

COMMITTEE REPORT

Committee: East Area
Date: 12 July 2007

Ward: Huntington/New Earswick
Parish: Huntington Parish Council

Reference: 07/00843/FULM
Application at: Site At The Junction Of Jockey Lane Kathryn Avenue
Huntington York
For: Erection of foodstore with associated car parking, access and
landscaping (resubmission of 06/02293/FULM)
By: Aldi Stores Ltd
Application Type: Major Full Application (13 weeks)
Target Date: 12 July 2007

1.0 PROPOSAL

1.1 This application seeks planning permission for a new foodstore on the corner of Jockey Lane and Kathryn Avenue in the Monks Cross area of York. The proposed foodstore would have 1580 sq floorspace of which 1125 sq m would be dedicated to retail floor area.

1.2 The proposal is for the foodstore to be located on the northern part of the site with the car park to the south. Access to the car park would from Kathryn Avenue.

1.3 The site currently contains two buildings both of which would be removed to make way for the retail unit and car park. The northern part of the site has operated as a car dealership within the last year but is currently unused. The southern part of the site has not been occupied for a number of years with its most recent use thought to be a car repair garage.

1.4 North of the site is Jockey Lane and the main retail centre of Monks Cross. West is Kathryn Avenue and the Polar Ford Car dealership. To the south are open fields with a bulky goods retail unit to the east.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams East Area (2) 0005

2.2 Policies:

CYE3B
Existing and Proposed Employment Sites

CYSP7A
The sequential approach to development

CYGP1
Design

CYGP4A
Sustainability

CYGP3
Planning against crime

CYT4
Cycle parking standards

CYT7C
Access to Public Transport

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The proposed food store includes customer parking for 69 vehicles to the rear, which is accessed off Kathryn Avenue. These include 4 disabled spaces and 4 parent/child spaces, which are in accordance with Local Plan standards. Additional facilities include a drop off bay for customers and 2 taxis spaces.

Covered parking for 16 customers cycles is to be provided close to the main entrance to the store and staff will be able to park their cycles within the storage area of the building. These arrangements are considered acceptable for the proposed use.

Access to a specifically designed goods unloading bay will take place from within the rear parking area and the applicants indicate that one HGV per day will be needed to service the store.

The store is accessible by sustainable modes of transport, with shared pedestrian/cycle footways already in place along Jockey Lane and a signalled crossing point on the frontage of the proposed store. A 30 minute frequency bus service operates along Jockey Lane and the Monks Cross Park and Ride service is to be found close by operating a 10 minute service into the City Centre.

An assessment of the operating capacity of the nearby Jockey Lane/ Kathryn Avenue junction has been undertaken by the applicants transport consultant in the

post development situation, and this shows that the junction will continue to operate within capacity with no significant queuing or delays to traffic.

The applicant has agreed to fund the introduction of new carriageway give-way markings at the Kathryn Avenue vehicular access to the store in order to denote priorities at this point. A contribution of £21,452.53 towards the Monks Cross Transport Masterplan has been negotiated. This figure is based on estimated modal splits for the net trip generations, and should be secured by way of a section 106 agreement.

There are no highway objections to this application subject to a section 106 agreement covering a contribution to the Monks Cross Transport Masterplan

City Strategy - Make the following comments:-

Loss of Employment Land - Whilst not actually allocated on the City of York Local Plan Proposals Map, the site is formerly an employment use, and therefore, protected for employment purposes under policy E3b (Existing and Proposed Employment Sites).

Policy E3b is intended to protect previous and current employment land for employment uses. Permission for alternative uses will only be permitted if a number of criteria in the policy can be met. The applicants have set out a comprehensive case for the redevelopment of this former employment site for retail use.

The quantitative and qualitative analysis of the proposed development, in order to justify the proposal. Given the arguments offered by the developers in terms of employment land provision, the potential benefits to the local economy, the fact that the site has been marketed for employment use with out success, and the assessment of alternative sites, officers do not wish to raise an objection in terms of loss of employment land provision.

Retail need / sequential assessment of sites - Policy S2 of the City of York Local Plan requires a Retail Impact Assessment for out of centre retail developments. This should address the following issues:

- * The quantitative and qualitative need for the development, including increase in sales areas;
- * The sequential approach, as outlined by policy SP7a;
- * The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres;
- * Accessibility by a choice of means of transport and the likely impact on car use.

- The quantitative and qualitative need for the development, including increase in sales areas

The proposed new store is in an out of centre location - all relevant PPS6 retail policy tests appear to have been addressed.

There are a number of competing supermarkets in the North of York area, but they are currently overtrading at significant levels compared to company averages, and

draw trade from a very wide catchment , beyond the expected catchment of the proposed Aldi store.

Analysis of turnovers of existing stores and commitments that would be derived from within the new Aldi store catchment demonstrates that in 2008 there is over £9m of convenience retail to support new floorspace. This would be sufficient to justify a new Aldi store which would have an expected turnover of £3.65m.

- The sequential approach, as outlined by policy SP7a;

In line with PPS6 and policy SP7a, the order of assessing sites is City Centre, edge of centre or district centres and finally, other accessible out of centre locations. Additionally, existing retail allocations should be assessed. This preference was outlined to the developers following withdrawal of the previous planning application on the site. The Retail Impact Assessment accompanying the current application comprehensively assesses sites in these locations, in terms of a number of detailed criteria, inc accessibility, policy constraints, planning history, highways, physical / amenity constraints, ownership, suitability, viability and availability. It therefore appears to adequately address this approach, and concludes that there are no appropriate or available sites within the context of the sequential approach. Many of the sites have been discounted on the grounds of not being available within the required timescales.

- The impact on the vitality and viability of York City Centre and Acomb and Haxby District Centres.

York City Centre and Haxby District Centres are healthy, thriving centres and it is considered that they will suffer minimal trade impacts as a result of a new Aldi store. A significant proportion of the anticipated turnover is likely to come from the existing Fulford Road store and most will be from other out of centre stores such as Netto Clifton Moor, Tesco Clifton Moor and Asda Monks Cross.

- Accessibility by a choice of means of transport and the likely impact on car use.

The proposed development is located close to the Monks Cross Park and Ride, where buses run every 10 minutes. These buses also travel from the Park and Ride into Monks Cross itself, before travelling back into the City. Clearly, this increases the accessibility of the proposal by public transport, and reduces dependence on the car.

In summary, for the retail element, the scheme is supportable in retail needs and impact terms, subject to a maximum of 1,580 sq.m gross floorspace (retail sales area 1,125 sq.m). A condition to limit comparison goods to no more than 15% of the net sales area should be attached. No additional mezzanine floors should be permitted.

Landscape Architect - States the 'landscaping' that is referred to in the 'Design & Access Statement' is minimal and does not substantially contribute to the setting for the development. Nonetheless it is better than what is there now (virtually nothing).

The scheme introduces a degree of planting along the elevation with Jockey Lane and at the car park entrance. The removal of the existing building and introduction of

a car park to the rear improves the conditions for the existing trees just outside the boundary and presents an opportunity to plant some new trees within the boundary.

Proposed areas of planting should include as much tree planting as possible, utilising suitable species such as Fastigate Hornbeam/Beech, Birch and Pines. The ground cover planting should express seasonal change and colour.

Environmental Protection Unit - no objections to this application. The applicants have provided a desk study and a limited site investigation of the areas surrounding the existing buildings on site. Site investigation is required for the remainder of the site as some of the buildings were used as vehicle repair workshops and the ground beneath them may contain higher levels of contamination, particularly hydrocarbons. It is noted from the conclusions of the site investigation report that some gas protection measures have been recommended. It is possible that an overestimation or indeed an underestimation of the measures required has been made based on the findings of 4 gas monitoring visits made over a relatively short period i.e. one month. It is recommended that any permission given should contain conditions relating to further site investigation and gas monitoring.

In addition, as it is likely that the car park would have some sort of lighting, possibly high level, a condition should be attached requiring that details of lighting intensities and spillage patterns is submitted for approval, to ensure high light levels don't cause a nuisance. Lastly, as there will be a need for a considerable number of refrigeration units, details of all plant and equipment should be submitted for approval to ensure there is no noise nuisance caused.

The Environmental Protection Unit considers there to be no air quality grounds on which to object to this application.

3.2 External

Huntington Parish Council - Object strongly to this application. The following comments were made:

- Need has to be demonstrated. It is not felt that the case is strong enough to justify another 15,000 sq. ft. food store in this area. Taking into account Asda, Sainsbury's and Marks and Spencers on Monks Cross already in addition to a number of local shops in the surrounding area.
- The catchment area defined by Aldi is wide and far reaching and indicates that extra car traffic is seen as the way to generate customers, at the cost of parking capacity and road congestion.
- The land is designated as 'employment land'. Aldi suggests that there would only be 12 full time employment positions.
- Although there has been a transport plan for this area, it is rapidly being overtaken by event. A) local parking capacity has been affected by mezzanine infill of major stores and by growing employment locally. B) Planning permission has been given to a new garden centre very close to this site. C) The Park and Ride Service critically depends on easy access on and off Kathryn Avenue., yet this application presumes car and delivery access using the same route as that of the proposed store, only

metres from new traffic lights. D) The proposed provision of 80 car parking spaces makes no reference to staff parking. If the car park is full or inaccessible due to delivery vehicles where are cars to park. E) The conversion of Pepsi-Max Raceway to a Park and ride facility adds to road usage. F) Jockey Lane, as a major throughfare, only works because of the double yellow lining put in well before these changes to traffic levels. G) Employment generated by the development of South Monks Cross will again affect the highways and transport situation.

- Allowing this application would amount to commercial gain at the expense of further threats to public throughfares, public transport, increasing congestion and risk. In the absence of real need, an updated coordinated transport plan and improvements for pedestrians, cyclists and motorists this application should be rejected.

Public Consultation - Two letters of objection received. These were from England and Lyle Chartered Town Planners and 5 Burton Avenue in Clifton. The following points were made:

- The proposal represents an unacceptable loss of employment land. The applicants have not adequately demonstrated a lack of demand for this employment land. The marketing campaign undertaken by MWH/Lamb and Co. to test market demand for this employment land was not sufficiently robust. The terms under which the units were offered to the market were onerous so as to discourage interest from potential occupiers. There is a continuing strong demand for units of this existing size and type in this location.

- The applicant has sought to use results of an unenthusiastic marketing campaign as proof that this unit can no longer be let in its current form or established use. The marketing particulars explicitly stated that the unit was to be let on a temporary basis only.

4.0 APPRAISAL

4.1 Key Issues:

- Loss of Employment Land
- Retail Need / Suitable Location
- Design / Appearance
- Sustainability
- Highways / Transport / Parking

4.2 The Application Site - The proposed Aldi store would be located on the corner of Jockey Lane and Kathryn Avenue in Huntington. The most recent use of the site was as a car dealership. The unit is currently vacant but has a history of employment use including the manufacture of machine tools and office accommodation. South of the location of the proposed foodstore is a further unit which was most recently used as a car repair garage. This site also has a history of employment use but is currently vacant. The whole application site is unallocated 'white land' on the Local Plan Proposals Map.

4.3 The Proposal - This application seeks permission to demolish the two existing units on the site and to erect a new foodstore. The foodstore would have an external area of 1580 sq. m of which 1125 sq. m would be dedicated to retail floorspace. The

Aldi store building would be situated in the northern portion of the site fronting onto Jockey Lane. The side elevation faces Kathryn Avenue to the west and contains the main customer entrance. South of the site would be the car park which would accommodate 69 cars. There would also be spaces for two motorbikes, 16 bicycles, and there is a taxi drop off point. Vehicular access to the car park and service/delivery access would be via Kathryn Avenue using the existing access. The loading bay is situated to the south end of the store building.

4.4 Loss of Employment Land - Both the northern and southern sections of the site have operated as business employment uses previously, therefore the site is classified as an employment site and Policy E3b applies. Policy E3b states that planning permission will only be granted for a change of use from an employment site to another use where criteria a) to d) are satisfied.

- a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms; and
- b) unacceptable environmental problems exist; or
- c) the development of the site for other appropriate uses will lead to significant benefits to the local economy; or
- d) the use is ancillary to an employment use.

The proposal must comply with part a) AND ONE of parts b) to d).

4.5 In order to satisfy part a) of Policy E3b an analysis was submitted of the supply and demand in quantitative terms of employment land in York. This examined the allocation in the Local Plan and the Employment Land Monitoring Report April 2005 (including updates). This analysis comes to the conclusion that there is more employment land allocated than needed within the plan period up to 2011. In qualitative terms marketing information has been submitted to show that the site is not in demand for employment uses. This is accompanied by two letters from Lamb and Co who are a commercial property and development consultants. These letters state that both sections of the application site have been marketed but there has not been strong interest since the unit was let to York Used Cars for a temporary time in 2006. A marketing brochure was submitted which shows that the northern part of the site has been marketed, no brochure was submitted for the southern part of the site. The brochure advertises the site as being available on a 'temporary basis' and a 'short term' lease. The applicant contends that these statements were included to provide flexibility for people wanting to test the attractiveness of their business before committing to a long term lease. However, this flexibility is not specifically stated on the brochure and may have been considered by possible occupiers as a restriction or constraint to the site rather than an opportunity. In addition to the marketing details, a list of available alternative sites which could be used for employment purposes at a similar scale to the application site was submitted by the applicant.

4.6 If it is considered that the application has satisfied part a) of Policy E3b, then the next test is whether it complies with either part b), c) or d). Parts b) and d) are not relevant for this site. The applicant claims that the proposal complies with part c) in that it creates jobs. The argument put forward by the applicant is that according to the English Partnerships Employment Densities (2001) data the proposed retail unit would create potentially more employment than if the existing car showroom

operated. However, this has to be taken in context. The application form states that 13 staff would be employed on the site which is not particularly high given the size of the site. The site has a history of a B1 and B2 use which would traditionally employ significantly more people than the proposal. However, the site is currently vacant and therefore 13 more jobs than at present would be created. It also has to be considered what alternative use the site may have in the foreseeable future which would generate greater employment levels.

4.7 Retail Need / Suitable Location - The retail statement submitted with the application addresses the need for further convenience goods retailing and states why this site is sequentially preferable to others within the city. Regarding retail need it is argued that existing stores are overtrading in that they are generating a greater turnover than the national average for those stores. It is stated that this shows that there is a residual capacity for more convenience goods stores within the city and new food stores can be accommodated without harming the viability of existing units. Commitments to building new stores such as Sainsbury's and Morrison's at Foss Islands have been included in the calculations and this level of floorspace subtracted from the spare capacity figure.

4.8 In line with PPS6 and Local Plan Policy SP7a the retail statement assesses alternative sites using a number of criteria including accessibility, policy constraints, planning history, highways issues, physical constraints, and availability. It concludes that there are no appropriate or available sites which are preferable to the application site. The statement then looks at the impact on York City Centre and the district centres of Haxby and Acomb. It is concluded that the impact on York City Centre would be minimal as it is currently thriving and healthy and it does not look to compete with the retail units within the centre which are predominantly comparison goods which Aldi does not cater for. It is considered that the impact on Acomb would also be minimal given the distance between the district centre and the application site. Haxby is within the catchment area of the proposed store and thus the impact is likely to be greater on this district centre. The Local Plan and PPS6 look to protect district centres. The report does not thoroughly address the impacts that a new Aldi store would have on existing convenience retail shops, namely Sommerfield and Co-op. It could be argued that these units are more of a top up shopping facility for Haxby/Wigginton residents and are therefore not directly comparable with retail stores on Monks Cross. The report concludes that a new Aldi would draw most of its trade away from Aldi (Fulford), Asda (Monks Cross), Sainsbury's (Monks Cross), Tesco (Clifton Moor), and Netto (Clifton Moor). These stores operate at overcapacity and therefore a new retail unit of the sized proposed is unlikely to harm their viability.

4.9 Design / Appearance -The store would be of a modern 'split roof' design. The unit would be predominantly constructed with grey aluminium cladding. A cantilevered glazed canopy over the entrance would be erected. This area of Monks Cross is dominated by large retail units. It is considered that the proposed new food store would fit in visually with the surrounding area. The proposed unit appears well positioned on the plot and is set back a little from the footpath on Jockey Lane. An element of green landscaping is proposed around the site to help soften the visual impacts of the development. The units currently on site are typical of the area in that

they are of large bulky design; their removal to make way for the new store and car park would not harm the character and appearance of the area.

4.10 Sustainability - The proposed development is located close to Monks Cross Park and ride where buses run every ten minutes. This bus route connects Monks Cross to the city Centre as do buses 13, 16 and 17 with the bus stop being approximately 150 m from the proposed food store. Cycle parking facilities would be available consisting of fifteen double cycle stands. This provides a sustainable transport choice and reduces dependence on the car. A sustainability statement was submitted with the application. The statement lists each section of Local Plan Policy GP4a and states how the proposal complies with those policies. There are no exceptional green measures proposed for the development however the statement shows that the issue has been looked at and some account has been taken of sustainability.

4.11 Highways / Transport / Parking - A transport assessment was submitted with the application. The Highway Officers comments on this report can be found in section 3.1 of this report. As can be seen the proposal is considered acceptable to the officer in terms of its impact on the local highway network. The car and cycle parking provision is in line with standards set out in the local plan.

4.12 Crime Prevention - In line with Local Plan Policy GP3 a Crime Prevention Statement was submitted with the application. The report highlights how crime prevention has been taken into account in the proposal. This includes good natural surveillance of public spaces and paths, secure cycle parking facilities, a car park barrier to stop the car park being used when the store is closed, security fencing around the car park, and lighting within the car park.

5.0 CONCLUSION

Proposal is considered to be in accordance with local and national planning policies.

6.0 RECOMMENDATION: Approve subject to Section 106 Agreement

1 TIME2

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

Drawing Numbers AL(2) 320 Rev PL1, AL(2) 321 Rev PL1, AL(0) 10 Rev PL1 received by the CoYC on 12/04/07

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 The amount of comparison goods sales floorspace shall be limited to no more than 15% of the net floorspace granted permission. The remainder shall be retained for the sale of convenience goods.

Reason: To minimise the impact of comparison goods sold at the store competing with York City Centre retail outlets selling the same goods.

- 4 No mezzanine floor shall be installed into any part of the unit at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

- 5 The retail sales area shall not exceed 1125 sq m at any time unless agreed in writing with the Local Planning Authority.

Reason - To safeguard the rights of control of the Local Planning Authority and to ensure a sequential approach to the provision of retail development in accordance with PPS6 is achieved and to safeguard York City Centre and District Centres identified in the Local Plan.

- 6 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.

- 7 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.

Reason: So as to achieve a visually cohesive appearance.

- 8 HWAY9

- 9 HWAY13

- 10 The development shall not come into use until all existing vehicular crossings not shown as being retained on the approved plans have been removed by reinstating the kerb to match adjacent levels.

Reason: In the interests of good management of the highway and road safety.

11 HWAY18

12 HWAY19

13 HWAY21

14 HWAY31

- 15 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.

- Carriageway markings Kathryn Avenue

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

16 HWAY40

- 17 Prior to commencement of any works, a detailed method of works statement shall be submitted to and agreed in writing by the LPA. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, access to the site and the route to be taken by vehicles transporting the demolition and construction material and the hours during which this will be permitted.

Reason: to ensure that the works are carried out in a safe manner and with minimum disruption to users of the adjacent public highway.

- 18 Gas monitoring shall be carried out on the site over a period to be decided in consultation with the City of York Council Contaminated Land Officer, to consider the effect of any localised gas migration or production. The survey shall be undertaken and the results submitted to the local planning authority prior to any works being carried out on the site.

Reason: to determine if gasses are being emitted from the site which may be detrimental to the health and safety of the occupants.

- 19 Based on the information from the gas survey, proposals for a gas protection regime shall be submitted to and approved by the local planning authority prior to the commencement of any development on site.

Reason: to protect the health and safety of the occupants.

- 20 a) A further site investigation shall be undertaken based upon the findings of the desk study and first site investigation submitted by the applicant. 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 site.

b). A risk based remedial strategy shall be developed based upon the findings of the site investigation. 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).

c). 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.

d). 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 on site.

reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

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

reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 21 Prior to the development hereby approved coming into use details of the illumination of the car parking area on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 22 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum sound levels (L_{Amax}(f)) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of occupiers of nearby premises.

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 the impact on the street scene and retail planning issues. As such the proposal complies with Policies GP1, GP3, SP7a, E3b, T4 and T7c of the City of York Draft Local Plan.

2. INFORMATIVES:

You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named:

Section 184 - Stuart Partington (01904) 551361

3. You are advised that this proposal may have an affect on Statutory Undertakers equipment. You must contact all the utilities to ascertain the location of the equipment and any requirements they might have prior to works commencing.

4. 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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