

## COMMITTEE REPORT

**Date:** 12 May 2016  
**Team:** Major and Commercial Team  
**Ward:** Rural West York  
**Parish:** Parish Of Rufforth With Knapton

**Reference:** 16/00357/FULM  
**Application at:** Yorwaste Harewood Whin Tinker Lane Rufforth York  
**For:** Construction of a waste transfer station with associated ancillary buildings, hard-standings, car parking and alterations to access  
**By:** Yorwaste Ltd  
**Application Type:** Major Full Application (13 weeks)  
**Target Date:** 14 June 2016  
**Recommendation:** Subject to submission of detailed drawings of the access/egress amendments and a satisfactory stage 1 safety audit, approve subject to Section 106 Agreement

### 1.0 PROPOSAL

1.1 Harewood Whin comprises a waste disposal by landfill operation lying within the Green Belt to the north east of Rufforth village and to the west of the City Centre. Planning permission is sought for the erection of a Waste Transfer Station some 79 m x 31 metres in area to be used for the bulking up and transference of materials to be used in the proposed Allerton Park Waste Incinerator. The application is subject to Environmental Impact Assessment as falling within Schedule 2 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations.

1.2 Additionally the proposal seeks to rationalise the existing office and welfare accommodation and vehicle parking within the built foot print occupying the centre of the site. Alterations are also proposed to the site access road with the B1224 Wetherby Road to tackle the long standing amenity issue of Heavy Goods Vehicles accessing and egressing the site via Rufforth village. The applicant has also agreed as part of the development proposal to contribute towards the provision of a cycle track along the Wetherby Road frontage and to unilaterally revoke an extant planning permission for a biomass plant within the north western section of the site.

### 2.0 POLICY CONTEXT

2.1 RSS:- The general extent of the York Green Belt is defined within saved Yorkshire and Humber RSS Policies YH9C and Y1C as such Central Government Policy in respect of Green Belts as outlined in the National Planning Policy Framework applies.

2.2 Central Government Planning Policy as outlined in paragraph 87 of the National Planning Policy Framework indicates that inappropriate development within the Green Belt is by definition harmful to the Green Belt and should not therefore be approved other than in very special circumstances. Paragraph 88 establishes the weight to be given to a submitted case to establish "very special circumstances". This clearly argues that when considering a planning application Local Planning Authorities should ensure that substantial weight should be given to any harm to the Green Belt. "Very special circumstances" will not be held to exist unless the potential harm by reason of inappropriateness and any other harm are outweighed by other considerations.

#### STATUS OF THE YORK DEVELOPMENT CONTROL LOCAL PLAN (2005 4th SET OF CHANGES):-

2.3 The York Development Control Local Plan (4th Set of Changes) was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although it is considered that their weight is limited except where in accordance with the National Planning Policy Framework.

#### STATUS OF THE EMERGING LOCAL PLAN:-

2.4 The (Emerging) Publication Draft York Local Plan (2014) is currently not progressing through its statutory consultation. At the present early stage in the statutory process the emerging Local Plan policies carry only limited weight. Where relevant and in accordance with the terms of the National Planning Policy Framework. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

The NPPF is the most up to date representation of key relevant policy issues and the proposal should principally be assessed against this policy Framework.

#### STATUS OF THE EMERGING LOCAL PLAN:-

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### **3.0 CONSULTATIONS**

#### **INTERNAL:-**

3.1 Public Protection raise no objection to the proposal subject to any permission being conditioned to secure mitigation of any land contamination along with control of any noisy plant or machinery.

3.2 Design, Conservation and Sustainable Development (Ecology) raise no objection to the proposal subject to any permission being conditioned to secure habitat enhancements around the site boundary.

3.3 Planning and Environmental Management raise no objection to the proposal as being necessary to secure the long term waste processing needs of the City subject to the amenity issues surrounding access by HGVs through Rufforth village being satisfactorily being resolved.

3.4 Highway Network Management raise concerns in respect of the proposed access improvements on the basis that the design of the existing access is technically acceptable, the adjoining section of Wetherby Road is not eligible for the imposition of a weight restriction, the amenity issue involving traffic through Rufforth village could be resolved by CCTV and the proposed access amendments may impede visibility for vehicles exiting the site. Concerns over clarity of layout for all highway users and potential confusion; risk of non compliance/abuse and overall highway safety are also raised. A Stage one Highway Safety Audit with associated drawings has been sought and commissioned in respect of the proposed layout which will be reported at the meeting.

3.5 Waste Services were consulted in respect of the proposal on 2nd March 2016. No response has been received at the time of writing.

3.6 Strategic Flood Risk Management were consulted in respect of the proposal on 2nd March 2016. No response has been received at the time of writing.

#### **EXTERNAL:-**

3.7 Rufforth with Knapton Parish Council raise no objection in principle to the proposal subject to additional landscaping being undertaken at the site boundary and the access from the site to Wetherby Road being designed to minimise the risk of heavy vehicles using the site accessing and egressing via Rufforth village.

3.8 Natural England raises no objection to the proposal.

3.9 The Environment Agency raises no objection to the proposal subject to suitable mitigation measures being provided to prevent ingress of landfill gas into the building complex.

3.10 Yorkshire Water Services raises no objection to the proposal.

3.11 The Foss (2008) Internal Drainage Board objects to the proposal on the grounds that insufficient information has been made available to assess the impact of the surface water flows from the development on Board maintained assets.

3.12 The Ainsty Conservation Trust was consulted in respect of the proposal on 2nd March 2016. No response has been forthcoming at the time of writing.

3.13 The York Gliding Club was consulted in respect of the proposal on 2nd March 2016. No response has been forthcoming at the time of writing.

3.14 The Rufforth Neighbourhood Planning Group raises no objection in principle to the proposal subject to the revocation of the existing permissions within the site outside of the existing developed foot print, the provision of additional landscaping at the site boundary to the south and south west and alterations to the site access to the B1224 Wetherby Road to tackle the existing amenity issue of heavy traffic using the site accessing and egressing via Rufforth village. Further amendments are at the same time suggested over and above those previously brought forward by the applicant.

3.15 Two letters of representation have been submitted in respect of the proposal expressing broad support conditional upon the design of the site access with the B1224 Wetherby Road being amended to deter Heavy Goods Vehicles from accessing and egressing via Rufforth village and thereby harming local amenity.

## **4.0 APPRAISAL**

### **KEY CONSIDERATIONS:-**

#### **4.1 KEY CONSIDERATIONS INCLUDE:-**

- Impact upon the open character and purposes of designation of the York Green Belt;
- Impact upon the safety and convenience of highway users on the local network;
- Impact upon the residential amenity of properties within Rufforth village and the surrounding area;
- Other Environmental Impact Assessment issues.

## PLANNING POLICY CONTEXT:-

4.2 GREEN BELT:- Central Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Other development may only be permitted where a case for "very special circumstances" has been forthcoming. Paragraph 88 of the National Planning Policy Framework indicates that "very special circumstances" will only be held to exist where potential harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.3 WASTE PLANNING:- Central Government Planning Policy in respect of Waste Planning as outlined in the National Planning Policy Statement for Waste (October 2014) paragraph 4 urges Local Planning Authorities to give significant weight to the need to co-locate waste management facilities wherever possible and to have clear regard to the proximity principle so that waste facilities are located as close as possible to the areas where the waste is generated.

4.4 AMENITY:- Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.5 ENVIRONMENTAL IMPACT ASSESSMENT:- The 2011 Town and Country Planning(Environmental Impact Assessment) Regulations through schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against.

## IMPACT UPON THE OPEN CHARACTER AND PURPOSES OF DESIGNATION OF THE YORK GREEN BELT:-

4.6 The application site comprises a waste management facility of long standing within the site of a former military airfield within the York Green Belt. The proposal represents a partial re-submission of an earlier proposal which was withdrawn following earlier serious concerns in terms of its impact upon the open character and purposes of designation of the York Green Belt. The current proposal envisages the construction of a large industrial shed type structure within the central previously developed section of the site together with the construction of a modular site off and welfare facilities to the south west along with the rationalisation of existing parking in two areas to the south and south west. Central Government Planning Policy in respect of Green Belts as outlined in paragraph 89 of the National Planning Policy Framework indicates that the partial or complete re-development of a previously

developed site whether vacant or in continuing occupation would not be inappropriate within the Green Belt providing it did not have a greater impact upon the openness or purposes of designation of the Green Belt. As such the proposal as amended is felt to be appropriate development within the Green Belt.

4.7 In terms of impact upon openness the proposal envisages the construction of a waste transfer station building aligned south east/north west partially on the site of the existing parking and office compound within the centre of the site. A new modular site office would be located directly to the south with a reconfigured car parking area directly to the west. Additional parking areas would be provided within the re-profiled tipped area to the west and adjacent to the access road to the south. A partially enclosed bale store along with a modular welfare building would also be provided within the existing built foot print to the north. The southern limit of development would be the subject of further landscaping to reinforce the existing mature planting. The elements of the proposed development would be largely incorporated within the existing developed built foot print within the centre of the site and would not be readily perceptible in long or short distance views from outside of the site. There would not therefore be any material harm to the open character of the Green Belt.

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

4.8 The operational waste management site has over a long period of time given rise to an amenity issue through the passage of heavy vehicles through Rufforth village. The application proposes a modification to the site access to ensure that Heavy Goods Vehicles using the site can not then turn right out of the site and travel through Rufforth village. This would then be combined with a CCTV system located at the site entrance to identify vehicles having travelled into the site from the direction of Rufforth and any vehicles that fail to observe the revised junction layout and then travel into the village. Concern has been expressed in relation to the possibility of vehicles entering the site from the direction of Rufforth village through the revised layout and suggested amendments have been put forward involving the location of movable barriers within the approach from Rufforth village. That would however place undue restrictions on other users of the access connected with the adjacent gun club and would also hamper the ability of the operator to move equipment on and off site for operational reasons. The proposed CCTV system is therefore felt to be the most appropriate means of controlling traffic entering the site from the Rufforth direction.

4.9 Other highway concerns have been expressed in terms of the principle of alterations to an access that is technically efficient in terms of its design to control heavy goods vehicle traffic from a B Class road which would not otherwise qualify for a weight restriction. Concern has also been expressed in terms of the safety of vehicles exiting eastwards through the amended layout towards the A1237 Outer

Ring Road in terms of visibility of on-coming traffic on Wetherby Road from the Rufforth direction, along with the risk of additional traffic waiting on the main road to enter the site and the need to light the access. However, whilst the current access may be technically workable and whilst the adjacent Wetherby Road may not qualify for a legal weight restriction in terms of heavy goods vehicles, there has been a long standing amenity issue in terms of volumes of heavy goods vehicles often at slow speeds using Rufforth village to access the waste management site. The access will be required to be lit in any event in order for the CCTV system to work effectively. At the same time the nature of the vehicles which use the site is such that they require to approach the access slowly and at times queue. In terms of the visibility concern the majority of vehicles using the amended access would be heavy good vehicles which sit much higher off the road and which in a number of cases have a wider field of vision. In order to firmly establish the suitability of the proposed layout a Stage One Highway Safety Audit of the proposed access arrangements has been sought and commissioned, the results of which will be reported to the meeting. Subject to the audit yielding a positive result the proposed amendments to the site access are therefore felt to be acceptable.

#### IMPACT UPON THE RESIDENTIAL AMENITY OF PROPERTIES WITHIN RUFFORTH VILLAGE AND THE SURROUNDING AREA:-

4.10 Concern has previously been expressed in relation to both noise and odour nuisance arising from waste management operations at the site over a long period. The submitted Environmental Impact Assessment identifies a continuing risk of harm in terms of noise and odour in relation to the closest residential properties if current best practise is not followed. The risks are however clearly capable of mitigation as with the existing open air composting and land-filling activities taking place at the site. The proposed processes taking place at the site would involve the unloading, sorting and batching of materials prior to their onward dispatch to the Allerton Park energy from waste facility. The operations would take place as part of a sealed system with no element of the sorting or processing taking place in the open air. Any noise or odour nuisance would therefore be minimal. In order to minimise any harm to amenity during the construction of the premises it is recommended that any permission be conditioned to require the submission and prior approval of a CEMP (Construction Environmental Management Plan) as well as a detailed lighting assessment.

#### OTHER ENVIRONMENTAL IMPACT ASSESSMENT ISSUES:-

4.11 In addition to issues of amenity, landscape and location the Environmental Impact Assessment also examined issues of water resources and flood risk, soils resource and agriculture , ecology, cultural heritage and lighting. In terms of water resources and flood risk the site lies to the south of a major water bearing aquifer and is within Flood Zone 1 and so is at the lowest deemed risk of flooding. The development is designed to channel any surface water discharges in to the existing

processing system for the wider site which is subject to a system of attenuation before release in to surrounding water courses. In terms of soils resource and agriculture the site is classified as Grade 4 in terms of the agricultural land use classification and contains several buried structures associated with the former military use, as such any impact upon local agricultural land quality arising from the proposal would be modest. In terms of ecology a series of bat and breeding bird surveys have been undertaken at the site and no evidence of material harm has been forthcoming. At the same time in terms of cultural heritage an archaeological desk top survey has been submitted which relates evidence of the former airfield use of the site but no remains of such significance as to merit recording or preservation in situ are identified as being present. In terms of lighting the overall site is subject to a lighting strategy which would also apply to the new built development with the proposed new landscape planting around the southern edge of the site further contributing to its mitigation.

## SECTION 106 ISSUES:-

4.12 In order to secure the effective mitigation of the harm generated by the proposal the applicant has offered a number of items which may be effectively secured by means of Section 106 Agreement . They are summarised below and support is recommended to secure:-

- i) Agreement not to implement Planning Permissions 12/00908/FULM and 07/02914/FULM;
- ii) The remaining land between the application site and the B1224 Wetherby Road remaining free from built development;
- iii) Provision of an off road cycle route along the site frontage of Wetherby Road within the site across the site frontage;
- iv) CCTV control of the site access, and
- v) Commuted sum payment to enable the site access to be reconfigured to reduce the number of HGV movements through the village of Rufforth (in consultation with the Highway Officers).

## 5.0 CONCLUSION

5.1 The proposal is a revised partial re-submission of an earlier proposal that was withdrawn as a consequence of concerns in terms of its impact upon the openness of the Green Belt. The current proposal envisages the re-development of the existing built footprint within the restored area at the centre of the site with a modest expansion to the west to allow for additional car parking. The revised proposal is now therefore felt to be appropriate development within the Green Belt in terms of paragraph 89 of the National Planning Policy Framework. In view of the tightly configured location of the proposal within the centre of the site which is not readily perceptible in long or short distance views from outside of the site it is not felt that there would be material harm upon the open character of the Green Belt. Whilst



some concern has been expressed in terms of the proposed access amendments at the site, it is felt that in view of the long standing concern in terms of heavy traffic accessing the site via Rufforth village that the proposed works can be justified. Subject to detailed drawings demonstrating acceptable arrangements for left turn only exit and a satisfactory works being stage 1 safety audit being undertaken , the proposal is felt to be acceptable in planning terms and approval is recommended.

**6.0 RECOMMENDATION:** Subject to submission of detailed drawings of the access/egress amendments and a satisfactory stage 1 safety audit, approve subject to satisfactory completion of a Section 106 Agreement to secure:

- i) Agreement not to implement Planning Permissions 12/00908/FULM and 07/02914/FULM;
- ii) The remaining land between the application site and the B1224 Wetherby Road remaining free from built development;
- iii) Provision of an off road cycle route along the site frontage of Wetherby Road within the site across the site frontage;
- iv) CCTV control of the site access, and
- v) Commuted sum payment to enable the site access to be reconfigured to reduce the number of HGV movements through the village of Rufforth( in consultation with the Highway Officers).

And the following conditions:

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

Drawing Refs:- 5117 002C; 2015.2.37/1a Rev A; 2015.2.37/1D Rev A; 7566 AO52; 7566 AO53; 7566 AO56; 7566 AO60; 7566 AO61; 7566 AO71; 7566 AO72; 7566 AO73; 7566 AO75; 7566 AO80; 7566 AO55.

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

- 3 VISQ4 Boundary details to be supplied
- 4 VISQ7 Sample panel ext materials to be approv
- 5 No development shall take place 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 , shrubs and hard landscaping. 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.

6 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any).

For dust details should be provided on measures the developer will use to minimise dust blow off from site, i.e. wheel washes, road sweepers, storage of materials and stock piles, used of barriers, use of water bowsers and spraying, location of stockpiles and position on site. In addition I would anticipate that details would be provided of proactive monitoring to be carried out by the developer to monitor levels of dust to ensure that the necessary mitigation measures are employed prior to there being any dust complaints. Ideally all monitoring results should be measured at least twice a day and result recorded of what was found, weather conditions and mitigation measures employed (if any).

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting.

In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of local residents

7 NOISE7 Restricted hours of construction

8 LC1 Land contamination - Site investigation

9 LC2 Land contamination - remediation scheme

10 LC3 Land contamination - remedial works

11 LC4 Land contamination - unexpected contam

12 Prior to the commencement of the development hereby authorised above foundation level a full Lighting Impact Assessment for all proposals involving floodlighting, must be undertaken by an independent assessor and approved by the Local Planning Authority (not the applicant or the lighting provider), and should include:

A description of the proposed lighting: number of lighting columns and their height, and proposed lighting units.

Proposed level of lighting

Drawings showing the illuminance levels (separate drawings for each item listed):

Plan showing horizontal illuminance levels( $E_h$ ), showing all buildings within 100 metres of the edge of the site.

Plan showing vertical illuminance levels ( $E_v$ ), showing all buildings within 100 metres of the edge of the site.

Specification of the Environmental Zone of the application site, as defined in The  
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## Institution of Lighting Professionals' Guidance Notes for the

### Reduction of Light Pollution.

A statement of the need for floodlighting.

Note :  $E_v$  is the average vertical illuminance, which is a measurement of the quantity of light at height of 1.5 metres above the ground.

$E_h$  is the average horizontal illuminance, which is a measurement of the quantity of light falling on a horizontal plane.

The development shall thenceforth be undertaken in strict accordance with the details thereby approved and shall be retained thereafter.

Reason: To protect the amenity of future residents and local businesses.

13 The development hereby permitted shall not be occupied/commence operation until the following biodiversity enhancements have been installed/constructed;

The felled trees will be used to create wood piles within the retained mixed plantation woodland;

Provision of three bat boxes within the retained mixed plantation woodland, the location to be determined by an ecologist; and

Provision of three bird nesting boxes with the retained mixed plantation woodland.

Reason: To ensure that there is a net gain in biodiversity in line with NPPF Section 11.

14 HWAY19 Car and cycle parking laid out

15 HWAY21 Internal turning areas to be provided

16 HWAY31 No mud on highway during construction

17 ENVA1 Surface water drainage through oil inter

18 ENVA2 Prevention of pollution - tanks etc

19 Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 , or any subsequent legislation revoking or re-enacting that Order, no fixed plant or machinery, buildings, structures or private ways, shall be erected, extended, installed or replaced at the

site, other than those expressly authorised by this permission without the prior written approval of the Local Planning Authority.

Reason: - To safeguard the character of the site in the interests of visual amenity and to secure compliance with Policy GB1 of the York Development Control Local Plan.

20 Piling or any other foundation design using invasive methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant risk to groundwater. The development shall be carried out in strict accordance with the approved details.

Reason: - To protect controlled waters.

21 No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall include:-

Surface water discharge to be regulated to the green field run-off rate from a 1 in 1 year storm with the on-site drainage system able to accommodate the storm water from a 1 in 100 event without harming neighbouring properties.

Such scheme shall be implemented before the construction of impermeable surfaces draining to the system unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the water environment and to minimise flood risk.

22 Prior to the first operation of the building and plant hereby authorised, the developer shall submit a formal BREEAM assessment or equivalent, for the Design and Procurement stages for the building and plant hereby approved. All assessments shall be followed by a BREEAM Post Construction review to be submitted after construction at a time to be agreed in writing by the Local Planning Authority. All assessments shall confirm the minimum "Very Good" rating or equivalent, anticipated in the preliminary BREEAM assessment submitted with the application, and to be agreed in writing by the Local Planning Authority.

Reason: - In the interests of sustainable development, in accordance with the requirements of Policy GP4a) of the York Development Control Local Plan and the Council's Planning Guidance Interim Planning Statement (IPS) on Sustainable Design and Construction.

23 Prior to the commencement of development above foundation level full details of all measures to vent, disperse and prevent build up of any accumulation of landfill gas within the buildings hereby authorised, their foundations and immediate environs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thenceforth be undertaken in strict accordance with the details thereby authorised prior to being first brought into use.

Reason:- To prevent pollution of the surrounding environment.

## **7.0 INFORMATIVES:**

### **Notes to Applicant**

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

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

Clarification in respect of the proposed re-aligned access arrangement.

#### **2. NESTING BIRDS:-**

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

#### **3. CONTROL OF POLLUTION ACT 1974:-**

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

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Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

(b) The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

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

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

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

(f) There shall be no bonfires on the site

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