water in Sherwood Sandstone or overlying drift aquifer.

3. Any decommissioning of the borehole should be undertaken following Environment Agency guidelines contained within 'Decommissioning Redundant Boreholes and Wells'.

4. Any facilities, above ground for the storage of oils, fuels or chemicals shall be sited on an impervious base and surrounded by impervious walls. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipe work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge into the bund. Such facilities shall be constructed and completed in accordance with plans approved by the Local Planning Authority.

5. The Water Resources Act 1991, s85 makes it an offence to cause or knowingly permit poisonous, noxious or polluting matter to enter controlled water unless you are in a possession of a discharge consent or other relevant permit. Controlled waters include all waters below the surface of the ground. This legislation is not restricted to any listed substances. Discharge consents issued under the WRA 1991 constitute authorisations for the purposes of the Groundwater Regulations, provided the relevant conditions have been applied.

6. You are advised to retain a 7 metre maintenance strip alongside the watercourse to the west of the site and that formal consent will be required from the Kyle and Upper Ouse Drainage Board if any additional discharge is proposed into the watercourse from the site.

7. 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:

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

8. 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 of 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.

9. Stringent precautions shall be taken to avoid smell, nuisance, and gaseous pollution. In particular all operations shall take place in enclosed systems and facilities shall be made available to deal with any accidental spillage.

Reason: To minimise any adverse impact of odour generated by operations in the interests of residential amenity.

**Contact details:**

**Author:** Kirsty Catlow Development Control Officer

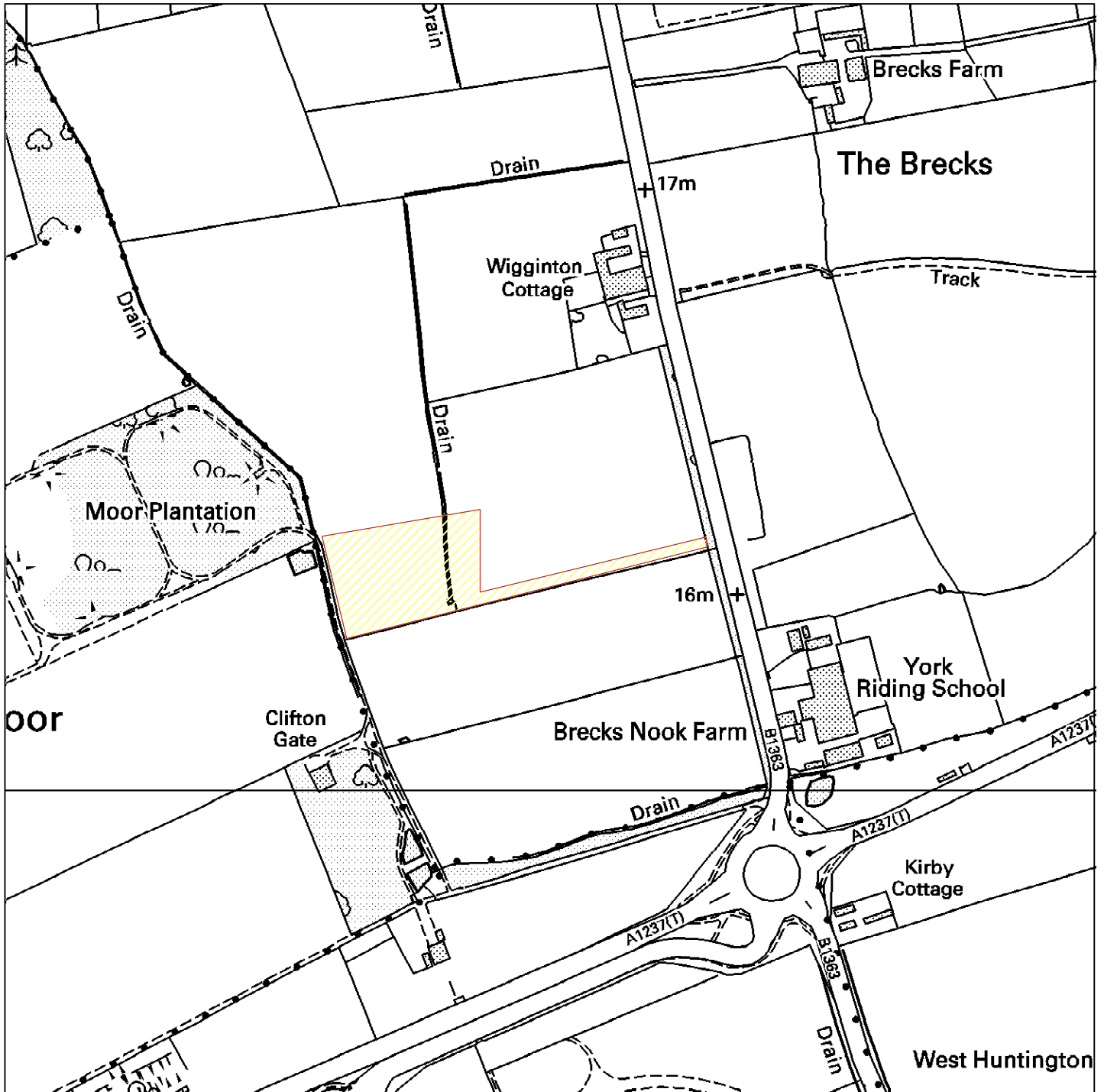
**Tel No:** 01904 551325

# Wigginton Cottage Farm

09/00095/FUL



GIS by ESRI (UK)



Scale : 1:5000

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<b>Organisation</b>	City of York Council
<b>Department</b>	Planning and Sustainable Development
<b>Comments</b>	Application Site
<b>Date</b>	28 April 2009
<b>SLA Number</b>	Not Set