

1.4 The building is designed with external amenity areas, new vehicular access from the access road serving Alpha Court, car parking, cycle parking with dedicated cycle and pedestrian routes from Monks Cross Drive and from the road adjacent to Alpha Court.

1.5 The application site is currently used for parking in conjunction with one of the business uses at Monks Cross.

Planning History

1.6 Permission was granted for temporary office structures on the site for Norwich Union in September 2002.

1.7 In September 2003 a temporary consent for the retention of car parking was granted (the use was to cease after the opening of the Monks Cross Park and ride).

1.8 Outline planning permission was granted for the erection of office units on the site and the adjacent land in July 2007

1.9 In August 2010 permission was granted to extend the time period for implementing the office development.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (2) 0005

2.2 Policies:

CYE1A
Premier Employment Sites

CYGP1
Design

CYGP4A
Sustainability

CYGP9
Landscaping

CYNE6
Species protected by law

3.0 CONSULTATIONS

INTERNAL

3.1 Highway Network Management – No objections in principle. However the level of car parking, based on the submitted transport assessment is considered to be too high. Amendments are suggested to improve access to the site by means other than the car and to reduce the overall number of parking spaces. A contribution towards the Monks Cross master plan is requested based on the trip generation from the site.

3.2 Economic Development Unit - concerned about the potential loss of employment land

3.3 Countryside Officer - Greater Crested Newts (GCN) have recently been recorded on adjacent land and within the surrounding area. Surveys in 2007, 2008 and 2010 assessed the local population size as low-medium. The site itself consists mainly of hard standing and so is low quality and of little interest with regard to GCN. In relation to the site area of this application only it is not considered that a licence would be required due to the unsuitability of the habitat for GCN. A detailed method statement and wildlife protection plan would though be needed and should be in place during all stages of the work. The statement and plan should be secured by condition.

3.4 Landscape Architect - Amendments and additions are suggested to the scheme, which should be sought before the development is approved.

3.5 City Development - There is a presumption in favour of retaining premier employment sites, unless it can be successfully demonstrated that the site is not needed for employment use. Should EDU raise concerns regarding the loss of this employment site there would be a policy objection. Further information is required to substantiate the conclusion that the development will have no impact on other areas due to the local catchment.

3.6 Sustainability Officer - A BREEAM assessment is required by condition. A minimum 'very good' should be achieved. A commitment to 10% renewable should be sought and conditioned. The sustainability statement currently has no such commitment although reference to renewable technologies are made.

3.7 York Consultancy - Object to the application because insufficient information has been submitted to show that the site can be satisfactorily drained.

3.8 Environmental Protection - No objection to the principle of the development but to ensure that the proposed first floor residential accommodation is not affected by the development a condition is proposed to restrict occupancy of the accommodation.

EXTERNAL

3.9 Huntington Parish Council- The Committee support this application and consider that such will bring much needed employment to the area in addition to an added amenity.

3.10 Foss Internal Drainage Board - Yorkshire Water should confirm that that the existing controlled system in the Monks Cross area has capacity to accommodate discharge from the site.

3.11 Police Architectural Liaison Officer - there are no 'design out crime' concerns with regard to the design and layout of the proposal.

3.12 2 letters of support has been received covering the following points:

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- The company Reeves and co. consider that these facilities would be welcomed. There are currently no facilities that can be used for lunch time meetings and find they have to drive to Clifton Park or similar
- As a company that markets some of the offices in the area Reeves & Co know that companies value the facilities proposed
- The restaurant is a much needed facility for local businesses

4.0 APPRAISAL

4.1 Key Issues: -

- Policy background

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

Policy Background

4.2 The development is for the erection of a new amenity restaurant/public house located in the out of town location, Monks Cross, north of York.

4.3 Government guidance in Planning Policy Statement 1 ("Delivering Sustainable Development") (PPS1) states that a number of key principles should be applied to ensure that decisions taken on planning applications contribute to the delivery of sustainable development. In particular, PPS1 promotes high quality inclusive design in the layout of new developments and individual buildings in terms of function and impact, not just for the short term but also over the lifetime of the development. Design which fails to take the opportunities available for improving the character and quality of an area should not be accepted. High quality and inclusive design should create well mixed and integrated developments which avoid segregation and have well planned public spaces that bring people together and provide opportunities for physical activity and recreation.

4.4 Planning Policy Statement 4 entitled "Planning for Sustainable Economic Growth" defines economic development as including development within the "B" Use Classes (Business and General Industrial), public and community uses and main town centre uses. The policies also apply to other development, which achieves any one of three objectives: i.e. provides employment opportunities, generates wealth or produces or generates an economic output or product. Furthermore the policies within PPS4 referring to main town centre uses shall apply to retail, leisure, office, art, and culture and tourism development. The PPS says that the Governments' objectives for prosperous economies are sustainable economic growth which should be achieved through building prosperous communities, reducing the gap in economic growth rates between regions, deliver more sustainable patterns of development, reduce the need to travel, especially by car and respond to climate change, promote the vitality and viability of town and

other centres as important places for communities and raise the quality of life and the environment in rural areas.

4.5 Policy EC8 of PPS4 requires that locally set maximum parking standards should be put in place through Local Development Frameworks based on the principles of sustainable travel.

4.6 Policy EC10 states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably setting out the impact considerations that economic development should be considered against; limiting carbon emissions, accessibility through a choice of transport modes, high quality inclusive design, impact on economic and physical regeneration of an area, impact on local employment.

4.7 Policy EC 14 requires that main town centre uses (including leisure uses) which are not located within a centre should be supported by a sequential test where the development provides for more than 200 square metres of floor space. EC15 to 17 sets out the requirements of a sequential assessment and impact assessments

4.8 Policy EC18 says that local parking standards shall be applied unless the applicant has shown why a higher level of parking is required and shown the measures proposed to be taken (for instance in the design, location and operation of the scheme) to minimise the need for parking. In the absence of local standards, the standards set out in annex D of PPG13 shall be applied.

4.9 Planning Policy Statement 13 'Transport' states that in developing and implementing policies for parking, it is important to ensure that, as part of a package of planning and transport measures, levels of parking provided in association with development will promote sustainable transport choices

4.10 An important consideration is the ministerial statement issued on the 23rd March 2011, which states that planning has a key role to play in ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. The statement says that appropriate weight should be given to the need to support economic recovery and that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4).

4.11 Local plan policies relevant to the development are: -

Policy E1a identifies 'out of centre' employment suitable (schedule 1 sites) for the science city York sector of the economy. The scale layout and design of proposals should contribute to the creation of a high quality commercial environment.

Policy GP1 'Design' includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

- Policy GP4a 'Sustainability' of the City of York Council Development Control Local Plan (2005) states that proposals for all development should have regard to the principles of sustainable development and sets out those issues to consider as part of a sustainably designed development. The interim planning statement on Sustainable Design and Construction supports Policy GP4a in setting out ways to achieve sustainability furthermore the document requires that 10% onsite renewables be achieved.

- Policy GP9 requires where appropriate developments to incorporate a suitable landscaping scheme

- Policy NE6 says where proposals may have a significant effect on protect species or habitats applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for development that will not cause demonstrable harm.

4.12 The Stage 2 Employment Land Review develops a broad set of spatial principles to help guide the future provision of employment land in the City, and uses these to assess the existing larger employment areas and potential new supply. It presents shortlists of sites for the range of employment use classes that may be considered for allocation as part of the Local Development Framework process.

4.13 The Arup Employment Paper (September 2010) commissioned to explore employment land provision in the city validates the findings of the Employment Land Review. The report concludes that land provision should be made on the basis of annual job growth of about 1000 jobs per year.

Principle of the Development

4.14 The application is for the erection of an amenity restaurant/public bar. The statement that accompanies the application explain that Monks Cross is home to a range of leading businesses, however, there are no integrated amenity support facilities. The provision of amenity services is increasingly seen as the "differentiator" when businesses make decisions about where to locate. The applicant (Cloverleaf Developments) have similar facilities located either on or directly adjacent to new, existing or emerging business parks and offer informal pub style environment which incorporates carefully designed specific areas for informal business meetings and provide free wi-fi for business customers. The Cloverleaf development will also feature a comfortable bar, spacious dining areas and a wide range of food and drink. The development is considered different from conventional bars, as it is predominantly a place to eat.

4.15 There are two main issues to be satisfied for the principle of development to be acceptable on this site; firstly is there sufficient justification for the development to override the need to protect this allocated employment site and secondly, in accordance with the policies in PPS4, can the development be accommodated without impact on the vitality and viability of the city and district centres The application is supported by a sequential test which examines available sites within the city centre for the proposed use and an employment land assessment

Employment Land

4.16 The application site is identified in schedule 1 of Policy E1a of the Draft Local Plan as a premier employment site. The site has an extant outline planning permission for B1 office development. It is a longstanding employment site and has recently been identified as a future employment site in the Employment Land review (Entec 2009) shortlisted for B1, B2 and B8 uses. The site forms part of the identified employment land supply in the emerging core strategy.

4.17 Policy E1a does not provide policy guidance on non employment uses however the site is an important part of current and emerging future land supply and as such there is a requirement to test the loss of the site from employment use in both quantitative and qualitative terms.

4.18 The emerging Submission Draft Core Strategy (recommended for approval by the Executive on 1 March 2011 and considered by Full Council on 7 April 2011) seeks the delivery of up to 1,000 jobs per annum and sufficient employment land and premises to meet this growth. This is based on the findings of the Employment Land Review, validated recently by the conclusions of Arup's work to explore employment land provision in the city. Emerging Policy CS16 from the Submission Draft Core Strategy protects existing employment sites to ensure continued economic success and prosperity. Monks Cross is identified as a location to contribute to the accommodation of new office development (B1a).

4.19 The applicant has undertaken an employment land assessment and an office land review. Both documents concluded that the impact of the proposal on the supply of employment land is negligible. The Council's Economic Development Unit (EDU) state they have concerns about the loss of employment land but offer no response to the information submitted by the applicant which shows the current excess of supply. In the absence of any clear lead from EDU that this employment site should be retained for office use, it is considered that this development, which is proposed as an enabling development for the existing and future office development within the Monks Cross area, does not undermine the principle of achieving employment development within North Monks Cross. Indeed, based on the applicant's assessment, it may even encourage it.

Sequential Assessment

4.20 In order for the development to be acceptable the proposal should be supported by a sequential test, demonstrating why the development cannot be located within either the city centre or the district centres of Haxby and Acomb (policy EC14 to 17 of PPS4). The applicant has submitted a sequential assessment, which has assessed sites within the city centre. The main conclusion of the assessment is that there are no available sites that would meet the needs of the business. Additionally the applicant considers that the particular business model means that the catchment area for the development precludes the restaurant being located in either the city centre or in the two district centres of Haxby and

Acomb. City Development have raised concerns about the extent of the submitted information, stating that in policy terms the starting point is that the city centre is the preferred location for leisure uses, including food and drink development. As the proposal is for a food and drink use, the presumption is that it should be located in the city centre, unless it can be successfully demonstrated that this type of development in another location would not be detrimental to the vitality and viability of the city centre. This can be demonstrated by assessing the likely turnover of the proposed development against the turnover of leisure uses in the city centre. The applicant considers that this cannot soundly be demonstrated as data on turnover of food and drink uses does not exist as it does for retail uses. Whilst this is accepted it is still considered that the applicant's assertions that the proposals will not be detrimental to the city centre should be quantified.

4.21 Although there may not be any comparable developments in the catchment area, as suggested by the applicant it is considered that information exists that can be utilised to quantify the applicant's conclusions that the trade draw would be from Monks Cross rather than the city centre. As there is an identified operator to implement the proposal it is likely that information within their business model can be used to demonstrate this. It may also be possible to draw upon case studies already developed to show the likely catchments of similar developments.

4.22 In response to the concern of City Development, additional information has now been submitted which provides details of comparable Cloverleaf developments. The comments of City Development on this additional information will be reported to committee. Overall it is the officer's opinion that the additional information sufficiently shows that the restaurant could not serve its target market if located in either the district centres or the city centre and therefore is unlikely to have any material impact on the vitality or viability of the City and District centres.

4.23 Members attention is drawn to condition 8 of the attached schedule, which proposes that the premises shall be used as an "amenity restaurant" in accordance with the application details and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987. The proposed amenity restaurant is specifically formatted to meet the business needs of the Monks Cross area, consequently the catchment area for the development is anticipated to be around the Monks Cross area only.

Without this condition it is considered that the proposal would conflict with national planning advice contained within Planning Policy Statement 4 ("Planning for Sustainable Economic Growth") (PPS4) by introducing an unrestricted Class A3 use in an out of town location. The condition would enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, to ensure the development does not conflict with the requirements of PPS4.

Design and Landscaping

4.24 The site is currently used for car parking and is therefore roughly hard surfaced to accommodate this use. The area of the site adjacent to Monks Cross Drive frontage and the road accessing Alpha court is mounded and grassed so that much of the site is obscured. The proposal is to lower the bunding to open up the frontage on to Monks Cross Drive. The mound will be 1 metre at its maximum height above footpath level. The proposed restaurant building is a part two storey part single storey pitch roofed structure with an eaves height varying between 2.5 metres on the single storey section and 6 metres on the two storey element. The overall maximum height varies between 6.5 metres and 10 metres. Externally the building provides an outdoor patio to the east and south sides of the building enclosed by low boundary treatment. To the west between the site and the road is the service yard, which is bounded by a wall and fence approximately 2.5 metres high. The Design and Access statement supporting the application concludes that the Monks Cross area has no specific architectural style. The scale and form of the building has been dictated, the document states, by the need to create a restaurant with a broad appeal to the local business community. The elevations replicate a traditional pub style. The design of the building originally included a stone and render finish. The stone detailing has been withdrawn and materials are to be agreed by condition with the possibility that the structure would be constructed in brick, which, it is considered, is more aligned to the majority of the materials in the area. The siting and design of the building are considered to be acceptable in the context of the site and its surroundings and in compliance with the general thrust of PPS1 and Policy GP1 of the Draft Local Plan.

4.25 One of the defining features of the Monks Cross area is the quality of its landscaping. The amount and maturity of the landscaping sets it apart from other out of centre retail business schemes and in officers' view adds to the attractiveness of the area as a destination for

businesses and retail custom. However the application site has no landscaped features within it although the boundary beyond, to the east of the application site, is well treed. The proposed development includes a landscaping scheme, which shows the reduction in the height of the existing mound around the site. The site presents good opportunities to enhance the tree cover within the area and provide an attractive setting for the building. The Council's Landscape Architect considers that currently the scheme is inadequate and that there is further opportunity to secure a landscape scheme that will enhance adjacent planting and introduce a sufficient level of planting commensurate with that provided on adjacent sites, thus maintaining the overall landscape quality of the area. An amended landscape scheme is expected to be received prior to today's meeting.

Highways Access and Parking

4.26 The proposed development, which has been amended since first submission, includes a new vehicular access from the frontage of the site adjacent to Alpha Court, with two separate pedestrian/ cycle entrances one from each frontage of the development site. 16 cycle parking spaces are provided, with 8 at each pedestrian /cycle entrance. The proposed car parking provision is based on 90 car parking spaces, the developer indicates this as the minimum amount accepted by the investors in the scheme, and without this level of parking the scheme will not progress. The Highways Network Management Officer, whilst accepting the principle of the development, has concerns regarding the detail of the scheme. The main concern is the level of car parking. The Transport Assessment supporting the application indicates that a much lower level of parking provision is needed to serve the site, particularly given that much of the anticipated use of the site will be from the Monks Cross Business Park and/or linked trips associated with Monks Cross shopping park. There is clear support in PSS4 and PPG13 for the highway approach to achieving sustainable development. To overcome these concerns, the applicant has submitted additional survey information related to some of their existing sites. This indicates that the parking demand is higher than their original transport assessment, such that car parking levels are reasonable in the context of maximum parking standards set out in the Draft Local Plan. In addition, an alternative surface on part of the car park area is proposed, which will act as an overspill area reducing the visibly available spaces for day-to-day use. The comments of Highways Network Management on these amendments to the scheme will be reported verbally to committee.

4.27 The site falls within the area covered by the member approved Monks Cross Masterplan and as such the applicant is required to provide a contribution to the aforementioned masterplan. The contribution is based upon the PM trips generated by the site by all modes. The amount of the contribution has yet to be determined; detail of the contribution and the mechanism for achieving the contribution will be reported verbally to committee.

Ecology

4.28 Within the adjacent land there are a number of ponds in which Greater Crested Newts (GCN) have recently been recorded. A Newt Mitigation Strategy supports the application. The Countryside Officer states that recent surveys record the population as medium to low and that the area for the development of the restaurant will not affect the GCN in the area. The Countryside Officer does not consider that a licence will be required for the restaurant works but a detailed method statement and wildlife protection plan will be necessary. Such works have been covered within the survey report and include newt fencing and thorough checking of pond 1 prior to the commencement of construction works. The detailed method statement and protection plan are conditioned.

Drainage

4.29 The site is located within flood zone 1 and should not suffer river flooding. However York Consultancy objects to the application because insufficient information exists within the application with regard to ground and finished floor levels and as to how the system will be attenuated to ensure that surface water discharge is restricted to the agreed discharge rate. The details of the means of attenuation of the system have been requested and will be reported verbally to committee. It is anticipated that with a clearer understanding of the attenuation proposed the details of the drainage for the site will be able to be conditioned.

Sustainability

4.30 The application is supported by a sustainability statement, which indicates that the applicant has undertaken preliminary work towards a BREEAM assessment, and which considers renewable technologies. A later letter confirms the applicants' commitment to achieve 10% renewables on site. Conditions are proposed to ensure a BREEAM very good rating and 10% on site renewables are achieved.

Other Matters

4.31 It is recommended that the accommodation proposed at first floor level be conditioned to ensure occupancy only in connection with the restaurant use. This is to ensure future occupants are not adversely affected by the restaurant use.

5.0 CONCLUSION

5.1 There are two main issues to be satisfied for the principle of development to be acceptable on this site; firstly is there sufficient justification for the development to override the need to protect this allocated employment site and secondly in accordance with the policies in PPS4 can the development be accommodated without impact on the vitality and viability of the city and district centres. The application is supported by a sequential test which examines available sites within the city centre for the proposed use and an employment land assessment.

5.2 In terms of the loss of the employment land officers consider that this development, which is proposed as an enabling development for the existing and future office development within the Monks Cross area, does not undermine the principle of achieving employment development within North Monks Cross.

5.3 City Development have received additional information with regard to the impact of the development on the vitality and viability of the city centre and district centres. Their comments on the submitted information will be reported verbally to Committee.

5.4 The siting and design of the building is considered to be acceptable in the context of the site and its surroundings and in compliance with the general thrust of PPS1 and GP1 of the draft local plan. Additional landscaping details are required and should be submitted prior to Committee.

5.5 The comments of Highway Network Management are awaited on the scheme. The scheme will require a contribution towards the Monks Cross master plan. Details of the contribution, proposed conditions and the comments of Highway Network Management will be reported verbally to Committee.

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 and other submitted details:-

To be inserted

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

3 VISQ8 Samples of exterior materials to be app

4 Prior to the commencement of the development a full strategy for the protection of Greater Crested Newts (including a time scale for the implementation of the strategy) based on the information set out in section 6 of the submitted Greater Crested Newts Mitigation Strategy dated December 2010 shall be submitted to and approved by the Local Planning Authority. The approved detail shall be carried out in accordance with the time scale set out within the strategy and to the satisfaction of the Local Planning Authority.

REASON - This is proposed to take account of and enhance the habitat and biodiversity of the locality in accordance with PPS9 ' Biodiversity and Geological Conservation'.

5 The development hereby approved shall be constructed to a BREEAM standard of 'very good'. A formal Post Construction assessment by a licensed BREEAM assessor shall be carried out and a copy of the certificate shall be submitted to the Local Planning Authority prior to occupation of the building. Should the development fail to achieve a 'very good' BREEAM rating a report shall be submitted for the written approval of the Local Planning Authority demonstrating what remedial measures shall be undertaken to achieve a 'very good' rating. The remedial measures shall then be undertaken within a timescale to be approved in writing by the Local Planning Authority.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York

Development Control Local plan and the Interim Planning Statement
'Sustainable Design and Construction'

6 No building work shall take place until details have been submitted and approved in writing by the Local Planning Authority to demonstrate how the development will provide, from on-site renewable energy, 10 per cent of the developments` predicted energy demand. The development shall be carried out in accordance with the submitted details unless otherwise agreed in writing by the Local Planning Authority. The approved scheme shall be implemented before first occupation of the development. The site thereafter shall be maintained to at least the required level of generation.'

Reason: In the interests of achieving a sustainable development in accordance with the requirements of GP4a of the City of York Development Control Local plan and the Interim Planning Statement 'Sustainable Design and Construction

7 The first floor residential accommodation hereby approved, namely a 3 bedroomed managers flat and two, one bedroomed assistants flats shall only be occupied by employees of the proposed restaurant and public house.

Reason: To protect the amenity of the occupants of the proposed accommodation.

8 The premises shall be used as an "amenity restaurant" in accordance with the application details and for no other purpose, including any other purpose in Class A3 in the Schedule of the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order.

Reason: The site is located on land allocated for employment use. The proposed amenity restaurant is specifically formatted to meet the business needs of the Monks Cross area, consequently the catchment area for the development is anticipated to be around the Monks Cross area only. Without this condition it is considered that the proposal would conflict with national planning advice contained within Planning Policy Statement 4 ("Planning for Sustainable Economic Growth") (PPS4) by introducing an unrestricted Class A3 use in an out of town location. The condition would enable the Local Planning Authority to re-assess alternative uses which, without this condition, may have been carried on

without planning permission by virtue of Article 3 of the Town and Country Planning (Use Classes) Order 1987, to ensure the development does not conflict with the requirements of PPS4.

9 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. Thereafter the approved surface water and foul drainage works shall be implemented to the satisfaction of the Local Planning Authority before any dwelling hereby approved is occupied

Reason: To ensure that no foul or surface water discharge take place until proper provision has been made for their disposal and to ensure that the site is properly drained

Note: see informative

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:

- Principle of the development
- Design and Landscaping
- Highways, access and parking
- Ecology
- Drainage
- Sustainability

As such the proposal complies with Policies E1a, GP1, GP4a, GP9 and NE6 of the City of York Development Control Local Plan, and national planning advice contained within Planning Policy Statement (PPS) 1: "Delivering Sustainable Development", PPS4: "Planning for Sustainable Economic Development" and PPS 13: "Transport".

2. Contamination

If, as part of the proposed development, the applicant encounters any

suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

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