

1.6 The external facing of the proposed building would comprise of a mixture of cladding, brickwork and rendering. It would be a 4 and a half storey structure with a flat and an open roof above. The surrounding residential buildings are predominately brick structures. The area contains a good mix of apartment blocks, terraces and bungalows. There is also a good mix of light industrial, commercial and residential uses within the area, although the area to the east of Hallfield Road is predominately residential use.

1.7 In relation to the surrounding properties the main elevation of the proposed building would be approximately 11.0m away from the non-habitable windows to the side of the apartments at Merchants Court, approximately 25.0m away from the properties along Faber Street, approximately 20.0m from the non-residential buildings on the opposite side of Hallfield Road, and approximately 10.0m away from the Foss Islands cycle/footpath.

1.8 Access to the site is from Hallfield Road. A 7.0m x 10.0m turning area is proposed between the front elevation of the building and a small communal garden to the north of the site. The latest amended plans show a total of 10 cycle storage spaces would be provided within the building by the ground floor entrance hall. In addition each of the 4 garages would be capable of accommodating at least 1 cycle space.

1.9 RELEVANT PLANNING HISTORY

1.10 07/00953/FUL: Erection of four storey residential building comprising 3no. townhouses and 3no. apartments. Permission was granted on 12 June 2007.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (1) 0003

Floodzone 2 Flood Zone 2 CONF

Hazardous Premises Transco PLC COMPLE

2.2 Policies:

CYGP4A
Sustainability

CYGP1
Design

CYH4A
Housing Windfall
CYH5A

Residential Density

CYH3C

Mix of Dwellings on Housing Site

CYL1C

Provision of New Open Space in Development

CYT4

Cycle parking standards

CYGP4B

Air Quality

CYGP15

Protection from flooding

3.0 CONSULTATIONS

EXTERNAL:

3.1 Neighbours notified, site notice posted and press advertised, expired 8 April 2008 - two letters of objections received raising the following concerns:

- the area has already reached saturation with regard to new apartment blocks;
- construction has already begun on site prior to the planning decision;
- the property at apartment 7, 1 Hallfield Road should have been consulted.
- the height of the proposal is out of proportion with the adjacent apartment blocks;
- the proposal would harm the expensive piece of sculpture to be placed at the corner of Hallfield Road and Little Hallfield Road, at the start of the cycle track;

3.2 Heworth Planning Panel consulted - No response received 27 March 2008.

3.3 Environment Agency consulted: Response received 17 April 2008 - The agency have no objections.

3.4 Yorkshire Water consulted: Response received 14 March 2008 - No objections subject to the conditions recommended in the previous approval.

INTERNAL:

3.5 City Development Unit consulted: First response received 2 April 2008 - the following comments were made with regard to the housing type and mix proposed in this revised application:

- this revised application has a density of 350 dwellings per hectare, which is considered to be incredibly high (even higher than city centre schemes, which this isn't);
- the sizes of most of the apartments are extremely small;

- in light of the Strategic Housing Market Assessment (SHMA) prepared by the City of York Council for development control purposes the scheme should be in line with the 60/40 housing/flat split;
- the previous scheme was more compliant with the SHMA results;
- it is recognised that the shape of the site may provide layout challenges;
- if apartment development is more appropriate, a better mix of dwelling types and more genuinely liveable 2 and 3 bedroom properties within the development with larger floor areas is recommended.

No further response received to date following the submission of amended drawings.

3.6 Urban Design and Conservation consulted. Response received 3 April 2008 - the following comments were made:

- there is a lack of open garden/amenity space;
- nevertheless the previously approved scheme also had no significant outdoor amenity space;
- it is therefore considered inappropriate to object to the scheme on this basis;
- should permission be granted a landscaping condition is recommended;
- a condition to reinstate any damage to the existing new planting along Hallfield Road, as well as the provision of planting within the site boundary is also recommended.

3.7 Highway Network Management consulted: First response received 28 March 2008 - the following comments were made:

- the scheme does not provide adequate space for 10 cycles;
- standard size is a minimum of 0.45m x 1.8m per cycle space;
- provided that cycle parking for residents has been addressed, and the conditions previously sought on the approved scheme has been attached, Highway Network Management would have no objections to the revised scheme.

Revised comments received 18 April 2008 following the submission of amended drawings. The following comments were made:

- the total number of apartments has been reduced from 14 to 12;
- thus there is a reduced requirement for cycle parking provision - a total of 12 spaces;
- four of these spaces can be accommodated in the integral garages;
- the cycle store identified on the amended drawings is only capable of accommodating 8 cycles rather than the 10 shown;
- nevertheless a total of 12 cycle spaces for the development as a whole would accord with the Council's standards and no objection is raised on this matter.

3.8 Structure and drainage team consulted: Response received 16 April 2008 - No objections, as the development is in low risk Flood Zone 1 and should not suffer from river flooding.

3.9 Environmental Protection Unit consulted: Response received 14 March 2008. The following comments were made:

- the previous approval include conditions regarding a desk study and site investigation due to the concern regarding previous uses including a car re-spraying yard;
- the site appears to have been cleared and a large part concreted over;
- unless a desk study and site investigation have been previously submitted and approved, it is recommended that the same conditions should be attached to any new permission;
- the site is also close to what would be an increasingly busy road, forming a link between Hull Road and Heworth Green;
- it is therefore recommended that a condition is attached to ensure that suitable sound insulation is installed.

3.10 Learning, Culture and Children Services consulted: The department will not be asking for S106 contribution as the types of residential units proposed fall below the education contribution threshold.

4.0 APPRAISAL

4.1 The main issues to be considered are as follows:

- i. Types and sizes of the residential units
- ii. Residential density
- iii. Open space provision
- iv. Sustainability
- V. Access and Highway Safety
- vi. Scale, Design and External Appearance
- vii. Other material planning considerations

TYPES AND SIZES OF THE RESIDENTIAL UNITS

4.2 Central government's advice on housing is set out in Planning Policy Statement no.3 (PPS3): Housing (2006). Paragraph 24 of PPS3 states in planning for smaller sites, the mix of housing should contribute to the creation of mixed communities having regard to the existing mix of housing in the locality.

4.3 In accordance with central government advice on housing, policy H3c of the City of York Draft Local Plan 2005 states residential developments must demonstrate that the range of type, size of units (including number of bedrooms), design and layout of the plot and tenures and pricing meets local housing needs.

4.4 With the objective of assessing the local housing needs, a comprehensive study was carried out by the City Development Team, which looks at what is appropriate in York in terms of housing tenure; size and type. A Strategic Housing Market Assessment (SHMA) report was produced based on the findings, and was adopted for Development Control purposes on 27 September 2007. The SHMA reveals that there is a demand for a range of dwelling sizes, with 21% looking for 1 bed, 29% for 2 bed, 29% for 3 bed, and 21% for 4 bedrooms. Crucially over 60% of households are looking for houses rather than flats. The SHMA concludes that developments should seek to achieve a 60/40 house/flat ratio in order to meet demand.

4.5 In relation to the revised scheme, the SHMA reveals the dwelling sizes which have the highest demand are 2 bed and 3 bed units (both with a demand of 29%). Compared with the original (approved) scheme, the latest drawings show the number of two bed units would increase from two to four, although the number of three bed units would be reduced by one. Notwithstanding the slight reduction in three bed units, having taking into account the level of increase of 2 bed units it is considered that the latest scheme would not conflict with the national and local planning policies from the point of view of meeting the sizes of dwelling with the highest demand.

4.6 The issue concerning the types of unit proposed compared with the original (approved) scheme has been considered. The previously approved scheme offered 3no. four bed and 1 no. three bed townhouses, generally of a size and scale that would be most suited to family occupation. However with the exception of plot A3 none of the townhouses and apartments originally benefited from individual areas of private amenity space. Only a very small triangular area of communal open space (approx 32 square metres) would have been available for the occupiers of the dwellings. It is considered that the type and size of the accommodation now proposed, relating as it does to smaller units of accommodation, is more compatible with the constraints of the site imposed by the original approval, the characteristics of the area and the surrounding uses. In addition, the applicant has stated that it is unlikely that three and four bed townhouses with little or no private amenity space, 1,600-1,700 sq.ft in area, and a market value of £350,000 - £400,000 would constitute a financially viable form of development. Whilst the financial viability of developing a scheme is not in itself a material planning consideration that could influence the decision on a planning application, it is considered that the provision of a larger number of smaller units within this building would not conflict with the Government's objective of achieving mixed, balanced and sustainable communities.

4.7 In light of the above, the types and sizes of unit as shown on the amended plans in this location are deemed acceptable.

RESIDENTIAL DENSITY

4.8 Policy H5a "Residential Density" of the City of York Draft Local Plan 2005 sets out the appropriate densities for new residential developments. Depending on individual site circumstances and public transport facilities, a minimum density of 40 dwellings per hectare is expected for developments in the urban area.

4.9 Paragraph 47 of Planning Policy Statement 3 (2006) "Housing" states 30 dwellings per hectare net should be used as a national indicative minimum to guide policy decision making. Paragraph 48 further states good design is fundamental to using land efficiently. Paragraph 50 advises that "the density of existing development should not dictate that of new housing by stifling change or requiring replication of existing style or form. If done well, imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment".

4.10 The previous approved scheme has already exceeded the national and local guidance on density to 158 dwellings per hectare. The latest scheme shows a much

greater density level of 300 dwellings per hectare, on a site outside the City of York City Centre inset boundary. Nevertheless, as noted above, paragraph 50 of PPS3 states "imaginative design and layout of new development can lead to a more efficient use of land without compromising the quality of the local environment". The main issue, therefore, is whether the proposed density level would unacceptably harm the visual and residential amenities of the local residents including the living conditions of future occupants.

4.11 The overall height of the proposed residential block has already been established following the approval of the previous scheme. As the height of the building would not exceed the height which has already been established, it is not considered that the density intensification would be more harmful to the York skyline.

4.12 The overall scale, massing and footprint of the building in terms of how it might affect the residential amenity of the nearby residents have also been established following the approval of the previous scheme. Given that the massing and footprint of the proposed building would be the same as the original approved scheme, it is not considered that the proposed intensification of the density level would have more harmful effect upon the nearby residents than the original approved scheme in terms of the loss of daylight and the loss of privacy.

4.13 With regard to the extent to which the proposed density intensification would harm the living conditions of the future occupants, the floor plan submitted as part of the amended scheme shows one bed studio units would have a floor area of 28sq.m (301sq.ft), the floor areas of one bed apartments would range from 34sq.m (365sq.ft) to 49sq.m (572sq.ft), two bed apartments from 64sq.m (688sq.ft) to 70sq.m (753sq.ft), and a three bed apartment would measure 111sq.m (1194sq.ft) in floor area. For a site which is already in close proximity to high density development (notably Merchants Court) and just 220.0m away from the city centre boundary, it is not considered that the floor area of the units in relation to the number of beds proposed are unacceptable in this location. There is also a lack of solid evidence to suggest that the area of floor space proposed per unit would harm the living conditions of the future occupants.

4.14 Due to the site characteristics and the positioning of the proposed residential block, each of the units proposed would receive adequate daylight and would not be overlooked by the nearby residential properties. As such, it is unlikely that the proposed density intensification would affect the living conditions of the future occupants

4.15 By virtue of the above, it is not proven that the proposed density intensification, from 158 dwellings per hectare (as originally approved) to 300 dwellings per hectare (as proposed) would detrimentally affect the visual and residential amenities of the locality or the living conditions of the future occupiers.

OPEN SPACE PROVISION

4.16 The amount of (limited) on-site amenity space would be the same as for the originally approved scheme. The site is directly adjacent to a designated public open space which forms part of the Foss Islands cycle/footpath. This large area of public

open space is considered to be particularly beneficial to the amenity of the future occupants of the development. The site is also adjacent to a large number of residential units (notably Merchants Court) with no private amenity space. A financial contribution of £9612 would be required towards the provision of off-site amenity open space. This could be secured by condition.

SUSTAINABILITY

4.17 Policy GP4a "Sustainability" of the City of York Draft Local Plan 2005 sets out a list of criteria development should take into account. In addition, all residential developments will be required to be accompanied by a sustainability statement which describes how the proposal would fit with these criteria. According to the sustainability statement submitted, the proposed building will be constructed of renewable materials where possible. Furthermore, the lightweight metal frame used as part of the construction will have above normal insulation values to ensure each of the residential units would be highly efficient in terms of heat conservation. In order to increase energy efficiency, double glazing in energy efficient thermal framed windows combines with solar panel heating will be used. Energy consumption is further reduced through the use of low energy lighting, movement sensitive lighting and non-electric heating. Rainwater will be collected for watering the landscaping and refuse collection points have been identified on the site plan for the storage and collection of refuse and recycling.

4.18 In addition to the above, the site is also within walking distance from York city centre and it is approximately 100m away from the retail units at Foss Islands. Other community facilities are also found at the junction of Layerthorpe with East Parade some 200.0m away. The site is adjacent to the Foss Islands cycle route/footpath; the latest amended scheme shows the site is capable of providing at least 14no. secured indoor cycle storage spaces.

4.19 Based on the information provided, it is considered that the proposal would comply with the standards set out in policy GP4a of the City of York Draft Local Plan 2005. Nevertheless, the Council's Interim Planning Statement on Sustainable Design and Construction requires a minimum standard for new build residential developments of 1 dwelling unit and above of at least Level 3* rating under the Code for Sustainable Homes. As the proposed development falls within this requirement, a condition has been recommended to ensure that such a standard would be achieved.

ACCESS AND HIGHWAY SAFETY

4.20 Highway Network Management team was consulted on the revised scheme. Concern was raised regarding the space allocated for each of the cycle spaces as shown on the original scheme. It was recommended that a minimum of 0.45m x 1.8m per cycle space should be provided. The amended plans submitted have taken into account these concerns. The amended scheme has also addressed the concern regarding the prominence of the detached 3.2m x 3.0m x 2.8m flat roof cycle shed as shown on the original drawings. The amended plans show the proposed cycle spaces would be more secured, more convenient for the cycle users, and would not be visible from public view as they would be sited within the fabric of the building.

4.21 No objections were raised regarding the internal turning area, vehicle parking arrangements, the likely increase of the number of vehicles visiting the site, the impact the proposed increase of vehicle movements would have upon Hallfield Road, and the proposed widening of the access point. This is subject to conditions requiring all areas used by vehicles to be surfaced, sealed and positively drained within the site, a condition regarding access improvement, a condition requiring car and cycle parking areas to be constructed in accordance with the approved plans, and a condition requiring pedestrian turning point, carriageway markings, traffic signs, and relocation of lighting unit to be carried out. These conditions form part of the recommended approval.

SCALE, DESIGN AND EXTERNAL APPEARANCE

4.22 Other than amendments to the footprint of the ground level (which would be the same floor area as the first, second and third floor above) and amendments to the shapes, sizes and positioning of the windows, doors and balconies, very little changes have been proposed compared with the original approved scheme. Unlike the adjoining residential buildings, the external facing of the scheme would comprise of a mixture of cladding, brickwork and rendering. This is considered acceptable in this location as the existing area does not have a set architectural character that must be conformed with. Hence the overall design and appearance of the previous approved scheme was deemed acceptable. As mentioned above, the height of the building would not exceed the height already established following the approval of the previous scheme. Hence the revised scheme would not further affect the York skyline. The use of building materials will be subject to condition.

4.23 The issue concerning its impact on the public sculpture at the junction of the cycle route with Hallfield Road and James Street Link Road (planning ref no: 07/01855/FUL) has been considered. This public sculpture application was approved in September 2007 following the grant of planning permission for the original residential scheme (June 2007). As the revised scheme is based upon the scale and massing of what has already been established, it is outside the consideration of this revised planning application to consider the extent to which the scale and massing of the building would affect the public sculpture.

OTHER MATERIAL CONSIDERATIONS:

4.24 Flooding: the application site is within flood zone 2, which means that a Flood Risk Assessment is required from the applicant and the Environment Agency is required to be consulted. These have been carried out and the Agency has raised no objections to the scheme subject to the relevant flooding and drainage conditions. Yorkshire Water has also been consulted and has suggested a number of drainage conditions.

4.25 Environmental Protection: the Environmental Protection Unit stated in their original response for the approved planning application that the site lies within the City of York Council's Air Quality Management Area (AQMA). As the site is located close to the AQMA it is recommended that there should be parking facilities associated with the development equal to or below the Council's minimum parking standard. Based on the site plan submitted, which shows there would only be six

residential parking spaces for 12 units, it is satisfied that the proposal complies with the above standards.

4.26 The conditions regarding a desk study and site investigation recommended by the Environmental Protection team has not been formally discharged to date. As such these are to be included as part of the recommended decisions. Due to the significant increase in the level of density (compared with the original approved scheme), it is considered that a sound attenuation condition against external noise is required. The reason is to protect the amenity of future occupants.

4.27 Education: Due to the size and types of unit proposed, and following consultation with the Learning, Culture and Children's Services Team, a financial contribution towards education provision will not be required.

4.28 Neighbours' notifications: This was carried out in accordance with the standards set out in the "Publicity for Planning Application" document produced by the Council. This procedure was prepared in line with the standards set out in Circular 15/92 "Publicity for Planning Applications" published by the then Department of the Environment and the Welsh Office.

4.29 Having taken the above into account, it is considered that the proposed development accords with the national planning policies and the policies set out in the City of York Draft Local Plan 2005. Hence, this application is recommended for approval.

5.0 CONCLUSION

For the reasons above this application is recommended for approval.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

07:68:02 Rev A, 07:68:03 Rev A and 07:68:04 Rev A as received by the City of York Council on 16 April 2008

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.

3 HWAY9 Vehicle areas surfaced

4 HWAY14 Access to be approved, details reqd

5 HWAY19 Car and cycle parking laid out

6 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with the approved plans, or arrangements entered into which ensure the same.

pedestrian crossing point; carriage markings; traffic signs; relocation of lighting unit.

Reason: In the interests of the safe and free passage of highway users.

7 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 and shrubs. 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.

8 Notwithstanding the information contained on the approved drawings or in the application form submitted with the application 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 is occupied.

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

9 VISQ8 Samples of exterior materials to be app

10 Notwithstanding the information contained on the approved plans, the height of the approved development shall not exceed 14.5 metres, as measured from the lowest point of the existing ground level. Before any works commence on the site, a means of identifying the existing ground level on the site shall be agreed in writing, and any works required on site to mark that ground level accurately during the construction works shall be implemented prior to any disturbance of the existing ground level. Any such physical works or marker shall be retained at all times during the construction period.

Reason: to establish existing ground level and therefore to avoid confusion in measuring the height of the approved development, and to ensure that the approved development does not have an adverse impact on the character of the surrounding area.

11 The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

12 No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority.

Reason: To ensure that the development can be properly drained.

13 Unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal.

14 The building envelope of all habitable rooms shall be constructed so as to provide sound attenuation against external noise of not less than 35 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is constructed.

Reason: To protect the amenity of local residents.

15 A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site.

Informative: This should, where possible date back to 1800

Reason: To protect human health and the wider environment.

16 A site investigation shall be undertaken based upon the findings of the desk study (condition 15). The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

Reason: To protect human health and the wider environment.

17 A risk-based remedial strategy shall be developed based on the findings of the site investigation (condition 16). The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

Reason: To protect human health and the wider environment.

18 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

19 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority. Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development of the site.

Reason: To protect human health and the wider environment.

20 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on the site.

Reason: To protect human health and the wider environment.

21 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy L1c of the Development Control Local Plan which requires that all new housing sites make provision for the open space needs of future occupiers.

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £9612.00.

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

22 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.	

Reason: To safeguard the amenity of adjoining occupants.

23 Notwithstanding the information contained on the approved plans, none of the existing new planting along Hallfield Road shall at all times be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any planting removed without such consent or dying or being severely damaged or becoming seriously diseased shall be reinstated as may be agreed in writing with the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard these planting in a positive manner so as to secure their continued well being.

24 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve a Level 3* rating or the equivalent standard under the Code for Sustainable Homes, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

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 types and sizes of the residential units, residential density, private amenity space, sustainability, access and highway safety, and scale, design and external appearance. As such the proposal complies with Policies GP4A, GP1, H4a, H5a, H3c, L1c, T4, GP15 and GP4b 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 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:

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.

v. There shall be no bonfires on the site.

4. The applicant is reminded that the removal/relocation of trees and/or bushes which are not owned by the developer carrying out the work hereby approved may require separate consent from the relevant bodies.

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