

Policy ENV2: Managing Environmental Quality

Development will not be permitted where future occupiers and existing communities would be subject to significant adverse environmental impacts such as noise, vibration, odour, fumes/emissions, dust and light pollution without effective mitigation measures. Evidence must be submitted to demonstrate that environmental quality is to the satisfaction of the Council.

Development proposals for uses that are likely to have an environmental impact on the amenity of the surrounding area, including residential amenity, open countryside, local character and distinctiveness, and public spaces, must be accompanied by evidence that the impacts have been evaluated and the proposal will not result in loss of character, amenity or damage to human health, to either existing or new communities. This includes assessing the construction and operation phases of development.

Where proposals are acceptable in principle, planning permission may be granted subject to conditions.

For proposals which involve development with common party walls a verification report must be submitted to confirm the agreed mitigation works have been carried out.

Explanation

- 12.10 Impacts on environmental quality are most likely to occur when a development is built in an inappropriate location. This may occur due to the existing environment making the site unsuitable or because a development and/or its use introduces new environmental impacts which result in loss of amenity. Environmental impacts may result in damage to the environment and affect people's quality of life. As such, the Council will give considerable weight to ensuring that development proposals do not give rise to unacceptable environmental impacts or human health impacts.
- 12.11 It is essential that any negative impacts on environmental quality arising from development proposals are fully assessed, including during the construction phase, and that steps are taken to reduce those impacts to an acceptable level. Development should avoid causing detrimental impacts on the environment, however where an impact cannot be avoided mitigation measures should be incorporated into the proposals so that any impacts can be reduced to an acceptable level or controlled.
- 12.12 Evidence submitted in support of a planning application should consider:
- the existing environmental conditions of the development site, such as the background and ambient noise, vibration, odour, fumes/emissions, dust and light levels;
 - how these existing environmental conditions will affect the proposed development;
 - how the proposed development will affect the existing environmental conditions;
 - and

- how the construction phase of the development will affect the existing environmental conditions, temporary or permanent, and also the proposed development itself.

12.13 The nature of the assessment required will be dependent on the scale and type of the proposed development. Further guidance can be found in national standards such as the code of best practice for sound insulation and noise reduction for buildings, alongside the Institute of Lighting Professionals guidance on obtrusive light, and DEFRA guidance on the control of odour and noise. Locally specific guidance on interpretation of these standards will be provided in a forthcoming SPD.

12.14 Where the outcome of any assessment identifies that either the location or the proposed end use is unsuitable, mitigation measures may be possible to enable the development to proceed without adverse effect. The mitigation measures required for each site will need to be determined on a site by site basis in consultation with the Council's Environmental Protection Unit. Potential mitigation measures are set out below, however this is not an exhaustive list of measures which could be implemented:

- redesigning the layout of the development;
- re-orientating a property to ensure that noise sensitive rooms are sited away from the noise source;
- providing increased sound attenuation to a facade or window;
- providing a noise barrier; and/or
- limiting hours of operation or use.

12.15 Where mitigation measures have been identified, planning conditions may be used to secure the protection required and maintenance needed in the future to ensure continued benefit. In some cases mitigation measures may still not be sufficient to prevent loss of amenity or to protect human health from environmental impacts. In such cases planning permission will not be granted.

Noise and Vibration

12.16 Noise and vibration present in the existing environment or from the proposed development itself must be considered as part of a planning application. Problems can arise where noise sources or noise generating uses are located near noise sensitive uses. Noise or vibration may occur due to road and rail traffic, industrial or commercial premises, recreation and leisure facilities (including pubs and clubs and their parking facilities in particular), hot food takeaways and restaurants and plant/machinery/equipment.

Odour and Fumes/Emissions

12.17 Introducing developments into areas where there is a risk of adverse effect due to odour, or introducing sensitive receptors into areas where there is a risk of adverse effect due to odour, fumes and emissions should be avoided wherever possible. Sources of odour and fumes/emissions may include industrial or commercial operations, plant/ machinery/ equipment, boilers, smoking shelters, kitchen extraction units, nail bars, etc.

12.18 Overall emissions to air from developments sites need to be considered. Please see Policy ENV1 'Air Quality'.

Dust

12.19 Emissions of dust from sites are most likely to occur during the construction phases of development but may also occur during the operational phases of a development. Excessive dust emissions may result in loss of amenity to neighbours and must therefore be adequately controlled.

Lighting

12.20 Lighting can have a significant impact on the environment and people. Flood lighting is important for security and safety and has other important uses such as lighting key buildings. However, poorly designed or badly directed lighting can cause loss of sleep, illness, discomfort and loss of privacy and obscure the night sky. Lighting can also have a significant and detrimental impact on wildlife through affecting the annual and diurnal rhythms of plants and animals and act as a significant barrier to some species.

12.21 Common sources of complaint about artificial light include:

- domestic security lights;
- industrial and commercial security lights;
- sports lighting;
- car parks; and
- commercial advertising.

12.22 Lighting in itself is not a problem; it only becomes a problem where it is excessive, poorly designed, badly installed or poorly maintained. Unnecessary light also causes excessive CO², contributing to air pollution and poor air quality. All forms of exterior lighting can result in light pollution. Light pollution can be defined as artificial light which shines outside the areas it is intended to illuminate, including light which is directed into the night sky, creating 'skyglow'. Policy ENV2 will safeguard against excessive, inefficient and irresponsibly situated lighting, preserving and restoring 'dark skies' and limiting the impact from light pollution on local amenity, intrinsically dark landscapes, and nature conservation. The City of York Streetscape Strategy and Guidance (2014) contains useful information on the use and design of streetlighting, security lighting and floodlighting.

Delivery

- Key Delivery Partners: City of York Council; and developers
- Implementation: Planning applications.

Policy ENV3: Land Contamination

Where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination (e.g. housing with gardens), planning applications must be accompanied by an appropriate contamination assessment.