



Notice of meeting of

East Area Planning Sub-Committee

- To:** Councillors Moore (Chair), Cregan (Vice-Chair), Douglas, Firth, Funnell, Hyman, King, Taylor, Vassie and Wiseman
- Date:** Thursday, 24 January 2008
- Time:** 2.00 pm
- Venue:** The Guildhall, York

AGENDA

Site Visits for this meeting will commence at 10.00am on Wednesday 23 January 2008 at Union Terrace Car Park.

1. Declarations of Interest

At this point Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

2. Minutes

(Pages 5 - 10)

To approve and sign the minutes of the meeting of the Sub-Committee held on 19 December 2007.

3. Public Participation

At this point in the meeting members of the public who have registered their wish to speak regarding an item on the agenda or an issue within the Sub-Committee's remit can do so. Anyone who wishes to register or requires further information is requested to contact the Democracy Officer on the contact details listed at the foot of this agenda. The deadline for registering is Wednesday 23 January 2008 at 5.00pm.

4. Plans List

To determine the following planning applications related to the East Area.

a) **Land Lying to the South of Centurion Office Park, Tribune Way, York (07/02783/OUTM)** (Pages 11 - 22)

Outline application for the erection of care home (C2 use) with pedestrian link to Hornbeam Close (resubmission) [*Skelton, Rawcliffe and Clifton Without Ward*] **[Site Visit]**.

b) **Land Adjacent to Derwent County Junior and Infant School, Osbaldwick Lane, York (07/02384/REMM)** (Pages 23 - 32)

Erection of 23 no. dwellings with garages [*Hull Road Ward*] **[Site Visit]**.

5. Urgent Business

Any other business which the Chair considers urgent under the Local Government Act 1972

Democracy Officer:

Name: Jill Pickering

- Telephone – (01904) 552061
- E-mail – jill.pickering@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details set out above.

**EAST AREA PLANNING
SUB-COMMITTEE****SITE VISITS****WEDNESDAY 23 JANUARY 2008**

| TIME | SITE | |
|-------------|---|------|
| 10:00 am | Meet coach at Union Terrace Car Park. | |
| 10:10 am | Land to the South of Centurion Office Park, Tribune Way, York. | (4a) |
| 11:00 am | Land adjacent to Derwent County Junior and Infant School, Osbaldwick Lane, York. | (4b) |

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The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
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City of York Council

Committee Minutes

| | |
|-----------|---|
| MEETING | EAST AREA PLANNING SUB-COMMITTEE |
| DATE | 19 DECEMBER 2007 |
| PRESENT | COUNCILLORS MOORE (CHAIR), CREGAN (VICE-CHAIR), DOUGLAS, FIRTH, FUNNELL, KING, WISEMAN, MORLEY (SUBSTITUTE) AND D'AGORNE (SUBSTITUTE) |
| APOLOGIES | COUNCILLORS HYMAN, TAYLOR AND VASSIE |

INSPECTION OF SITES

The following sites were inspected before the meeting:

| Site | Attended by | Reason for Visit |
|-------------------------------------|----------------------------------|--|
| Helmsdale, York Road, Strensall | Cllrs Moore, Douglas and Wiseman | Because objections have been received and the application is recommended for approval. |
| Brinkworth Rush, Elvington Airfield | Cllrs Moore, Douglas and Wiseman | Because objections have been received and the application is recommended for approval. |

70. DECLARATIONS OF INTEREST

The Chair invited Members to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

71. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting, under the Council's Public Participation Scheme, on general issues within the remit of the Sub-Committee.

72. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development), relating to the following planning

applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

72a Helmsdale, York Road, Strensall, York YO32 5UN (07/02633/FUL)

Members considered a full application, re-submitted by Mr and Mrs A M Cutler, for the erection of two detached two-storey dwellings after demolition of an existing bungalow.

Officers provided an update on the following matters:

- Comments of Yorkshire Water. These re-iterated their comments in respect of a previous application for this site (06/02531/FUL); that is, that they had no objections to the application but recommended additional conditions in respect of drainage.
- The Countryside Officer's inspection of the site for the presence of bats. There was a possibility, but not a strong likelihood, that bats were present. If the application was approved, an informative would be issued on action to be taken should bats be found during construction work on the site.
- Plans. Updated plans of the proposed development were circulated at the meeting.

Written comments from an objector to the application were circulated to Members. These raised concerns regarding highways, drainage and flooding issues as well as concerns about overlooking the objector's property, which he indicated had not been addressed in the Officer report.

The applicant was present during consideration of the application, but declined to speak in the absence of any registered speakers in objection.

RESOLVED: That the application be approved, subject to the conditions listed in the report and the following additional and amended conditions and Informative:

Amended Condition 5: Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the development commences and shall be provided before the development is occupied.

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

Additional Condition 22: Unless otherwise agreed in writing by the Local Planning Authority there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

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

Additional Condition 23: The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interests of satisfactory and sustainable drainage.

Additional Informative 6

The City of York Council Sustainability Officer, Kristina Peat, can be contacted on 01904 551666 should any information be required regarding sustainable drainage methods.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions referred to above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the street scene and the living conditions of neighbours. As such, the proposal complies with Policies GP1, GP4A, GP10, H4A, H5A, L1C and HE3 of the City of York Draft Local Plan.

Action Required

Issue the decision notice and include on the weekly planning JB decision list within the agreed timescales.

72b Brinkworth Rush, Elvington Airfield Network, Elvington, York YO41 4AU (07/02015/FULM)

Members considered a full application, re-submitted by York Mailing Limited, for the erection of a new production and warehouse building, with a car park extension.

Officers provided an update on the following matters:

- Comments had been received from york-england.com in support of the application.
- Third parties - a further letter had been received from Solicitors representing the owners of adjacent land, re-iterating the comments referred to in paragraph 3.8 of the report and also noted that parking provision was inadequate for the proposed development.
- The Countryside Officer recommended two additional conditions, should the application be approved, in relation to safeguarding the Great Crested Newt habitat and landscaping.
- Large scale plans of the proposed development were made available at the meeting.

Representations were made at the meeting by the Applicant, who explained that the development was needed in order to accommodate

larger and more efficient printers and consequent paper storage, to ensure that his company could remain competitive in its current location. This was a long-term prospect, which would provide additional employment in the local area.

During their debate, Members focused on the issue of whether very special circumstances existed which would outweigh the harm caused by inappropriate development in the Green Belt. They acknowledged the need to achieve a balance between safeguarding the Green Belt and supporting an established local business which would provide employment opportunities. They noted that this was an extension to an existing business rather than a new build and that the building would be well screened and not visible from the highway.

Following the debate, Cllr King moved, and Cllr D'Agorne seconded, that the application be refused, on the grounds that the Applicant had not demonstrated 'very special circumstances' sufficient to outweigh the harm to the Green Belt. On being put to the vote, this motion was declared lost (2 Members voting for and 7 against the motion).

Cllr Moore then moved, and Cllr Cregan seconded, that the application be approved, subject to referral to the Secretary of State and subject to the conditions listed in the report and to certain additional and amended conditions and Informative. On being put to the vote, this motion was declared carried (7 Members voting for the motion and 2 against. Cllrs King and D'Agorne asked that their votes against the motion be recorded.

RESOLVED: That the application be approved after referral to the Secretary of State, subject to the conditions listed in the report and the following amended and additional conditions and Informative:

Amended Condition 6: Prior to the occupation of the site, a full company travel plan shall have been submitted and approved in writing by the Local Planning Authority. The travel plan shall include those measures that will be carried out by the occupier to reduce dependence on the private car and encourage sustainable means of travel to and from the site. Within 12 months of occupation of the site a first year staff travel survey shall have been submitted to and approved in writing by the Local Planning Authority. Results of the yearly staff travel surveys shall then be submitted annually to the Local Planning Authority for approval.

Reason: To ensure the development complies with the advice contained in PPG13 – Transport, and in Policy T20 of the City of York Deposit Draft Local Plan, and to ensure that adequate provision is made for the movement of vehicles, pedestrians, cycles and other modes of transport to and from the site, together with the provision of parking on site for these users.

Additional Condition 9: Notwithstanding the submitted details, no development shall commence on site until full details of a Great Crested Newt mitigation plan to offset the impact of development has been submitted to and approved in writing by the Council. The plan should include details of:

- (i) Further survey, if appropriate, to determine the extent of the overall Great Crested Newt meta-population.
- (ii) A Wildlife Protection Plan of how development work is to be carried out to take account of the presence of Great Crested Newt.
- (iii) Details of what mitigation / compensation provision is to be made to replace both the aquatic and terrestrial habitat lost through development to ensure there is no significant impact on the overall meta-population.
- (iv) The timing of all operations.

The work shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Council.

Reason: To take account of and enhance habitat for a protected species.

Additional Condition 10: 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.

Informative

The site is in the Green Belt and planning permission has only been granted in this instance on the basis that this is a consolidation of an existing business where, due to the specific nature and constraints of the current operation undertaken at the site, it is felt that relocation elsewhere is inappropriate. Therefore very special circumstances exist in this specific case which outweigh the harm to the Green Belt. However, it is unlikely that any additional development will be approved unless further very special circumstances can be proven.

REASON: In the opinion of the Local Planning Authority the proposal, subject to the conditions referred to above, would not cause

undue harm to interests of acknowledged importance, with particular reference to the Green Belt, the protection of protected species and sustainability. As such, the proposal complies with Policy E8 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies GB1, GB11, NE1, NE2 and NE6 of the City of York Draft Local Plan incorporating the 4th set of changes, approved April 2005.

Action Required

Issue the decision notice and include on the weekly planning decision list within the agreed timescales. JB

R MOORE, Chair

[The meeting started at 2.00 pm and finished at 3.15 pm].

COMMITTEE REPORT

Committee: East Area **Ward:** Skelton, Rawcliffe, Clifton Without
Date: 24 January 2008 **Parish:** Clifton Without Parish Council

Reference: 07/02783/OUTM
Application at: Land Lying To The South Of Centurion Office Park Tribune Way York
For: Outline application for the erection of care home (C2 use) with pedestrian link to Hornbeam Close (resubmission)
By: Keyland Gregory Ltd
Application Type: Major Outline Application (13 weeks)
Target Date: 26 February 2008

1.0 PROPOSAL

1.1 This application seeks outline planning permission for a two and three storey care home within Centurion Office Park. The care home would be located to the south of the site, between the existing office unit 3a and 3b and the residential development off Water Lane. Vehicular access would be via Tribune Way off Clifton Moor Gate with a pedestrian access being provided into Hornbeam Close and the housing development to the south of the site.

1.2 Centurion Park is a designated employment site on the City of York Draft Local Plan Proposals Map. The application site has been subject to a number of planning applications over the last two years. Members may recall that an application (07/02783/OUTM) was refused at this site for the erection of a care home at the East Area Planning Sub Committee in September 2007. The reason for refusal was:

'It is considered that the location of the proposed care home, namely within an established business park, would provide a poor quality living environment and an unsatisfactory outlook of a business/industrial nature for residents of the care home. Access to and from the residential unit is through a business park consisting of B1 and B8 uses which would act as a perceived barrier for residents to access local services and facilities. The proposal is therefore considered contrary to Policies GP1 and H17 of the City of York Draft Local Plan and Central Government advice contained within Planning Policy Statement 1 Delivering Sustainable Development'.

1.3 An application (07/00248/FULM) was also refused for 12 dwellings on this site with access from the existing residential development to the south. This application was refused on the grounds that the existing cul-de-sac, known as Hornbeam Close, was not considered suitable for further traffic, in addition to the harm to local residents from this extra usage. There were two other reasons for refusal which related to the loss of a standard employment site and an artificial ineffective splitting of the site which avoided the requirement for affordable housing. Refusals against both 07/00248/FULM and 07/01337/OUTM are the subject of appeals to the Secretary of State, and a public inquiry is expected to take place within the next 2 months.

1.4 This application is in outline with only access under consideration. All other details, including layout, scale, appearance, and landscaping, would be considered as part of a reserved matters planning application if the proposal is approved in outline. However, an indicative plan has been submitted illustrating how the care home could be accommodated on this site.

1.5 A site visit has been recommended as objections have been raised to the proposal and the application has been recommended for approval.

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

CYH17

Residential institutions

3.0 CONSULTATIONS

Internal

3.1 City Development - As the land is currently allocated as a standard employment site, the proposal would be a loss of employment on the site. Therefore Policy E3b is relevant. As part of this the applicant must show that in both qualitative and quantitative terms the site is no longer contributing to the stock i.e. no longer suitable for employment use. If Policy E3b is satisfied then Policy H17 is relevant.

3.2 Countryside Officer - There are no particular objections in wildlife terms. There are both Great Crested Newt and Water Vole in fairly close proximity but it is not considered that the development of this area would have any significant impact on these species. Neither is there known to be any other wildlife of particular significance present. The location of the site though next to the Stray does mean that the edge should be treated sympathetically and not as a hard edge with buildings immediately adjacent to it. The indicative layout and landscaping does to some extent take this into account although the building does appear large for the area and close to the boundary. Both layout and landscaping will need to be carefully considered at detailed stage to ensure that full use is made of the presence of the adjacent Stray land whilst not having a significant impact on it. It should be noted that a sustainable building approach should be taken to ensure that due consideration is given to this matter and this should be addressed in the Design and Access Statement. This currently lacks any reference to the sustainability of the building design. This would include the potential to use the building itself for

biodiversity enhancement with such things as bat and swift roost/nest sites within the fabric of the structure and green roofs on at least some sections to provide better insulation and runoff layout and landscaping control as well as biodiversity enhancement.

3.3 Environmental Protection Unit - No objections, however the site is in close proximity to residential properties and light warehousing etc. Therefore concerns are raised regarding noise from the industrial area affecting the amenity of residents of the care home. There are also concerns that noise from the care home may affect the amenity of the nearby residential properties. Examination of the area shows that there is former military land in very close proximity and there is potential for land contamination. Five conditions are recommended to mitigate against these concerns.

3.4 Police Architectural Liaison Officer - No correspondence at time of writing the report.

3.5 Highway Network Management - No objections to the proposed vehicular access via Tribune Way. It is unclear whether the care home would be a high dependency unit, this has a bearing on staff and patients parking and servicing requirements for both vehicles and cycles. The site is not considered particularly convenient for visitors or staff. However, the site is convenient for cycle routes. The proposed pedestrian access is not shown as being within the red line boundary. The area where the link is to be created is also subject to a 6m sewer easement. It is not considered that the applicant has demonstrated that they are capable of complying with this aspect of the proposals. Five conditions recommended to be included in any approval.

External

3.6 Clifton Without Parish Council - Deferment of this application is strongly recommended until such time as a site entrance and parking is detailed. It is considered that in the interests of safety this should be a key matter for ambulances, fire and rescue services and the general safe availability of parking facilities.

3.7 Clifton Moor Business Association - No correspondence at time of writing the report.

3.8 Yorkshire Water - Four conditions suggested to be included with any approval.

3.9 Public Consultation - 18 letters have been received, 17 of these were from local residents and 1 was from a local business located within Centurion Park. The following comments were made:

- The care home would not be in keeping with existing buildings in the area due to its size;
- The proposed siting is very close to existing houses which could lead to overlooking;
- The care home would reduce the value of dwellings in the area;

- Visitors and staff may park in nearby streets and use the pedestrian access, this would result in an increase in traffic which would be dangerous, particularly for children;
- A high usage of the footpath would cause noise and disturbance in this quiet cul-de-sac;
- Opening up the end of Hornbeam Close may increase criminal activity in the area;
- The pedestrian access is not needed as people would have to choose as to whether they wish to live in a care home in this location or not;
- The proposed pedestrian access must be for the exclusive use of the care home and will therefore require some means of security control;
- Not including a vehicular access via Hornbeam Close is welcome;
- Drainage and sewerage systems have struggled to cope in the past and there are concerns that the extra demands on the system could cause problems and must be paid for by the developer;
- The care home may attract vermin which is not currently a problem in the area;
- The number of proposed car parking spaces appears inadequate;
- The care home would be squeezed into an office park which is a strange place to find such an operation;
- The building would be tall and imposing;
- Privacy would be compromised by the care home;
- The care home is difficult for emergency vehicles to access.

4.0 APPRAISAL

4.1 Key Issues:

- Principle of Development
- Access
- Living Conditions of the Care Home
- Impact on Local Residents

4.2 Relevant Local Plan Policies

The Local Plan identifies Centurion Park as a Standard Employment Allocation. Policy E3b seeks to protect employment sites and states that planning permission for other uses will only be given where:

- 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.

4.3 Local Plan Policy H17 states that planning permission will only be granted for residential institutions where the development, together with existing residential institutions or unimplemented planning permission for that use, would not give rise to

a concentration likely to have an adverse impact on residential amenity and where it is positively located relative to local facilities and public transport.

4.4 The first consideration within this application is the principle of a development in this location. The proposed care home is not an employment use and therefore is a change of use of the site from its standard employment allocation. Part a) and one of parts b), c) and d) of Policy E3b would need to be satisfied in order to justify the loss of this employment site. Detailed information was submitted with the previous application which highlighted the level of marketing which has gone into this site. It was accepted within the previous application that the site was not needed to meet the requirements of employment land supply in the immediate and longer term, and this did not form part of the reason for refusal. Therefore part a) of Policy E3b is considered to have been satisfied.

4.5 It is also considered that part c) of Policy E3b has been satisfied. It is estimated by the applicant that over 60 jobs could be created by the care home which would bring significant benefits to the local economy. The figure of 60 new jobs is based on an estimate of the number of rooms and the size of the site. This figure seems reasonable. A care home was approved on 0.3 hectares of land off Manor Lane in Rawcliffe in 2004, reference number 04/00479/FULM, which was expected to create around 68 full time equivalent jobs. The proposed care home is therefore considered to comply with parts a) and c) of Policy E3b and therefore the principle of development is considered to be satisfactory.

4.6 Vehicular access to the site is considered to be acceptable in terms of its impact on the local highway network. The area is designated for employment purposes and as such there is likely to be significant transport movements from any use on this site. The access road is already in place and capable of serving the number of vehicle movements expected from a care home on a site of this scale.

4.7 Access for pedestrians is proposed to be via Hornbeam Close or via the vehicular route. Opening up access to the residential area around Hornbeam Close provides a pedestrian friendly and easily accessible route into the site. One of the criticisms of the previous application was that the pedestrian access for staff, residents, and visitors would be poor as it would involve walking through a business/industrial area. The proposed pedestrian only access removes this barrier and provides a safer and more pleasant access into and out of the site in order to access local facilities or services. Whilst some members of the care home may not be capable of leaving the site unaccompanied it seems reasonable to provide the option of leaving the site whether accompanied or not and to be able to do so in a safe way. It is considered that the proposed pedestrian access would allow the residents of the care home to feel like they are a greater part of the community rather than being isolated within a business park. Within 100m of the junction of Woodland Chase and Water Lane there are bus stops on both sides of the road which can encourage the use of sustainable transport choices.

4.8 A consideration in approving a care home on this site is the living conditions of residents. The care home would be adjacent to a warehouse to the west and an office development to the north. Two further developments, known as Units 4 and 5, have been approved to the north east of the site. These would be mixed use B1 and

B8 developments. It is considered that if constructed using suitable materials and in accordance with noise conditions recommended by the Environmental Protection Unit that there would not be significant harm in terms of noise or general disruption. A plan submitted with the application shows an indicative plan of the possible uses of rooms within the care home. This shows that the care home could be organised so that the least sensitive room uses such as kitchens, stores, and changing areas be located on the outside of the western wing which is considered to be the area of the site most likely to experience noise from surrounding land uses. The majority of the bedrooms could therefore be located to face into the central outdoor community space, east into the open countryside (Green Belt), and north towards existing office developments. It is considered that a well considered layout could provide an acceptable living environment for residents of the care home and minimise any potential future conflict with surrounding land uses within the business park.

4.9 Dwellings towards the end of Thorntree Grove and Hornbeam Close are immediately adjacent to the site. The site is allocated for B1, B2, or B8 use and thus there is an expectation that a significant development will take place on this site at some point in the future. In terms of the impact on these dwellings it is considered that a care home could be designed so as not to be harmful to the living conditions of these residents. A buffer would be required between the care home and dwellings on Hornbeam Close and Thorntree Grove in order to provide a reasonable separation distance and to reduce the opportunity for any overlooking. It is considered that within any reserved matters application this could be achieved with landscaping incorporated into the plans to increase the perception of separation and to provide a pleasant outlook for both local residents and members of the care home. The indicative plan within the outline application shows that the wings of the care home located closest to the residential development to the south would be two storeys in height and thus it is not considered that the development would appear overbearing.

4.10 Neighbour concerns have been raised regarding foul drainage. It is understood that there have been problems with foul water disposal within the housing development around Woodland Chase. Concerns were raised that the proposed care home would exacerbate these problems. However, the applicant has confirmed that the care home, if approved, would connect up with the drainage system which serves Centurion Office Park. The Centurion Office Park drainage system is separate to that which serves the housing development around Woodland Chase. It is therefore concluded that the care home would not exacerbate or experience the drainage problems that exist in the adjacent housing development.

4.11 Concerns have been raised from local residents that the access could be used as a cut through. However, the applicant has confirmed that this gate will be secure and would not allow entry into the site for unauthorised persons. The indicative plan also shows that the siting and design of the building would prevent the site being used as a cut through. Other concerns have been raised that the access could bring crime to the area. This has not been quantified or explained and comments from the Police Architectural Liaison Officer will help clarify this matter once received.

4.12 Further neighbour concerns have been raised regarding the low level of parking at the care home with the concern that this could have the knock-on effect of

encouraging staff and visitors to park on the adjacent residential streets. However, the applicant states that only around 20 staff would be on site at any one time and experience of other care homes has shown that only around 30% of staff drive to work. Experience from similar care home operators' shows that on average there are around four visitors per day who use a car, and these are often staggered throughout the day. Therefore the proposed 17 car parking spaces are considered sufficient and this figure would also comply with the Council's maximum car parking standards. A further point to note is that the staff and visitor entrance is likely to be on the northern elevation of the care home adjacent to the proposed car park. It is therefore considered that there is not a time saving incentive to park in and around Hornbeam Close and use the pedestrian access to enter the site.

5.0 CONCLUSION

5.1 On balance it is considered that the creation of jobs and the lack of success in marketing the site for B1 use have justified the principal of development on this employment site.

5.2 The indicative plan shows how the care home could operate whilst minimising the potential conflict with surrounding employment sites.

5.3 The proposed pedestrian access allows for greater integration of the care home into the community whilst not having an adverse impact on the living conditions of local residents.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 Application for approval of all reserved matters shall be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development hereby permitted shall be begun before the expiration of two years for the date of approval of the last of the reserved matters to be approved.

Reason: To ensure compliance with Section 92 and 93 of the Town and Country Planning Act 1990 as amended.

2 Fully detailed drawings illustrating all of the following details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of building works, and the development shall be carried out in accordance with such details:

Details to be submitted: appearance, landscaping, layout and scale of the proposed development to be carried out, including a schedule of all external materials to be used.

Reason: In order that the Local Planning Authority may be satisfied as to the details of the development and to comply with the Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2006.

3 The premises shall be used for a residential care/nursing home and for no other purpose, including any other purpose in Class C2 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: So that the Local Planning Authority may 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.

4 NOISE7 Restricted hours of construction

5 Details of all machinery, plant and equipment to be installed in or located on the care home 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 (LA_{max(f)}) and average sound levels (LA_{eq}), 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 the nearby residential properties.

6 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the nearby residential properties.

7 An acoustic fence shall be constructed on the west and north perimeters of the application site. Details of the acoustic fence shall be submitted to the local planning authority for written approval. These details shall include the position, length and height of the fence, together with a description of the fence construction and an assessment of its acoustic performance. The fence shall be installed in accordance with the approved details prior to occupation of the use hereby permitted and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the residents of proposed care home.

8 The building envelope of all residential rooms with a facade on the West and North West elevations, shall be constructed so as to provide sound attenuation against external noise of not less than 36 dB(A), with windows shut and other means of ventilation provided. The detailed scheme shall be approved by the local planning authority and fully implemented before the use hereby approved is occupied.

Reason: To protect the amenity of the residents of proposed care home.

9 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.

Reason: To protect the amenity of the residents of proposed care home.

10 HWAY10 Vehicular areas surfaced, details reqd

11 HWAY36 Servicing within site, details reqd

12 HWAY22 Internal turning areas, details reqd

13 HWAY31 No mud on highway during construction

14 The development hereby permitted shall not commence until full details of the proposed vehicular access, parking and cycle storage facilities for both residents and staff have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be constructed in accordance with the approved details prior to the development coming into use and shall thereafter be maintained clear of any obstruction which would preclude their intended use.

Reason: In the interest of highway safety and to promote sustainable transport choice.

15 ARCH2 Watching brief required

16 The pedestrian only access route from the care home to Hornbeam Close shall be fitted with a security gate in order to control access to the site. Full details of the security gate and how it will be managed shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The gate shall be fitted and managed in accordance with the approved details.

Reason: To restrict access into and out of the site to members of staff, visitors and occupants of the care home.

17 No development shall take place until details have been submitted to and approved in writing by the Council of what measures are to be provided within the design of the new building and landscaping to enhance the biodiversity of the area. The works shall be completed in accordance with the approved details. Features suitable for incorporation include measures for species that use buildings such as bats and birds and enhancement of the ditch and hedgerow that form the boundary of the site.

Reason: To take account of and enhance the habitat and biodiversity of the locality.

18 At the soonest available opportunity, and in any event prior to the completion of the development, the developer shall submit a completed "Sustainable Design and Construction" statement for the development. The developer shall achieve a BREEAM standard rating of at least "Very Good" or the equivalent, and if this is not achieved, the developer shall demonstrate the changes that will be made to the development in order to achieve this standard.

Reason: In the interests of sustainable development.

19 DRAIN1 Drainage details to be agreed

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 loss of employment land, the future living conditions of occupants of the care home and the amenity and living conditions of local residents. As such the proposal complies with Policies E3b and H17 of the City of York Draft Local Plan.

2. Demolition and Construction - Informative

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 noted and acted upon. Failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

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

(ii) All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

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

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

- (v) There shall be no bonfires on the site

3. INFORMATIVE

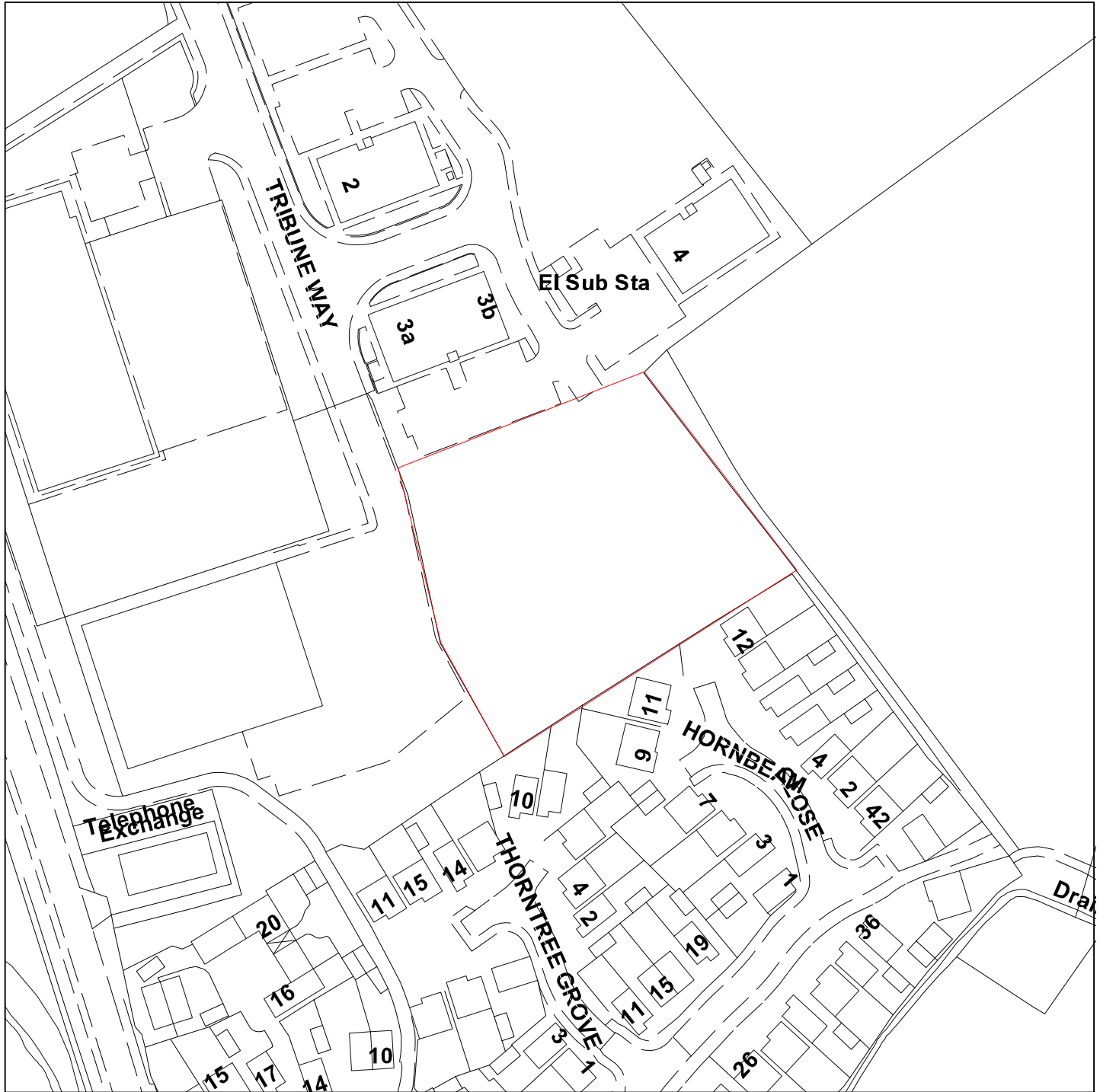
It is important that the care home is designed in such a way which minimises any potential conflict between the adjacent business premises and the living conditions of residents of the care home. Careful consideration should be given to the siting of the care home in order to allow sufficient space to provide a significant level of green landscaping to the north, east, south, and west of the unit. The internal layout should be designed so as to allow the care home to co-exist with the neighbouring business uses in a way which protects the commercial viability of these uses and ensures appropriate living conditions for any future occupiers of the care home.

Contact details:

Author: Michael Jones Development Control Officer
Tel No: 01904 551325

Land lying to South of Centurion Office Park

Ref: 07/02783/OUTM



Scale : 1:1250

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | City Strategy |
| Comments | Application site |
| Date | 14 January 2008 |
| SLA Number | Not set |

Schools Multiple (Spatial)

2.2 Policies:

CYGP1
Design

CYT2A
Existing Pedestrian/Cycle Networks

CYT2B
Proposed Pedestrian/Cycle Networks

3.0 CONSULTATIONS

3.1 INTERNAL

Highways Network management

No objections based upon the latest revised drawing (HHY/238/10F)

The application accords with the conditions/detail proposed and secured at the outline application stage. As such all issues relating to traffic generation and access have been previously considered and approved. The reserved matters plans that have been submitted accord with the outline application and as such no objections are raised. Car and cycle parking has been provided in accordance with CYC Annex E standards.

Environmental Health
No objections

Landscape Architect

Comments on the original submission:-

The proposed scheme involves the removal of several trees (including one within a private garden) and the retention of only one within the site boundary. A tree survey should be provided to establish whether this is reasonable action and to inform tree protection methods for the trees to be retained. The Sycamore adjacent to the existing right of way appears to be worthy of retention. Therefore the applicant should investigate ways of circumnavigating it . This tree was accommodated in the indicative outline scheme.

The proposals should be supplemented with a landscape scheme, and hedge replacement planting where needed, and retention of the remaining existing hedge (which should also be conditioned).

The landscape Architect also raises concerns about the boundary treatment and surveillance of the play area.

Amended scheme

The latest scheme shows the retention of Tree10. This tree is currently located in the grass adjacent to the footpath and would be incorporated into the widened footpath. A condition requiring a method statement to be submitted should be attached in order to demonstrate how the change in surface and edge treatment around the retained tree would be carried out without being detrimental to the health of the tree.

The planting scheme submitted is acceptable.

Crime Prevention Officer

Comments on Original scheme:-

There are several points on the site layout which indicate that access points to the rear of properties do not have appropriate secured gates. This may be an omission in the plans but I would ask that this is included in the build. The tendency in the warmer weather to open windows for ventilation purposes creates an opportunity for the thief to operate. It is therefore vital that vulnerable ground floor windows have opening window restrictors fitted. The security of this development would be further enhanced by discouraging casual intrusion by non-residents. Access points should be well lit. Communal car parking bays should be well lit during the hours of darkness. DETR Design Bulletin 32, 'Places, Streets and Movement' states that, in relation to natural surveillance. Where gable ends are located laterally adjacent to any footpaths or roadways within the estate consideration should be given to the inclusion of at least one window that overlooks these areas which would provide good surveillance and particularly if those locations are not already overlooked.

Comments on the amended scheme are awaited.

Life Long Learning and Leisure

Comments awaited on the amended scheme

York Consultancy

Insufficient information has been provided by the developer to determine the potential impact the proposal may have on the existing drainage systems and adjacent properties

3.2 EXTERNAL

Hull Road Planning Panel (comments on the original scheme):

Do no object but wish to make the following comments:-

1. The members of the Panel are generally impressed with the overall design and the layout of the house design. However, we are concerned with the "canyonisation" of the local public footpath which renders the proposed layout as unacceptable to the panel. The path is enclosed on both sides by high fences for a considerable distance without "escape" routes.

The panel would suggest that the path is diverted within the proposed developments access road. The properties on the west could be moved further westward by the width of the path while it would provide the same amount of space on the access road for the footpath the footpath would then exit the development on the south side alongside the garages - some minor adjustments in the layout would be necessary to accommodate this.

2. The panel also feel that it is not desirable to have so many terrace effect houses backing onto the high fence on the west side. This could be avoided by an east/west lateral inversion of the layout. This would not affect the design of the layout in any other way.

3. The Panel regrets that the current layout differs from the previous design, which did have the houses on the east of the access road rather than the west which produces a more attractive and a more practical layout overall.

Amended proposals

The panel have looked at the changes and are pleased that the suggestions made by the panel were taken into consideration. Therefore the panel have no objections to the amendments.

Yorkshire Water

The submitted plans show an unmeasured sewer easement and no site survey positions of the public foul and surface water sewers which are recorded to cross through the site. The original comments related to the July 2005 application still apply. Survey plans and detailed proposals are therefore requested.

Internal Drainage Board

The application suggests that the water discharge is above that which the sewer is capable of accommodating. There is no consideration of the discharge point into the watercourse or its potential effect to the risk of flooding. Until the applicant provides details as to the potential effect on the water course system of the proposed discharge the board objections to the application.

Amended scheme:

There is nothing in the amended scheme that would allow the board to change its earlier comments

Three letters of objection were received in relation to the originally submitted scheme. The objections covered the following points:-

- The development will cause traffic congestion in the area
- concerned about the canyonisation of the pathway to the west of the site, this could be relieved by moving the LEAP to the western boundary of the site
- The footpath should be alley gated at night
- The building line is too close to Osbaldwick Lane
- There is no significant planting proposed
- It is unclear how fencing on the eastern boundary will relate to existing domestic fencing on adjacent properties.
- The LEAP is adjacent to our rear garden what is going to be on this LEAP_

One further letter has been received on the amended scheme covering the following points:-

- It is still unclear how the fence on the eastern side of the site is to be dealt with in relation to existing residential properties

3.3 PUBLICITY

The application was advertised in the Press on the 7th November 2007. The notice expired on the 28th November. A site notice was posted on the site on the 12th November 2007 and expired on the 3rd December 2007

4.0 APPRAISAL

4.1 The principle of the development of this site has been established by virtue of the outline planning permission granted in September 2005. The outline planning

permission included land which has recently been granted consent for improved sporting facilities for the school and the wider community.

4.2 The issues reserved on the outline application were siting, design, external appearance, boundary treatment and landscaping. Conditions were also attached to the permission requiring the line of the footpath to the west of the site to be agreed, requiring recreation open space to be provided in the site, specifying that there should be no more than 25 dwellings in total and requiring affordable housing if more than 24 dwellings are proposed.

4.3 The proposed scheme raises the following key issues:-

- Policy background
- Design and landscaping
- Highways issues including public footpath improvements
- Open space
- Residential amenity
- Drainage
- Crime Prevention

Policy Background

4.4 The principle of the development has been established under the outline consent. In terms of the detail of the scheme, Policy GP1 of the Draft Local Plan states that development proposals will be expected to respect or enhance the local environment and be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces and the character of the area. Policies T2a and T2b require the maintenance and improvement of existing pedestrian and cycle routes. Policy L1 of the Second Set of Changes to the Local Plan has been specifically referred to in the conditions of the outline planning permission in relation to the provision of recreation open space. Open space is required to be provided in accordance with the second set of changes.

Design and landscaping

4.5 The development, as amended, is a mix of detached and terraced family housing between two and two and a half storeys high. The scheme has regard to the siting and disposition of existing housing surrounding the site, including height, design and mix. The scheme is considered to be an acceptable design in the context of adjacent development.

4.6 The landscaping scheme submitted with the application shows the introduction of new trees, low level planting and hedging to garden areas and around the proposed play area. The landscaping scheme will provide a good landscape structure appropriate to the character of the area and is considered to be acceptable. The Landscape Architect raises no objections to the submitted landscaping scheme.

4.7 There are a number of existing trees within the site, three of which would be removed to facilitate the development, two in order to facilitate the widening of the footpath, and one to accommodate the vehicular entrance. The remaining trees

would be retained and incorporated into the landscaping scheme. It is also proposed to retain the hedge to the front of the site other than where pedestrian access is to be provided to the frontage properties. The retention of existing trees and hedging would help to assimilate the scheme into its surroundings.

Highway Issues Including Public Footpath Improvements

4.8 The position of the vehicular access to the site was agreed as part of the outline planning permission. The submitted scheme reflects the position agreed. Highways Network Management are satisfied with the amended scheme in this respect and in terms of the design of the estate road, access and parking arrangements.

4.9 The outline planning permission, which did not include the existing footpath within the red line curtilage of the application, requires that the route of the footpath to the west of the site be agreed as part of the reserved matters. The bid document that accompanied the sale of the land by the council requires the footpath to be widened to 3 metres. The footpath is currently about 1.5 metres wide. The aim of widening the footpath is to achieve an improved arrangement for existing footpath users as part of the scheme in line with policies T2a and T2b of the draft Local Plan. The main concern is to ensure that the development does not result in the excessive enclosure of the footpath in such a way that it would become unwelcome and intimidating for the users.

4.10 The submitted scheme shows the footpath widened to 3 metres, with the play area immediately adjacent. Access would be available from the play area to the footpath. There are fences and buildings adjacent to the footpath although some of the built areas are adjacent to open areas on the opposite side of the footpath. It is considered that the combination of the widening of the footpath, the location of the open space along it and the careful siting of buildings would result in the quality of the pedestrian route being improved, and thus is acceptable in the context of Local Plan policy.

Recreation open space

4.11 The requirement of the outline planning condition is that all open space provision should be provided within the site in accordance with policy L1 of the second set of changes to the Local Plan. Lifelong Learning and Leisure have indicated through discussions that the provision of a 400 square metre fully equipped LEAP area is sufficient to comply with the requirement of the condition. A maintenance payment will be required by condition.

4.12 The play area has been sited so that it is accessible from both the application site and from the public footpath. It allows openness along the footpath and provides a welcome resource in the local area adjacent to the school. A "LEAP" is defined as a play area which caters for children 4 - 8 years of age, containing at least five types of play equipment of which at least two are individual. The specific details of the play equipment have not yet been received. A condition is proposed to ensure the satisfactory submission and implementation of a scheme for the play area before any dwelling on the site is occupied.

Residential Amenity

4.13 The amended scheme has been designed with the siting of existing dwellings clearly taken into account. It is considered that the development can be achieved without adversely impacting on the residential amenity of adjacent properties.

Drainage

4.14 There were no conditions relating to the submission of drainage details attached to the outline planning permission, neither was drainage a reserved matter on the outline permission. On this reserved matters application, it is therefore not possible to require submission of drainage details or refuse the application based on lack of information relating to drainage. Comments relating to drainage have, however, been forwarded to the applicant and they have confirmed that it is their intention to comply with the drainage requirements. Notwithstanding the fact that a sewer easement has been indicated on the layout plan, Yorkshire Water are concerned that this has not been surveyed to ensure a three metre clearance is achieved on either side of the line of the sewer. These comments have been passed to the applicant, who has been requested to confirm that the location of the easement is accurate. Clearly, the siting of the dwellings may be affected if the location of the easement is not accurate. This matter will be updated at Committee.

Crime Prevention

4.15 The amended scheme is significantly different to that which the Crime Prevention Officer originally commented upon. The further comments of the Crime Prevention Officer are awaited and will be reported directly to Committee.

5.0 CONCLUSION

5.1 The principle of this development has been established by virtue of the outline planning permission granted in September 2005. The amended scheme submitted, which incorporates the widening of the existing footpath on the west of the site and the provision of a fully equipped LEAP play area, is considered to be acceptable in the context of surrounding development.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

HHY/238/12B
HHY/238/10F
HHY/238/13B
HHY/238/23 -37
R/888/1B
303.18.0.19
303.18.0.18

303.18.0.16

303.18.0.02

Arboricultural Survey by FDA Landscapes Ltd

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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.

2 VISQ8 Samples of exterior materials to be app

3 In the first planting season following the occupation of the first dwelling on the site the landscaping scheme shown on Drawing no. R/888/1B shall be implemented to the satisfaction of the Local Planning Authority. Thereafter the landscaping scheme shall be maintained and all loses shall be made good for a period of 5 years.

Reason: In the interests of visual amenity

4 Prior to the commencement of the development full details of the play area shall be submitted to and approved by the Local Planning Authority. The approved details shall thereafter be implemented to the satisfaction of the Local Planning Authority before any dwelling is occupied on the site.

Reason: To ensure the provision of on site play facilities in the interests of residential amenity.

5 No development shall commence unless and until details of provision for the future maintenance of the public open space within the site, or alternative arrangements, have been submitted to and approved in writing by the Local Planning Authority. The public open space shall then be maintained in complete accordance with the approved scheme, or the alternative arrangements agreed in writing with the Local Planning Authority.

Reason: In order to ensure that adequate arrangements are in place for the future maintenance of the public open space, in the interests of amenity of future occupiers of the proposed development.

6 Prior to the commencement of the development a detailed plan and schedule of works for the front boundary hedge shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved detail and schedule shall be implemented to the satisfaction of the Local Planning Authority in accordance with a timescale agreed within the schedule.

Reason: To ensure the long term survival of the hedge in the interest of visual amenity.

7 Prior to the commencement of development a detailed method statement shall be submitted to and approved in writing by the Local Planning Authority to demonstrate how the change in surface and edge treatment around the retained tree

(Tree T10 as referred to in Arboricultural report submitted with the application) can be carried out without detriment to the health of the tree. The development shall be carried out in complete accordance with the approved method statement, which shall include a time scale to be agreed as part of the statement.

Reason: In order to ensure the long term survival of the tree in the interests of visual amenity.

**7.0 INFORMATIVES:
Notes to Applicant**

1. Informative: The alternative arrangements referred to in 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 to be paid to the Council towards the future maintenance of the open space. The obligation should provide for a financial contribution calculated at .

2. REASON FOR APPROVAL

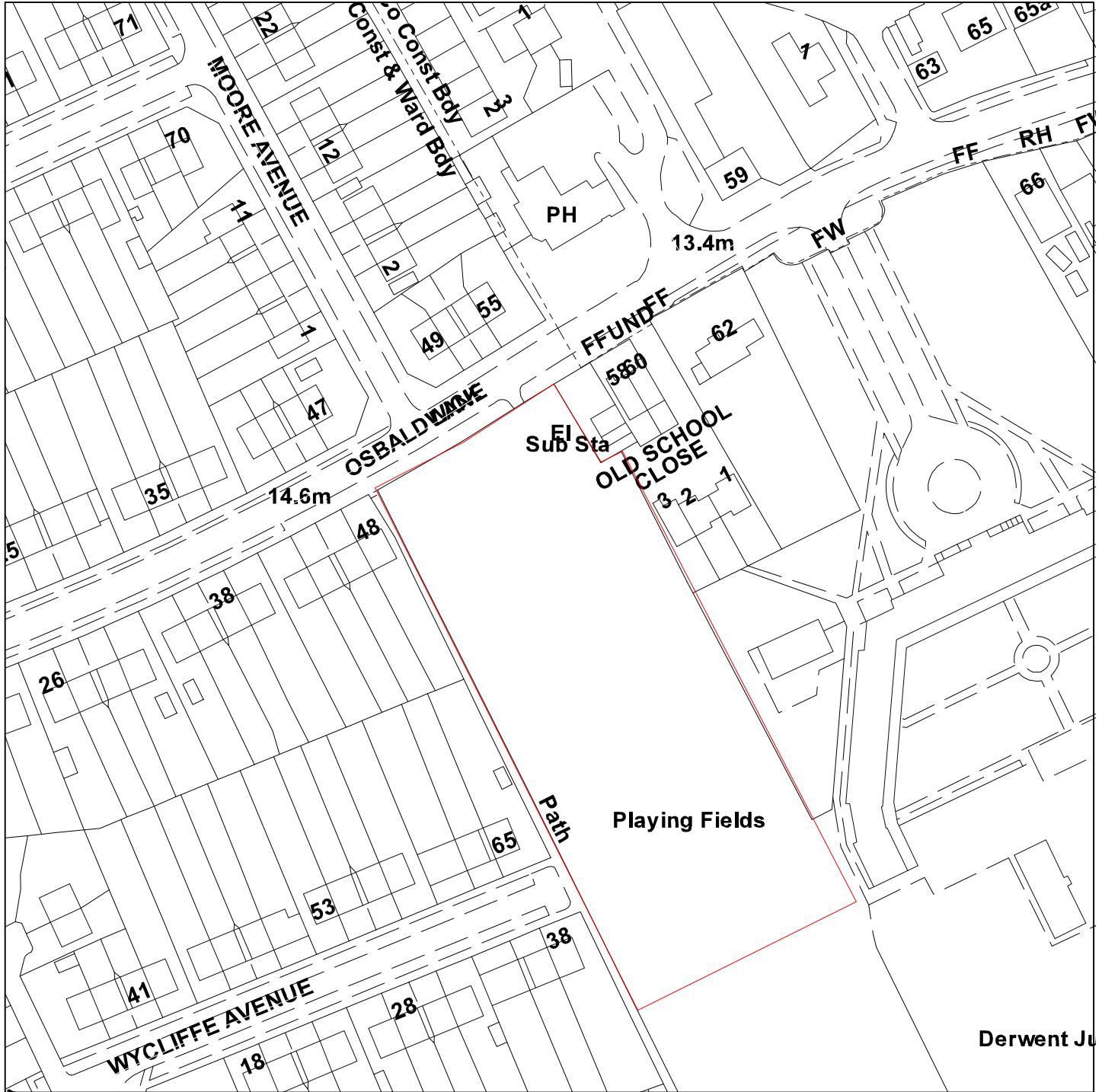
In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to highways, design and landscape and residential amenity. As such the proposal complies with Policies GP1, T2a and T2b of the City of York Local Plan Deposit Draft.

Contact details:

Author: Diane Cragg Development Control Officer (Mon/Tues)
Tel No: 01904 551657

Land Adj. to Derwent County Junior and Infant

Ref: 07/02384/FULM



Scale : 1:1250

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| | |
|---------------------|----------------------|
| Organisation | City of York Council |
| Department | City Strategy |
| Comments | |
| Date | 14 January 2008 |
| SLA Number | Not set |