

COMMITTEE REPORT

Team: Central Area
Date: 22 June 2006

Ward: Guildhall
Parish: Guildhall Planning Panel

Reference: 05/02677/FUL
Application at: Car Park Adj Woolpack House The Stonebow York
For: Erection of 4 new residential town houses (resubmission)
By: Tropicwatch Ltd
Application Type: Full Application
Target Date: 9 February 2006

1.0 PROPOSAL

1.1 Permission is sought for the erection of a terrace of 4 no. three-storey town houses with accommodation in the roof space including a roof level terrace. The houses would be set back from the back edge of the footway behind a 1.75m high front boundary wall. Parking would be provided to the rear accessed through a gated 'drive-through' from Stonebow, existing vehicle access to the rear of properties in St Saviourgate would be maintained via this arrangement. The development would provide 3 no. four bed houses and 1 no. three bed house each with their own small front and rear garden area and rear facing terraces.

1.2 As originally submitted the drawings included open terraces at roof level. The drawings have been revised to provide a continuous roof pitch along the front elevation and a revised roof terrace design to the rear with the terrace placed behind a false-pitched roof. The revised drawings also show a turning head to the rear and revised elevation details.

1.3 The site is within the Central Historic Core Conservation Area and is currently laid out as a surface car park. The site sits between the recently refurbished Jorvik Medical Practise at Woolpack House and a flat roofed two-storey carpet warehouse building at 15 The Stonebow. The Hungate Development Site is across the road from the application site. At the rear of the site to the north-west is a terrace of 18th century properties, listed grade 11*. The houses retain their relatively long gardens of approximately 30m, set at higher level than the proposal site. Peaseholme House, listed grade 1, is visible behind Woolpack House.

RELEVANT PLANNING HISTORY

1.4 Application 05/01337/FUL for 4 new town houses was included on the 4 August 2005 Central Area Planning Sub-Committee agenda with a recommendation of refusal but was withdrawn by the applicant before the meeting took place. The refusal recommendation was based on the treatment of the roof and the elevations and their harm to the character and appearance of the conservation area.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

Conservation Area Central Historic Core 0038

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYGP1
Design

CYGP3
Planning against crime

CYGP4A
Sustainability

CYGP4B
Air Quality

CYGP6
Contaminated land

CYGP9
Landscaping

CYHE2
Development in historic locations

CYHE3
Conservation Areas

CYHE11
Trees and landscape

CYHE10
Archaeology

CYT4
Cycle parking standards

CYH4A
Housing Windfalls

CYED4
Developer contributions towards Educational facilities

CYL1C
Provision of New Open Space in Development

3.0 CONSULTATIONS

INTERNAL

3.1 Conservation Architect

In principle redevelopment of this open site would be welcome as it would help to repair the urban grain and provide further enclosure to the street. Generally the proposals for the four townhouses are considered as being of a massing and height compatible with surrounding development. In addition the principle of the contemporary approach, reinterpreting the use

of natural materials and characteristic forms, would also respond to the character and appearance of its location in terms of expressing continuity and change in this part of the conservation area.

3.2 Landscape Architect

The large Sycamore is actually seven trunks growing very close together (one single stem, one triple stem and one double stemmed trunk), but the large, dense canopy reads as one tree.

The tree offers limited visual merit to The Stonebow from the western approach, because it doesn't overhang the street much. From the opposite side of the road and from the eastern approach its full crown can be seen; thence it offers beneficial public amenity.

Despite the tree, the car park has a negative impact on the street, so appropriate development on this site would be welcomed.

On balance the removal of the tree would be acceptable if the proposed development were of sufficient quality to justify its removal and new tree planting were incorporated into the design. There appears to be scope for the addition of one or two small trees on the street elevation. Additional large shrubs/small trees would be welcomed to the front and rear for further amenity and to give the gardens a setting. These should be planted as large specimens for immediate impact.

Should consent be given please include a condition to ensure that adequate replacement tree planting is specified and planted.

3.3 Archaeologist

This site lies in the Area of Archaeological Importance. It is in an area where very important archaeological deposits have been identified. The site comprises a small area of land on the north side of Stonebow. The site lies in an area which has been the subject of much topographical change over the past 2000 years. Therefore, although much can be conjectured about the development of this area, it is difficult to be precise. The area has been the focus of settlement from at least the Roman period. The area appears to have been peripheral to the main concentrations of Roman, Anglo-Scandinavian and medieval occupation. The nature of much of this occupation in this area is not known. The OS map of 1852 shows an area almost completely developed and covered by housing. Much of this pattern of development was swept away between 1939 and 1945, when the current form of the area began to take shape. Stonebow was created in 1954. On the proposed Hungate development, a desk top study identified the likelihood that archaeological deposits would survive over all of the site and the deposits would include well stratified and well preserved waterlogged organic remains, of high archaeological value dating from Roman times to the post-medieval period. The area is known to have contained a Carmelite Friary, two parish churches, the Guild Hall of the Shoemakers and a Holy Priests House. A watching brief of an extensive borehole survey recorded material which was interpreted as dumps and occupation deposits dating from the Roman and the Anglo-Scandinavian periods together with alluvial silts representing the River Foss and the infilling of the King's Fishpool in the later medieval period. In parts of the site significant medieval and post medieval occupation deposits were also noted. This site will therefore contain a well-preserved archaeological sequence which will include Roman, Anglo-Scandinavian and medieval deposits. The applicant has submitted a Design statement which includes a section on archaeology. The applicant proposes to use a methodology which the architect has used on other sites in the City centre. This comprises mini-piles disturbing less than 5% of the deposits on the site and groundbeams and pilecaps excavated to a depth of 700mm. It is proposed to excavate

the deposits which would be destroyed by the groundbeams and pilecaps. This will involve the excavation of the entire footprint of the proposed new building.

3.4 York Consultancy

The site is in Zone 1 (low risk) with regards to river flooding. No increase in surface water run-off from the site is envisaged.

3.5 Environmental Protection Unit

No objections to this application. However a study should be undertaken to discover if there has ever been any historic contaminative use of the site. The applicant proposes an archaeological study, and it is likely that prior to that, a desk top study will be undertaken. If any potential contaminated areas are identified, a site investigation could take place at the same time as the archaeological study. Previously it was noted that it was proposed to use a piling method of forming foundations, which could cause noise and/or vibration affecting nearby residents and businesses. Stonebow and Peasholme Green carry much commercial traffic as well as cars and taxis accessing the city centre and nearby car parks. It is important therefore, that habitable rooms fronting onto The Stonebow have sufficient sound insulation.

The proposed development site does not lie within City of York Council's Air Quality Management Area (AQMA) since the area does not constitute a relevant location in the context of local air quality management (a 'relevant location' is an outdoor, non-occupational location where members of the public are likely to be exposed to pollutants over the averaging time of the air quality objectives). Unless steps can be taken by the developer to minimise exposure to poor air quality by future occupants, the introduction of residential accommodation in this area could result in the introduction of relevant locations along The Stonebow, and thus could result in the need to extend the boundary of the existing AQMA.

Since the declaration of the AQMA in January 2002, air quality monitoring has been undertaken at a number of sites in the vicinity of the proposed development. Results from nitrogen dioxide diffusion tubes have indicated elevated concentrations of nitrogen dioxide for some months of the year, although recent results from these analysers have suggested that, at present, pollutant concentrations are within current health based limit values. The Environmental Protection Unit would also like to highlight that due to recent planning approvals in the vicinity of this development (i.e. Hungate), traffic flows in this area may increase thus resulting in a further deterioration of air quality.

In a bid to reduce human exposure to potentially poor air quality in this area, the Environmental Protection Unit would ask that consideration is given to the following conditions:

There shall be no balconies or opening windows to rooms with a facade onto The Stonebow. Alternative means of ventilation from the rear of the dwellings should be explored.

Consideration should be made to position of habitable rooms (living rooms, bedrooms) - ideally these should be positioned towards the rear of the dwelling away from the roadside.

The developer should explore setting the properties back from the roadside.

3.6 Lifelong Learning and Leisure

Require a contribution to local play, amenity and sports pitches. The sports contribution to be used within the east zone of the Sports and Active Leisure Strategy.

3.7 Highway network Management

As a result of the submission of amended drawings there are now no highways objections subject to conditions.

3.8 Education and Leisure

Seeking contributions of £7531 to address capacity issues at Fishergate Primary School and Fulford Secondary School.

EXTERNAL

3.7 North Yorkshire Police

Concerns expressed on the earlier application about the design of the recessed vehicle entrance have now been addressed.

3.8 Guildhall Planning Panel

Object - The proposals have been "over-designed" creating a building form which is unnecessarily conspicuous, alien to its site in the conservation area and which would detract from the improving visual amenity of Stonebow/Hungate. A simpler solution is preferred.

Comment on Amended Plans

The amended proposals do not overcome our initial objection.

3.9 Neighbour Comments

Two letters of objection received from the occupiers of nos. 22 and 26 St Saviourgate on the following grounds:

- overlooking of house and garden from roof level balconies,
- the proposed development would be much taller than all the buildings in the vicinity with the exception of Peaseholme House which is a Grade 1 listed building,
- loss of light,
- proposed design is too modern, the architects should be looking at the Borthwick Institute, St Oswald's Church and the Black Swan Public House for their inspiration,
- the development would obscure views of the rear of Peasholme House and St Saviourgate,
- the proposed parking and turning area is unworkable and the access via the drive-through means that vision for pedestrians and drivers is restricted with no room for two cars to pass.

In response to the amended plans a further letter was received from the occupier of no.26 St Saviourgate:

- Maintain objection on above grounds
- the traditional front elevation pitched roof will improve the visual appearance of the development from the street,
- the proposed concealed balconies at roof level are north-facing and would serve no practical purpose and overlooking will still take place, even if it is surreptitiously.

4.0 APPRAISAL

4.1 The key issues are considered to be:

- principle of residential development

- design and impact on conservation area/listed buildings
- loss of mature tree
- air quality
- impact on the living conditions of nearby residents
- archaeology
- access

PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.2 The site is located within a sustainable location close within the City Centre and constitutes previously developed land in terms of the definition in Annex C of PPG3 (Housing). The general principle of residential development of this site is therefore acceptable in terms of national planning policy and policy H4a of the Draft Local Plan which states that planning permission will be granted for new residential development where the site is within the urban area and it involves infilling or redevelopment, where the site has good accessibility to jobs, shops and services by non-car modes of transport, and subject to the development being of an appropriate scale and density to surrounding development.

LOSS OF MATURE TREE

4.3 There is a mature tree in the southwest corner of the site. The tree makes a contribution to the street scene, but is not classed as a good specimen. On balance, therefore, it is considered that in principle the loss of the tree would be acceptable subject to the proposed development being of a high quality and new tree planting being incorporated into the design.

DESIGN AND IMPACT ON THE CONSERVATION AREA.

4.4 The site lies within the central historic core conservation area, adjacent to the boundary with Hungate (which is outside the conservation area). The Stonebow itself is a relatively new street, introduced in the mid 1950s to connect Pavement with Peaseholme Green. The street marks an approximate dividing line between an area of high historic and architectural value and one which contains poorer quality post-war brick buildings of a more industrial scale and expression. This area to the SE has "in principle" outline planning permission for redevelopment. At the rear of the site to the NW is a terrace of 18th century properties, listed grade 11*. The houses retain their relatively long gardens of approximately 30m, set at higher level than the proposal site. Peaseholme House, also listed grade 11*, is visible behind Woolpack House. Although once a substantial freestanding structure with gardens and stabling, the building is now constrained by tight boundary walls to the rear and sides.

4.5 Section 72 of the Planning (Listed Buildings and Conservation areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability or preserving or enhancing the character or appearance of a conservation area. This is reflected in Policy E4 of the North Yorkshire County Council Structure Plan (adopted 1995) which states that buildings and areas of special townscape, architectural or historic interest will be afforded the strictest protection. Local Plan policies HE2 and HE3 reflect this statutory duty and the advice given in PPG15: Planning and the Historic environment.

4.6 Notwithstanding the contribution made by the tree, the existing car park makes no contribution to the character and appearance of the conservation area. The application site sits between a flat roofed commercial building approximately 7.7 metres high, and Yorvik Medical practice which has a pitched roof to a maximum height of approximately 10.5 metres. Both of these are 20th century buildings, the commercial building to the south being of a poor quality design. Although The Stonebow has examples of poor quality architecture

and buildings which make no positive contribution to the area, the proximity to a number of important listed buildings make this a sensitive site. The location within a conservation and on a major route within the city, in addition to the proximity to the proposed Hungate development increase the importance of achieving an acceptable design on the site.

4.7 The application is accompanied by a supporting statement which includes a section on the design references employed. In summary, the statement argues that the design concept is to create a new form of buildings that in their mass and proportion are in relation to the heights, width and size of the mixture of the surrounding vernacular and mixed scale properties in the broad setting of Peasholme Green/Stonebow. The siting is intended to create a private space to the front of the properties and the stepped layout to form a relationship with Woolpack House. The materials and fenestration are considered to create contemporary features that form visually contrasting and interesting architectural references within the framework of the traditional forms, without distracting from the fine examples of the surrounding historic architecture.

4.8 The redevelopment of this open site would help to repair the urban grain and provide further enclosure to the street. The proposed building would be higher than both the adjacent buildings, with a maximum roof height of approximately 11.9 metres. Peasholme House is an impressive and imposing building which is considerably taller than the proposed building, and in this context the proposals for the four townhouses are considered as being of a massing and height compatible with surrounding development. In addition the principle of the contemporary approach, re-interpreting the use of natural materials and characteristic forms, would also respond to the character and appearance of its location in terms of expressing continuity and change in this part of the conservation area. The amended plans have simplified the elevations and provided for a continuous roof form which strengthens and simplifies the massing, the originally proposed large window areas of the frontage bays have been sub-divided and more characteristic window designs have been provided. Overall it is considered that the development would enhance the character and appearance of the conservation area and would not harm the setting of the nearby listed buildings.

AIR QUALITY

4.9 The area is not within the Air Quality Management Area because of the lack of residential properties fronting The Stonebow. At present, pollutant concentrations are within current health based objective values, although historically this site has experienced concentrations bordering on (and in some instances exceeding) limit values. Also due to recent planning approvals in the vicinity of this development (i.e. Hungate), traffic flows in this area may increase thus resulting in a further deterioration of air quality. Previously proposed front balconies and the roof terrace have been removed from the scheme. The buildings would be set back from the carriageway between 4.5m and 7.5m which would mitigate potential harm to some degree. The roof terraces would be more than 10m back from the carriageway which should be sufficient distance for air quality to be at ambient levels. Requiring that there no opening windows be included in the front elevation and that alternative means of ventilation should be provided would further reduce exposure to pollutants. This has been the approach taken for residential properties on the proposed Hungate development.

IMPACT ON THE AMENITY OF NEARBY RESIDENTS/BUSINESSES

4.10 The proposed dwellings would have residential accommodation over three floors, with a balcony/roof terrace above. The windows would aspect front/rear and further amenity space would be provided by a modest rear garden and a first floor balcony to the rear. No 24 St Saviourgate has a detached garage/granny flat abutting the rear site boundary, the rear elevation of which is blank apart from a rooflight. No 26 St Saviourgate has planning

permission to construct a detached garage/games room along the rear boundary, which also has a blank rear elevation.

4.11 The properties along St Saviourgate have rear gardens approximately 30 metres deep, which enables adequate separation to be achieved between principal windows. There is also a substantial difference in levels between the two sites, which means the first floor level of the proposed dwellings would be roughly equivalent to the ground floor level of the gardens beyond. This means that the first and second floor rear windows would aspect onto the two outbuildings, preventing views directly into the gardens.

4.12 The roof terraces are set back from the boundary by a minimum of 13 metres at the nearest point and have been re-designed from those originally submitted so that they are partially hidden behind a 1.5m high false-pitched roof at the rear. Given both the dwellings to the rear have outbuildings beyond the boundary which increases the separation distance, it is not considered that there would be any significant overlooking from the roof terraces. This is particularly the case given the depth of the gardens involved, which enables a substantial distance to be achieved between the roof balconies and to the private garden areas immediately to the rear of the houses. The development is considered to comply with policy GP1 which states that residents living nearby should not be unduly affected by overlooking, overshadowing or dominated by overbearing structures.

4.13 Peasholme House, which is in office use, overlooks the gardens of both 24 and 26 St Saviourgate at present. Oblique views between the windows of this building and the new dwellings will be possible, however given the use of this building it is not considered that loss of privacy would be significant. Despite the height of the proposed buildings, the separation distances involved will prevent significant loss of light.

ARCHAEOLOGY

4.14 The site is within the Area of Archaeological Importance. It is in an area where very important archaeological deposits have been identified. This site will contain a well-preserved archaeological sequence which will include Roman, Anglo-Scandinavian and medieval deposits. The applicant has submitted a Design statement which includes a section on archaeology. The applicant proposes to use a methodology which the architect has used on other sites in the City centre. This comprises mini-piles disturbing less than 5% of the deposits on the site and groundbeams and pilecaps excavated to a depth of 700mm. It is proposed to excavate the deposits which would be destroyed by the groundbeams and pilecaps. This will involve the excavation of the entire footprint of the proposed new building. This approach is satisfactory.

ACCESS ISSUES

4.15 The proposal provides for one parking space per dwelling and a vehicle turning head and maintains existing access to the rear of the St Saviourgate properties. Cycle storage is also shown. The access to the site would be from The Stonebow via a gated drive-through, this would allow only one vehicle at a time to enter/exit the site although the width of the access at the entrance would allow a car to wait, clear of the highway. Given the likely traffic flows this arrangement is considered to be acceptable. The site is very accessible and its location will promote car-free journeys.

OTHER ISSUES

4.16 Policy ED4 requires that in considering proposals for new residential development any consequences for existing schools will be assessed in accordance with the SPG - Developer Contributions to Education Facilities. The development is likely to result in

additional demand for primary and secondary school places at Fishergate and Fulford schools respectively. The developer has agreed to pay a contribution of £7,531 towards the provision of additional school places.

4.17 Policy L1c of the Local Plan considers that all residents should have access to safe, attractive and useable public open space and the local plan strategy aims to promote accessible open space in new residential development. Where residential applications are for less than 10 dwellings, in most cases, a commuted sum payment towards open space provision will be acceptable. The developer has agreed to provide a contribution of £6,315 towards local play, amenity and sports pitches. This is in accordance with and the Council's Supplementary Planning Guidance "Open Space in New Developments" and policy L1c.

5.0 CONCLUSION

5.1 The proposal is considered to result in an enhancement to the character and appearance of the conservation area and is acceptable in terms of its design, massing and height. The development would introduce new family-sized housing into a city centre location which is acceptable in principle, and although this raises issues of noise and air quality it is considered these can be adequately addressed through the imposition of conditions. The dwellings would not harm local residential amenity through overshadowing or loss of privacy. Overall the scheme is considered to be acceptable and to comply with the relevant policies of the North Yorkshire County Structure Plan, the City of York Development Control Local Plan and Government Guidance contained in PPS1(Delivering Sustainable Development), PPG3 (Housing), PPG15 (Historic Environment)and PPG16 (Archaeology)..

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:-

WCS;10 rev. B, 011 rev A, 012 rev A,013 rev B, 014rev B, 015 rev B, 016 rev B, 018 rev A, 030 rev B, 031rev A, 033 rev B, 035.

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 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials including rainwater goods 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.

4 VISQ7 Sample panel ext materials to be approv

5 VISQ2 IN Large scale details required

1. Section at 1:20 through typical house at roof level 2. Windows, window assemblies and window surrounds. 3. Balconies and balustrading.4. Eaves and verge 5. Front boundary wall

- 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 include the species, density (spacing), and position of trees, shrubs and other plants, and a specification for ground preparation and planting. 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 including the landscape scheme, 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 the Local Planning Authority agrees alternatives in writing.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species and quality of planting within the entire site.

7 ARCH1 Archaeological programme required

8 ARCH2 Watching brief required

9 ARCH3 Foundation design required

- 10 A desk study, where possible should date back to the year 1800, shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on 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.

Reason: to protect the health and safety of workers on site and residents of the proposed dwellings, and to ensure the integrity of construction materials

- 11 A site investigation shall be undertaken based upon the findings of the desk study.

a) 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 (which shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s)) 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.

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.

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 and residents of the proposed dwellings, and to ensure the integrity of construction materials

13 NOISE3 IN Working hours to be limited
08.00 and 18.00 Monday to Friday 09.00 to 13.00 Saturday

14 The building envelope with a facade onto The Stonebow shall be constructed so as to provide sound attenuation in habitable rooms, against external noise, of not less than 33dB(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 residents of the proposed dwellings.

15 All windows in the elevation facing The Stonebow shall be non-openable.

Reason: To prevent the exposure of future occupants of the development to an unacceptable standard of air quality.

16 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), no development, extensions or other alterations to the external appearance of the building of the type described in Classes A to F of Schedule 2 Part 1 of that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: 1. In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995; 2. in the interests of the character and appearance of the conservation area; and 3. to prevent the exposure of future occupants of the development to an unacceptable standard of air quality through the insertion of additional windows or doors.

17 HWAY8 IN Position of Gates
7.5m

18 HWAY9 Vehicle areas surfaced

20 HWAY18 Cycle parking details to be agreed

21 HWAY19 Car and cycle parking laid out

22 HWAY31 No mud on highway during construction

23 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 L1 of the City of York Draft Local Plan.

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 £6,315.

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.

- 24 No development shall commence unless and until a scheme to ensure the provision of adequate additional foundation and secondary school places within the local catchment area has been submitted to and approved by the local planning authority.

Reason: The education provision within the catchment area of the development has insufficient capacity to take more pupils, such that additional places are required in the interests of the sustainable development of the city in accordance with Policy C6 of the City of York Draft Local Plan and the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

INFORMATIVE:

The provisions 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, The obligation should provide for a financial contribution calculated at £7,531. The basis for this calculation is contained within the Council's Supplementary Planning Guidance "Developer Contributions to Education Facilities" dated January 2005.

No development can take place on this site until the condition has been discharged and you are reminded of the Local Planning Authority's enforcement powers in this regard.

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 character and appearance of the conservation area and the setting of listed buildings, residential amenity, noise and air quality, sustainable development, archaeology, the provision of open space and the capacity of local schools. As such the proposal complies with Policy E4 the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GP1, GP3, GP4a, GP4b, GP6, GP9, HE2, HE3, HE10, HE11, T4, H4a, ED4 and L1c the City of York Local Plan Deposit Draft.

2. It is recommended that the services of a landscape architect are employed to produce a landscape scheme and to oversee the landscape contract on site, in order to ensure that the ground preparation and planting are carried out to a satisfactory standard and are in strict accordance with the approved drawings. The developer is advised to inform the local authority of when the planting is complete, so that i) the local authority can monitor the planting within the five-year period and hence continue to ensure that the requirements of this condition are met and ii) there is no discrepancy as to when the requirements of the planning condition cease.

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