

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Acomb
Date: 14 February 2008 **Parish:** Acomb Planning Panel

Reference: 07/02720/FULM
Application at: Poppleton Gate Houses Millgates York
For: Erection of two and three storey development comprising 14no. flats and 5no. houses
By: York Housing Association
Application Type: Major Full Application (13 weeks)
Target Date: 15 February 2008

1.0 PROPOSAL

1.1 The application seeks permission for the erection of a two and three storey development comprising of 14 flats and 5 houses, all for social rent through Yorkshire Housing Association.

1.2 A previous scheme for the erection of a three storey block of 36 flats was submitted in April 2005 and subsequently withdrawn in May 2007 following negotiations with the applicant.

1.3 As part of the previous application a request was made to English Heritage to list the building. Having examined the property English Heritage decided it was not worthy of Listed status due to the modification it had previously been through which resulted in the loss of architectural integrity and the fact that little of the interior detail is intact. In addition most of the associated outbuildings and grounds have been lost. As such it did not meet the national criteria for listing of a building of this date and type, of which there are a large stock nationally.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

CYGP4A
Sustainability

CYGP7
Open Space

CYH2A
Affordable Housing

CYH3C
Mix of Dwellings on Housing Site

CYH4
Housing devp in existing settlements

CYNE1
Trees, woodlands, hedgerows

CYNE6
Species protected by law

3.0 CONSULTATIONS

Internal

ARCHAEOLOGY

3.1 Watching Brief required on all groundworks

ENVIRONMENTAL PROTECTION UNIT

3.2 No objections subject to informatives in connection with demolition and construction

LEARNING, CULTURE AND CHILDRENS SERVICES

3.3 Education do not require a contribution as Carr Infant and York High Schools both have capacity

LIFELONG LEARNING AND CULTURE

3.4 Adequate amenity space is retained on site. Play space should be provided on site.

HOUSING AND ADULT SOCIAL SERVICES

3.5 The scheme provides 14 flats and 5 family houses, which have been identified as being required as part of the HMA. The Council will benefit from 100% nomination rights on first lets. As such the scheme is fully supported

LANDSCAPE ARCHITECT

Original Scheme

3.6. The building appears to encroach too much into the south west garden, which brings the building close to the mature trees and reduces this part of the garden to a belt of trees set back from the building. The large cedar casts shadow over most of

the garden area and being evergreen it will cast shadows over the properties in the winter when the sun is lower.

3.7 The tree protection measures are acceptable. However, concerns are raised in connection with the total loss of vegetation (8 trees in total) between the extended footprint and the rear garden of 10 Millgates. Hawthorne 1179 and Holly 1180 should be retained or replaced. The single disabled visitors parking space encroaches too far into the protection zone of the two trees, which make up G4.

3.8 The scheme creates a suitable private realm and ground floor ownership, both front and rear, and a good transition from public to communal garden. The southern elevation/landscape treatment creates a much better relationship between the building and southeast lawn than existing. Conditions recommended.

Revised scheme

3.9 The revised scheme indicated that of the 8 trees to be removed along the boundary one will be retained and additional planting will take place.

COUNTRYSIDE OFFICER

3.10 The bat survey carried out has highlighted the presence of a roost with signs that indicate that this could be a maternity roost. In order to adequately consider the implications of the redevelopment more detailed information is required on the number of bats found, the species using the site and what use they actually make of it and its surroundings. The information cannot be gathered at this time of year but can be carried out in May/June. Furthermore, this information will be required in order for Natural England to grant a licence in order for the building to be demolished.

3.11 After discussions with English Nature and Eric Bennet (bat specialist) it appears possible to condition mitigation works on the basis that the building is not demolished until October/November. This is also based on the applicant agreeing to the worst-case scenario mitigation measures, being a large Pipistrelle maternity roost with subsidiary summer roost sites. It may be possible that the survey is carried out and the roost is empty, which would be a possibility as the building is no longer occupied and bats require heated places, and as such less mitigation would be secured.

HIGHWAY NETWORK MANAGEMENT

3.12 No objections in principle to the development. Original concerns regarding disabled parking and cycle stores have been overcome. The provision of a footpath to the grass verge to the south side of Millgates is welcomed.

CITY DEVELOPMENT

3.13 The site is currently occupied by a residential use and so the redevelopment of the site for housing should not have a negative impact on the amenity of surrounding occupiers. The reasoning behind the design and layout of the proposed new building appears to satisfy Local Plan policy in terms of impact on the character of the area.

DRAINAGE

3.14 As the proposed method of surface water disposal is via soakaway they should be shown to work through an appropriate assessment carried out in winter.

External

NATURAL ENGLAND

3.15 Do not object to the scheme on the basis that the mitigation proposals in Section 15 of the bat survey are made strict conditions of any planning approval. The bat survey report confirms the presence of a bat roost, which is thought to be a Pipistrelle maternity roost, and the consultation highlights that a licence from Natural England will be required prior to any demolition work. The licence will require a detailed method statement and mitigation proposals including confirmation of species involved, the size of the roost and how the bats are utilizing the building. Planning permission does not absolve the applicant from complying with the relevant law, including obtaining and complying with the terms and conditions of any licence required.

NEIGHBOUR NOTIFICATION

Original submission

3.16 Nineteen letters received objecting on the following grounds:

- Unacceptable increase in the level of traffic using Millgates
- Access should be provided to The Paddock
- Potential danger due to narrow road and no footway
- Inadequate car parking forcing cars to park on the street
- Potential congestion on Boroughbridge Road in the future
- A development of houses would be more appropriate than flats
- History of the area is being lost with the demolition of the building
- Increased noise from vehicular movements and occupiers
- Inappropriate design
- Will overshadow number 10 Millgates
- Loss of privacy to number 12 Millgates
- Loss of the open space
- Concerns raised over children's safety
- Loss of mature planting and woodland
- The existing building should be retained and restored
- It is York Housing Association who have let the building fall into decay so they can demolish it and redevelop
- Loss of access to rear of 14 Millgates and refuse located close to the boundary
- Existing drainage system already overloaded
- Limited school capacity within the vicinity

- The building should be on the Local List if it had been agreed

Reconsultation expires 4th February 2008. Members will be updated

3.17 WARD CLLR SIMPSON-LAING - Writing on behalf of residents of Millgates and The Paddock raising the following concerns:

- Loss of trees
- Loss of Park Land setting
- Destruction of naturally seeded habitat - particularly along the boarder with The Paddock
- Disturbing of the environment for resident owls - believed to be barn owls
- Increased traffic - inadequate parking provided
- Loss of building
- Unsustainable development - demolition
- Poppleton Gate House is on the Local List

(Letter appended at the request of Cllr Simpson-Laing)

ACOMB PLANNING PANEL –

3.18 Object on the following grounds:

- Proposed properties are out of scale and proportion to surrounding properties
- The proposed 'end' properties of four and three storeys will be much higher than, and overlook all adjacent properties
- Development out of character with the neighbourhood
- Car parking does not provide more than one car per property
- Increased traffic on Millgates
- To open up access from The Paddock would increase traffic in a cul-de-sac out of all proportion to that at present

4.0 APPRAISAL

4.1 Key Issues

- Design and Landscape
- Public Open Space
- Demolition of the building
- Affordable Housing
- Highway Implications
- Presence of Bats

4.2 The relevant City of York Council Draft Deposit Local Plan Policies are GP1, GP4a, GP7, H2a, H3c, H4, NE1 and NE6.

Policy GP1 'Design' of the City of York Local Plan Deposit Draft includes the expectation that development proposals will, inter alia; respect or enhance the local environment; be of a density, layout, scale, mass and design that is compatible with neighbouring buildings and spaces, ensure residents living nearby are not unduly affected by noise, disturbance overlooking, overshadowing or dominated by overbearing structures, use materials appropriate to the area; avoid the loss of open spaces or other features that contribute to the landscape; incorporate appropriate

landscaping and retain, enhance or create urban spaces, public views, skyline, landmarks and other features that make a significant contribution to the character of the area.

Policy GP4a 'Sustainability' of the Draft Local Plan requires all proposals for commercial or residential development to be accompanied by a 'sustainability statement'. The policy includes a list of criteria against which proposals should be judged which include: accessibility by means other than the car, whether the proposal would contribute to the social needs of the community, the contribution to the economy of the city, design quality, minimising the use of non-renewable resources, minimising pollution, conserving and enhancing natural areas and landscape features, maximising the use of renewable resources and making adequate provision for cycle storage and recycling

Policy GP7 states that the development of land designated as open space on the Proposals Map will only be permitted where; there will be no detrimental effect on local amenity or nature conservation; and compensatory provision of an equivalent size and standard is provided by the applicant in the immediate vicinity.

Policy H2a of the Draft Local Plan requires housing development of 15 dwellings/0.3Ha or more in the urban area and 2 dwellings/0.03Ha or more in villages with less than 5,000 population to provide affordable housing. The policy gives a target of 50% of dwellings to be affordable and requires that they are distributed throughout the housing development rather than being concentrated in one area.

H3c states that a mix of new house types, sizes and tenures will be required on all new residential development sites.

Policy H4a 'Housing Windfalls' of the states that permission will be granted for new housing development on land within the urban area providing: it is vacant/derelict/underused or involves infilling, redevelopment or conversion; has good access to jobs, shops and services by non-car modes; and, is of an appropriate scale and density to surrounding development and would not have a detrimental impact on existing landscape features.

Policy NE1 'Trees, Woodlands and Hedgerows' seeks to protect trees that are of landscape, amenity or nature conservation value by, inter alia, refusing development proposals that would result in their loss and by seeking appropriate protection measures when they are proposed for removal. Appropriate replacement planting will be sought where trees are proposed for removal.

Policy NE6 states that where proposals may have a significant effect on species or habitats, applicants will be expected to undertake an appropriate assessment demonstrating their proposed mitigation measures. Planning permission will only be granted for developments that would not cause demonstrable harm to animal or plant species protected by law, or their habitat.

DESIGN AND LANDSCAPE

4.3 The application site is located off the cul-de-sac of Millgates, off Boroughbridge Road. At present it consists of a large detached mid 19th Century former 'gentleman's residence' which has been converted to apartments and is located within substantial grounds. The scheme seeks permission for the redevelopment of the site to create 14 flats and 5 houses, all for social rent, following the demolition of the building.

4.4 The existing building lies close to the western boundary of the site with a large paved area located to the front of the building use for the parking of vehicles. The proposal pulls the property away from this boundary allowing for the provision of private garden areas and parking facilities to the rear. As a result the new building would project further into the existing southern grassed area than the current property does. The building has been designed in an 'L' shape with the main elevations facing onto the mature grounds. The majority of the development is two storey, 1.2m lower than the existing building, with a three storey element with rooms within the roof at the corner of the scheme. This section would have a height in the region of 4m higher than the existing building. The building would be divided into 5x3 bedroom houses, each with private amenity space and storage to the rear, 1x1 bedroom apartment, 8x2 bedroom apartments and 5x2 bedroom apartments. 21 car parking spaces have been provided in total, including 3 disabled, and secure cycle parking has also been provided on site.

4.5 The design of the building is considered acceptable, although the increase in height gives rise for some concerns. The terrace style element reduces the height from the original building and the tower elements give a visual break within the ridge height and add a focal point to the development. The increase in height would make the development visually more prominent within this area, dominated by single storey residential properties. However, it is sited at a considerable distance to the nearest property and would not have any impacts in terms of overdominance or overshadowing. The fact that the development stands well within the large grounds mitigates the overall height of the scheme.

4.6 The site has a number of protected trees present and mature landscaping, predominantly to the site boundary. The scheme seeks permission to remove a number of protected trees and replace them with new specimens. The original scheme proposed the removal of 8 trees to the boundary with number 10 Millgates. The scheme has been amended to retain one of the trees, a Thorn, and replace an existing Holly with a new Holly. The Council do not raise any objections to the removal of those trees proposed on the basis that they are replaced and subject to conditions.

OPEN SPACE

4.7 As the proposed development only creates 6 additional residential units on site there would be a requirement to provide a commuted sum payment only towards off site provision. However, as the site comprises of a large area of open grassed land, allocated on the Proposals Map as open space, the applicant has agreed to allow access to this area to be used a general public amenity space. A small play area is to be provided, primarily for use by the residents, and a financial contribution would be payable towards off site sports facilities. The formal opening up of this area to the

public is considered offset the section of the southwest lawn area which is to be lost to the development.

DEMOLITION OF BUILDING

4.8 Planning permission is not required for the demolition of the building as it is not listed nor does it fall within a conservation area. The building was examined by English Heritage in October 2006 and was not deemed worthy of listing. At present the Council do not have a list of buildings of local importance and as such it would be difficult for the council to object to its demolition. The applicant has stated that the current apartments have become outdated and do not meet today's requirements or standards. The building is considered to be thermally inefficient and falls below current standards of sustainability. Whilst conversion may be possible it would be costly and would not provide the level of accommodation required by the Housing Association. Furthermore, a Social Housing Grant, from the Housing Corporation, funds the proposal and as part of the requirement of this grant the homes must be built to Scheme Development Standards and Eco- Homes Very Good.

AFFORDABLE HOUSING

4.9 The property has been in the ownership of York Housing Association since 1981. The current scheme has been developed in partnership with City of York Councils Housing and Adult Social Services as part of the 2006-2008 Approved Development Programme. It has been developed in conjunction with the Housing Corporation and York Housing Association to redevelop an existing scheme in to 14 flats and 5 family houses all for social rent. The properties will be built by York Housing Association with the City of York Council benefiting from 100% nomination rights on first lets and 75% nomination rights on subsequent re-lets. These homes will help to meet the demand for family housing identified by the Housing Market Assessment released July 2007.

HIGHWAY IMPLICATIONS

4.10 Concerns have been raised in connection with increased vehicle movement along Millgates, inadequate parking and highway safety. The site is currently occupied by 13 apartments and provides 10 car parking spaces. The scheme increases this to 14 apartments and 5 dwellings and increases the parking levels to 21 spaces. Officers feel that this increase in parking provision for the development is acceptable. The vehicular access point to the site will be retained in its existing position with parking spaces being provided to the rear and side of the proposed development. There will be no vehicular or pedestrian access to The Paddock.

4.11 It is agreed that Millgates does narrow slightly towards the junction with the proposed development but it would still allow for the passing of vehicles. However, in order to reduce potential conflict between pedestrians and vehicles the applicant has agreed to fund the provision of a footpath along the southern side of Millgates, between the development site and number 16 Millgates. This area is currently a raised, kerbed grassed area, which is part of the adopted highway. As such it will be hardsurfaced to create the footpath.

PRESENCE OF BATS

4.12 As previously stated a bat survey was undertaken recently which indicated the presence of a roost within the roofspace. This roost is protected by law and as such any demolition of the building, which would affect the roost, would require consent from Natural England (NE). As part of this consent NE would require additional survey work to be carried out to assess the number of bats, the species and the type of roost. This information can not be obtained until June due to the hibernation season. However, in order for the Housing Corporation funding to be received the planning permission must be issued by February 15th. As such there is no available time to delay the processing of the application to undertake the survey. As such the applicant has agreed to provide the mitigation for the worst-case scenario, being a large Pipistrelle maternity roost with subsidiary summer roost.

4.13 Since the existing roost is to be destroyed, and the licence required, adequate measures would need to be taken to maintain the population of the species. The Bat Mitigation Guidelines summarises the requirement for a maternity roost of common species as follows: timing constraints (not working during the breeding season), more or less like-for-like replacement and that the bats are not left without a roost and must be given time to find a replacement. The mitigation scheme submitted provides for all of these elements and as such is considered to be acceptable and the best course of action.

5.0 CONCLUSION

5.1 The proposed scale and mass of the building gave rise for concern but due to the location of the property, within substantial grounds and at a distance from residential properties, it is considered acceptable. The loss of the section of open space can be justified by the applicant opening up the remainder of the site to public access and the fact that the development is for affordable social housing and will benefit the wider community. Highway implications have been resolved and the inclusion of a footpath within the highway verge to the southern side of Millgates would benefit the residents of the proposed dwellings. Initial objections raised in connection with the presence of bats on the site have been resolved and can be covered by condition.

5.2 It is considered that the application meets all the appropriate policies as set out within the Local Plan and as such Officers recommend approval.

COMMITTEE TO VISIT

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 and other submitted details:-

Drawing numbers D-104-B received 18th January 2008

Drawing numbers D-201-A, D-202-A, D-203-A, D-204-A, D-205 received 16th November 2007

Drawing number D-410-A and D-402-A received 16th November 2007

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.

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

Reason: In the interests of the future occupiers of the site

4 ARCH2 Watching brief required

5 As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself. This should be proven, prior to start on site. Should the ground be unsuitable for the use of soakaways, then an alternative design should be submitted for approval (e.g. attenuation).

Reason: In the interests of the satisfactory drainage of the site

6 HWAY10 Vehicular areas surfaced, details reqd

7 HWAY21 Internal turning areas to be provided

8 HWAY31 No mud on highway during construction

9 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:

A 2m wide footway to be provided within the highway verge along the southwestern edge of Millgates as a continuation of the existing footway from outside house no 16 Millgates up to the proposed site pedestrian entrance.

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

10 Prior to the commencement of the works hereby permitted, a detailed method of works statement shall be submitted to and agreed in writing by the Local Planning Authority. This statement shall include the precautions to be taken to ensure the safety of the general public, the method of securing the site, the access to the site, the route taken by vehicles transporting the demolition waste from and construction materials to the site and the hours of operations.

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

11 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscape scheme which shall include the species, density (spacing), and position of trees, shrubs and other plants; seeding mix, sowing rate, and mowing regimes where applicable. Where required it will also include details of ground preparation. The landscape scheme shall include management details for the wooded areas and lawn edges, to include information about thinning and planting operations and establishment of suitable ground flora. 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 the Local Planning Authority agrees alternatives in writing. This also applies to any existing trees that are shown to be retained within the approved landscape scheme. Any works to existing trees that are protected by a tree preservation order (TPO) or are in a conservation area are subject to local authority approval and notification respectively within and beyond this five year period.

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

12 Trees shown to be retained and/or subject to a tree preservation order (TPO) shall be protected during the development of the site by the following measures: - Prior to commencement on site of demolition, site preparation, building or other development operations, including any excavations and/or the importing of materials, protective fencing to BS5837: 2005 shall be erected around all existing trees shown to be retained, to create exclusion zones. The protective fencing shall also include as much of the existing grassland as possible. Before commencement on site the protective fencing line shall be shown on a plan and agreed with the local authority and subsequently adhered to at all times during development to create exclusion zones.

None of the following activities shall take place within the exclusion zone: excavation, raising of levels, storage of any materials or top soil, lighting of fires, parking or manoeuvring of vehicles, mechanical cultivation. There shall be no site huts, no marketing offices, no mixing of cement, no disposing of washings, no stored fuel, no new trenches, pipe runs for services or drains. The fencing shall remain secured in position throughout the construction process including the implementation of landscaping works. A notice stating 'tree protection zone - do not remove' shall be attached to each section of fencing.

Reason: To ensure protection of existing trees before, during and after development which are covered by a Tree Preservation Order and/or make a significant contribution to the amenity of the area and/or development; and to avoid compaction, contamination, and unnecessary destruction of the lawn and soil structure, in the interests of the amenity of the development.

13 No development shall take place until full details of what measures for bat mitigation and conservation are proposed have been submitted to and approved by the Council and a Natural England Licence approving these mitigation measures received. A copy of the Natural England licence should be supplied to the Council prior to any work taking place.

The measures should include :

- i. Further survey at the appropriate time of year to confirm the species and numbers present.
 - ii. A plan of how bats are to be dealt with during the demolition phase.
 - iii. The inspection of any buildings to be demolished or disturbed as close to the date of work as possible and no earlier than one month prior to any work to ascertain the presence or otherwise of roosting or hibernating bats in the structure.
 - iv. No buildings containing bats to be demolished until the bats have been safely excluded using previously agreed methods. By preference demolition should take place in winter when bats are not present.
 - v. Details of what provision is to be made within the new buildings to replace the features lost through the demolition of the original structure. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards and bat lofts.
 - vi. The timing of all operations
- The works shall be completed in accordance with the approved details prior to the occupation of the accommodation and shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason:

To take account of and enhance habitat for a protected species. Under PPS9 the replacement/mitigation proposed should provide a net gain in wildlife value.

Informative: It should be noted that Natural England may impose further mitigation measures or constraints over and above those approved as part of this application. Any changes should be discussed and approved in writing by the Council.

14 No development shall commence until details of the provision for public access to the open space and a management plan for the open space 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 and management plan and thereafter implemented, prior to first occupation of the development.

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

open space needs of future occupiers and in accordance with policy GP7 which seeks to protect designated areas of open space.

15 The development shall not begin until a scheme, in the form of an Affordable Housing Action Plan, for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme. The scheme shall include:-

- i) The numbers, type and location on the site of the affordable housing provision to be made
- ii) The timing of the construction of the affordable housing
- iii) The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing
- iv) The occupancy criteria to be used for determining the identity of initial and subsequent occupiers of the affordable housing, and means by which such occupancy shall be enforced.

Reason: To provide for the development of balanced and sustainable housing development in compliance with Policy H2 a of the Council's Draft Local Plan (4th Set of Changes April 2005) and the City of York Council Affordable Housing Advice Note July 2005.

Informative:

The arrangements required by the above condition could be satisfied by the completion of a Planning Obligation under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the site requiring the provision of affordable housing in accordance with the requirements of the City of York Affordable Housing Advice Note July 2005. To ensure satisfactory management and maintenance of all affordable housing for those in perpetuity all affordable homes should be provided through a Registered Social Landlord partner. No development can take place on this site until this condition has been discharged and you are reminded of the Local Planning Authority's powers in this regard.

16 PD5 No openings in side elevation

17 NOISE7 Restricted hours of construction

18 VISQ4 Boundary details to be supplied

19 VISQ8 Samples of exterior materials to be app

20 HT1 Height 14.8m

21 No development shall commence unless and until details of provision for outdoor sports facilities or alternative arrangements have been submitted to and

approved in writing by the Local Planning Authority. The outdoor sports facilities shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

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, shall be entered into. The obligation should provide for a financial contribution calculated at £3587.

No development can take place on this site until the outdoor sports facilities have been provided or the Planning Obligation has been completed 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 of the area, residential amenity, highway implications, loss of allocated open space or impact upon protected species. As such the proposal complies with Policies GP1, GP4a, H2a, H3c, H4, NE1 and NE6 of the City of York Local Plan Deposit Draft.

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