

COMMITTEE REPORT

Date: 3 December 2015 **Ward:** Acomb
Team: Major and **Parish:** No Parish
Commercial Team

Reference: 15/01301/FUL
Application at: Site Lying To The Rear of 1 to 9 Beckfield Lane,
York
For: Erection of 9no. dwellings with associated access
and parking
By: The Beckfield Lane Landowners
Application Type: Full Application
Target Date: 12 October 2015
Recommendation: Approve subject to Section 106 agreement

1.0 PROPOSAL

1.1 This application seeks planning permission for the erection of 9 new dwellings. The application site consists of a section of garden land currently part of 1, 3, 5, 7, and 9 Beckfield Lane and an area of fenced off grassland adjacent to Runswick Avenue. At present the gardens are approximately 115m in length. The proposal seeks to subdivide the garden space such that each of the five houses will retain approximately 35m of the rear gardens. The remaining land would be given over to a new residential development with access to the site served by a new access point between the rear of 11 Beckfield Lane and 18 Runswick Avenue.

1.2 The proposed development contains a mix of house types consisting of four houses which are two storey in height and contain three bedrooms, two houses containing three bedrooms which are two and a half storey in height (rooms in the roof space), two bungalows containing two bedrooms, and one bungalow containing three bedrooms. All dwellings proposed are semi-detached with the exception of the three bedroom bungalow which is detached. The majority of dwellings contain two car parking spaces and one visitor space is provided. The access will be a shared surface utilising some of the principles of homezone design.

1.3 The application site is within low risk flood zone 1, is not within a conservation area and there are no listed buildings in the immediate vicinity. The surrounding area is predominantly residential containing a mix of primarily two storey houses and bungalows. The host dwellings along Beckfield Lane are reflective of much interwar housing developments in the city. It is thought that the development of Runswick Avenue was carried out in the 1960's on land which was formerly garden land of houses along Beckfield Lane, much in the same way as the application proposed. Runswick Avenue contains a mix of detached and semi-detached bungalows.

1.4 Planning permission was refused in 2008 (Ref No. 08/00159/FULM) for the erection of 12 houses on the application site. There were three reasons for refusal:

1) The density of the development is too high in relation to the existing character and form of the area. The character and form of Runswick Avenue is semi-detached bungalows. The 2-storey houses proposed would look out of character with the area when seen in this context. In addition the scheme, if approved, would require the removal of a number of mature trees and the almost all of the area open space. Both of these greatly add to the character and greenness of the area. Their complete loss would have a significant impact upon the immediate area.

2) The scheme if approved would have a detrimental impact upon the amenity of adjacent neighbouring dwellings. In particular there would be significant detrimental impact upon 9 and 11 Runswick and 18- 36 (even numbers) due to vehicular movements of traffic entering and leaving the site and also vehicular movement within the site in such close proximity to residents primary rooms i.e. their bedrooms and living rooms, but also their gardens. In addition, due to the inappropriate height of the proposed scheme, overlooking of neighbours private rear gardens would occur and also intrusion into their principal living rooms. In particular no.'s 38, 40 and 42 would be particularly affected, due to the difference in land levels between the site and their dwellings. The scheme would also create intrusion towards existing adjacent neighbours due to being overbearing and un-neighbourly.

3) No sustainability statement has been submitted.

1.5 The application has been brought to sub-committee for determination at the discretion of the Assistant Director as the previous scheme for residential development of this site was refused by the sub-committee.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175
DC Area Teams West Area 0004

2.2 Policies:

CYNE7	Habitat Protection and Creation
CYGP1	Design
CYGP10	Subdivision of Gardens and Infill Development
CYH4A	Housing Windfalls
CYH5A	Residential Density
CYH3C	Mix of Dwellings on Housing Sites
CYHE10	Archaeology
CYGP9	Landscaping
CYL1c	Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

Ecology and Countryside

3.1 The site is located within a Local Green Infrastructure Corridor (13 Acomb Corridor) which is important for a series of grassland sites and extensive aligned gardens linked to create a network of corridors through the area. Together, the gardens of 1- 9 Beckfield Lane and adjoining gardens of Wetherby Road form a sizeable piece of undeveloped land (approx. 0.7ha). Gardens provide a network of varied habitats, important for urban wildlife. This area will currently be unlit adding to its value for

wildlife such hedgehogs and bats. Whilst the development is unlikely to directly impact on these species it will erode the habitat available to them.

3.2 Although not formally an orchard, the cluster of 12 fruit trees could have some interest functioning as an orchard which can be of value to invertebrates and in turn birds and mammals that feed on them, and on the fruit. The trees could be replaced by planting new fruit trees within the development, although these would take many years to reach the same value as the lost trees. Enhancement to the proposed development could be achieved by using native species within the landscaping and including integral bird and bat boxes in the new buildings. If this application were approved a condition should be included to secure these enhancements.

Archaeologist

3.3 This site is located on a large undisturbed piece of land in a wider landscape which has produced evidence for Roman, and earlier, activity. It is possible that ground works associated with this application may disturb archaeological features related to prehistoric-medieval landscape features. It will be necessary to record any revealed features and deposits through a strip, map and record exercise to determine the depth and nature of any archaeological features which may exist on the site.

Landscape Architect

3.4 There are no trees within the development site that have significant public amenity value or are outstanding or rare specimens. Nonetheless the general greenery and spatial quality of the site can be appreciated from adjacent properties. Two trees that are worthy of protection due to their size, form and visibility, lie just outside of the southern boundary of the site - one large Pine and one mature Silver birch shown on the plans. Any construction operations, including external hard works, should be kept outside of the recommended root protection areas (RPA) of the Pine and Birch in accordance with BS5837. The development would benefit from plots 1 and 2 being moved north further away from these two trees to reduce the chance of a potential conflict in the future with new residents.

3.5 The proposed layout allows scope for replacement planting in compensation for those to be felled as a result of this development. The

previous plans included an excessive use of timber fencing, the revised plans have reduced these and also allow additional scope for planting along the edge of boundaries to help soften the appearance of the development. A condition should be added to any approval requiring details of replacement planting to be agreed and implemented and a condition regarding protection of trees to be retained.

Highway Network Management

3.6 No objections, currently considering revised plans and an update will be provided at planning committee.

Environmental Protection Unit

3.7 No objections. A condition should be added to any approval regarding the discovery of unexpected contamination during construction. In addition, an informative should be added regarding demolition and construction practices.

EXTERNAL

Publicity and Neighbour Notification

3.8 3 residents wrote to the LPA in support of the application. The following comments were made:

- it would smarten up the area to the rear of these properties as they are overgrown and a waste of usable space
- the development would aid security, there have been burglaries in the area because of access through large gardens to the back of the houses on Beckfield Lane
- the proposed development is in keeping with the area
- it is increasingly frustrating that the supply of houses in the York area are suppressed, keeping house prices artificially high. Any development that addresses this local and national problem is welcomed
- some of the neighbours surrounding the proposed development are mistaken when they claim that the land at the top of Runswick Avenue was designated as an amenity space for residents, the land in question was left unbuilt on so that it could be used for access should an opportunity for development arise in the future

- several gardens were sacrificed so that Runswick Avenue could be developed, it is ironic that Runswick Avenue residents are objecting to this development
- the existing gardens are large and are therefore very difficult to maintain, the proposed development will still leave very generous gardens, with a number of trees still intact

3.9 28 letters of objection have been received from local residents in addition to a petition signed by 14 people living on Runswick Avenue. The following comments were made:

- building on the garden of old period properties will destroy their heritage and character
- the development will result in the loss of a number of trees
- there is plenty of space for housing development on brownfield sites in the city without building on green gardens
- the strip of land where the access road will be has no identified owner and therefore there is no permission to cross the land, this land has been kept clean by residents and the council over the years and the development results in a loss of community space
- the businesses at the top of the street create congestion and parking problems, the development would add to this
- the development will create more noise due to car movements
- it will result in the loss of wildlife
- street lights from the development will shine light into neighbouring bedrooms
- the street is in a poor state of repair, additional traffic will further damage this
- there are a number of elderly residents in the area and extra traffic and roads and junctions will add to the risk to these residents
- concern about dust, noise, vibrations and construction traffic while development is taking place
- the development will result in a loss of privacy through overlooking
- only bungalows should be allowed
- the new access road is opposite Sainsbury's car park which is dangerous
- concerns about surface water drainage as some gardens in the area are set significantly below the application site
- the development will spoil the view from neighbouring houses
- plans do not show all trees on site which will be lost
- the transport statement for the site is out of date

- the development will de-value other houses in the area
- the proposed housing density is too high
- local schools and facilities are already overburdened, the proposed plans will worsen this

3.10 One letter was received which stated that they do not object to the development but were concerned that any additional traffic and parking associated with the development would make the situation worse at the junction of Beckfield Lane and Runswick Avenue which is stated as being dangerous. Double yellow lines should be repaired and enforced.

Foss Internal Drainage Board

3.11 The size of this development is such that it is reasonable to expect some form of surface water attenuation to be incorporated to ensure additional volumes are not entering the River Foss.

Yorkshire Water

3.12 Conditions should be added to any approval requiring separate systems for foul and surface water drainage and the attenuation of surface water if natural infiltration systems are not reasonably practical in this location.

4.0 APPRAISAL

4.1 The key issues are:

- Principle of development
- Density and mix of development
- Visual Impact
- Impact on neighbouring residential amenity
- Highways and parking

Principle of development

4.2 The National Planning Policy Framework (NPPF) states that there is a presumption in favour of sustainable development which, for decision-making, means approving without delay development proposals that accord with the development plan (paragraph 14). Where the development plan is

absent, silent or relevant policies are out of date, planning permission should be granted unless: (1) any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or (2) specific policies in the Framework indicate development should be restricted.

4.3 Specifically in relation to housing the National Planning Policy Framework Chapter 6 'Delivering a wide choice of high quality homes' aims to boost significantly the supply of housing. The framework states that local planning authorities should deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. LPA's should be able to demonstrate a five year supply of housing land to meet local housing need.

4.4 The City of York Development Control Local Plan (DCLP) was approved for development control purposes in April 2005. Its policies are material considerations although it is considered that their weight is limited except where they accord with the NPPF. The relevant local plan policies are listed at paragraph 2.2 of the report.

4.5 The NPPF encourages local planning authorities to set their own policies in respect to the development of garden areas. DCLP Policy GP10 'Subdivision of Gardens and Infill Development' states that planning permission will only be granted for the sub-division of existing garden areas to provide new development where this would not be detrimental to the character and amenity of the local environment.

4.6 The application site is within an urban area with good access to shops, services and public open space. DCLP Policy H4a on 'Housing Windfalls' supports the development of new housing on non-allocated sites where the site is underused, in a sustainable urban location, and is of an appropriate scale and density and will not have a detrimental impact on existing landscape features. The application site includes gardens of approximately 115m in length. The gardens are long and narrow and the majority of residents who live at the host dwellings do not utilise much of the garden area, with many of the garden areas being overgrown. The garden to be retained by the host dwellings will remain of very significant size, particularly in relation to modern development standards. It is considered that the principle of developing new residential development on the

remaining underused garden land is acceptable in principle. The adjacent 1960's development of Runswick Avenue is itself a development on previous garden land. The principle of development did not form part of the reasons for refusal of the previous planning application for residential development on this site (08/00159/FULM).

Density and mix of development

4.7 The application site is 0.27 hectares in size, this equates to a development density of around 33 dwellings per hectare. DCLP policy H5a seeks to achieve 40 dwellings per hectare in urban areas such as this. However, it is considered that given the application site is modest in scale, is constrained by other residential development surrounding the site, and is on garden land, that a lower density is appropriate. The need to maximise the efficient use of urban land needs to be balanced against site circumstances. The previously refused application proposed 12 dwellings which was considered to be excessive in this context.

4.8 The development contains a mix of two and three bedroom houses which is the priority need in the city. The development includes a mix of houses and bungalows with gardens. DCLP Policy H3c encourages developments to provide a mix of dwellings which meet local housing need. It is considered that the proposed development achieves this.

Visual impact

4.9 The development includes a mix of single, two and two and a half storey housing. The surrounding area contains bungalows and primarily 2 storey dwellings. The dwellings surrounding the site vary in build height as well as true height given the variations in land levels. The variety in age of dwellings in the area means that there is no easily defined local character or predominant house type or design.

4.10 The proposed dwellings are of simple design and traditional proportions. They are typical of contemporary suburban development, they will not stand out or appear out of character within the setting given the variety of dwellings in the area. Some tweaks have been made to the design since the original submission to add some design quality to the design such as soldier brick heads and cast artificial stone cills, recessed

windows, projecting eaves and gable corbelling. In addition some windows have been enlarged to provide better proportioned elevations. The scale of the dwellings is considered reasonable, the two and half storey dwellings are set in the middle of the site and are 8.6m in height to the ridge which is not significantly different to many two storey dwellings in the area. The bungalows proposed on site are the dwellings closest to existing bungalows therefore providing a reasonable transition area between the proposed two storey houses. The location of the bungalows also allows the top of the spire of St Stephens Church to be visible in the distance from the access point. It is considered important to retain this view as it adds a sense of context and local character to this area.

4.11 The proposed development results in the loss of 14 trees on site. However, the vast majority of these are small and/or of limited quality. Few of the trees to be felled as part of the development are visually prominent from outside of the site. A large number of trees will remain within the retained gardens of 1-9 Beckfield Lane. The two most significant trees in the immediate context of the site are a large pine and mature silver birch just outside the site within the gardens of dwellings on Wetherby Road. The development has been designed to minimise the potential harm to these two significant trees through the retention of the existing boundary fence rather than replacement and siting the cycle parking and hard standing areas away from tree roots. The design allows scope for some replacement planting within front gardens and along the access route which will be most visually prominent from public areas. The significant hedge along the rear of dwellings along Runswick Avenue which borders the site is to be retained. Hard standing has been reduced to allow for more soft landscaping on the site.

Impact on neighbouring residential amenity

4.12 The proposed development achieves an acceptable level of separation between neighbouring houses. The dwellings sit 45-55m away from those on Wetherby Road and are approximately 8m off the boundary with the exception of the bungalow at Plot 7 which is closer but will not be dominant above the boundary fence. Approximately 35m is retained between the back of houses on Beckfield Lane and Plot 1. There is approximately 21m between the rear of bungalows on Runswick Avenue and proposed Plots 1-6. This is considered in line with typically acceptable

suburban separation distances and the dwellings will not appear dominant or overbearing or result in a significant loss of privacy at this distance. Only around 17m will exist between the rear of 42 Runswick Avenue and the rear of Plots 7 and 8. However, given these dwellings are single storey, this level of separation is considered sufficient to maintain amenity. A 1.8m boundary fence will be erected on the boundary between these dwellings. The closest relationship proposed is between Plot 9 and 28 and 30 Runswick Avenue. The separation distance between the rear of the existing dwellings and the side of Plot 9 is approximately 11.5m. Plot 9 is set 4m off the shared curtilage boundary and would have no windows in the roof and therefore there would be no overlooking of the garden or windows of 28 and 30 Runswick Avenue. The eaves are approximately 2.8m in height and the roof hips away from the boundary reaching 5.7m at the ridge. The ridge is a further 4.3m away from the boundary than the side of the bungalow. It is considered that the proposal will not appear dominant and overbearing or result in an unacceptable loss of natural light at this height and distance. An existing topographical plan and finished floor level plan has been submitted to show that the ground level is not proposed to be increased as part of the development. The proposal is considered to be in accordance with DCLP Policy GP1 Design.

Highways and parking

4.13 The proposed development incorporates some design principles encouraged in 'Manual for Streets' such as shared surfaces and reducing speed through narrowing of the surface. Each dwelling has allocated car parking towards the higher end of the council's maximum parking standards. The two bedroom bungalows have one car parking space with 5 of the 7 three bedroom houses having two allocated parking spaces. The other 2 three bedroom houses have one space each. A visitor parking space is also proposed on site. It is considered that this level of parking will reduce the likelihood of parking off site along Runswick Avenue which can be heavily parked at times. Sustainable transport choice is encouraged through the provision of cycle parking sheds in each garden which are secured behind boundary fences.

4.14 The level of traffic associated with the proposed development will be low and will have no significant impact on the local highway network. Tracking information has been submitted showing a refuse vehicle entering

the site, turning around and leaving in a forward gear. The entrance to the site at Runswick Avenue has been reduced in width to aid pedestrians in safely crossing this access point. Highway Network Management have not raised any objections to the plans proposed and have been working with the applicants to finalise the proposals. At the time of writing this report the councils Highway's department are considering revised plans to ensure that it meets all requirements. An update will be provided at Planning Committee in this respect.

Other issues

4.15 A commuted sum is sought towards Children's Equipped Play Space, Informal Amenity Open Space, and Outdoor Sports Facilities in accordance with DCLP Policy L1c and the 'Commutated Sum Payments for Open Space in New Developments' guidance. The commuted sum totals £17,516. The commuted sum is sought to fund specific local projects in accordance with Regulation 123 of the Community Infrastructure Regulations 2010 as there are not 5 or more separate planning obligations which provide for the funding or provision of the projects. The applicants are in the process of drawing up a Unilateral Undertaking which will secure the funds. At the time of writing this report the application is recommended for approval with delegated authority to complete the legal agreement at officer level. If the agreement is completed before committee, an update will be provided at committee and the application recommended for approval.

4.16 The development is below the affordable housing threshold for an urban area. No commuted sums have been sought from colleagues working in education or highways.

4.17 A condition is proposed requiring drainage to be agreed prior to the commencement of development. This will require the development to demonstrate that a sustainable natural infiltration system is not possible on this site in the first instance. Should this not prove suitable then an attenuated surface water drainage system will need to be agreed with the council's Flood Risk Engineer to ensure that surface water runoff into the public sewer is at a controlled rate to reduce the potential for the drain to be overwhelmed in times of a storm. The system would be required to take account of existing runoff rates and likely changes in weather conditions as a result of climate change. Conditions are also proposed to enhance

biodiversity and requiring an archaeological watching brief in accordance with specialist advice from officers.

4.18 A number of local residents have raised concerns about the piece of land which is proposed to be used as the access point off Runswick Avenue. The concerns focus on the fact that ownership of this land is unknown. The applicants have carried out all necessary tasks in terms of the submission of a planning application including land not within their ownership. There are no planning reasons to refuse the application on the grounds of land ownership.

5.0 CONCLUSION

5.1 For the reasons outlined above, this application is recommended for approval with delegated authority to complete a Section 106 agreement in relation to securing funds for public open space as set out in the report. The following conditions are recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2 Development start within three years
- 2 The development hereby permitted shall be carried out in accordance with the following plans:-
 - Proposed Site Layout - 4026 (05) 01 Rev J including stated finished floor levels
 - Proposed House Types Plots 1, 2, 3 and 4 - 4026 (05) 02 Rev B
 - Proposed House Types Plots 5 and 6 – 4026 (05) 03 Rev C
 - Proposed House Types Plots 7 and 8 – 4026 (05) 04 Rev B
 - Proposed House Type Plot 9 – 4026 (05) 05 Rev B
 - Proposed Street Scene and Site Sections – 4026 (05) 06 Rev D

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

- 3 Notwithstanding any proposed materials specified on the approved

drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 The development shall be carried out incorporating soldier brick heads and cast artificial stone cills, recessed windows, projecting eaves and gable corbelling, as shown on the approved plans and detailed in the letter from Jennifer Hubbard dated 5th November 2015.

Reason: In the interests of the character and appearance of the development and street scene.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), development of the type described in Classes A (enlargement or improvement) and B (addition or alteration of the roof) of Schedule 2 Part 1 'Development within the Curtilage of a Dwellinghouse' of that Order shall not be erected or constructed.

Reason: In the interests of the amenities of the adjoining residents

6 Within 3 months of the commencement of development, a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. Submitted details shall include the number, species, height and position of trees and shrubs to be planted. The approved scheme shall be implemented in its entirety 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.

7 Prior to the commencement of development including site clearance, building operations, the importing of materials and any excavations, a method statement regarding protection measures for the existing and neighbouring trees and hedges shown 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 fencing to BS5837: 2012 to be shown on a plan; type of construction machinery/vehicles to be used; parking arrangements for site vehicles; locations for storage of materials; location of site cabin and marketing cabin as appropriate. The protective fencing will also include as much of the proposed rear lawns as practicable. The protective fencing line shall be adhered to at all times during development operations 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, mechanical cultivation, parking or manoeuvring of vehicles. Within the exclusion zone there shall be no site huts, no mixing of cement, no disposing of washings, no stored fuel, no new trenches or services or drains. The fencing shall remain secured in position throughout the development process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing and neighbouring trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development; and to retain suitable growing conditions.

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

writing 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 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9 Within 3 months of the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority identifying measures to be included in the development to enhance the biodiversity of the site. Enhancement to the proposed development shall be achieved by using native species within the landscaping and including integral bird and bat boxes in the new buildings. The agreed measures shall be fully planted/installed prior to the first occupation of any dwelling house hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of replacing and enhancing the biodiversity of the site.

10 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (an archaeological excavation and subsequent programme of analysis and publication by an approved archaeological unit) in accordance with the specification supplied to and approved by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

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

11 Prior to the occupation of any dwelling house hereby approved, the cycle parking facilities shown on the approved plans shall be fully installed and operational and thereafter retained.

Reason: In the interests of promoting sustainable transport choice.

7.0 INFORMATIVES: Notes to Applicant

1. Demolition and construction informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a 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. The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

Monday to Friday 08.00 to 18.00

Saturday 09.00 to 13.00

Not at all on Sundays and Bank Holidays.

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

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal

combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

6. There shall be no bonfires on the site.

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