

## COMMITTEE REPORT

**Committee:** East Area                      **Ward:** Fishergate  
**Date:** 10 September 2009           **Parish:** Fishergate Planning Panel

**Reference:** 09/01179/FUL  
**Application at:** 95 Heslington Lane York YO10 4HP  
**For:** Creation of 2no two storey dwellings to the rear of 95 and 97  
Heslington Lane  
**By:** George Blades And Sons Ltd  
**Application Type:** Full Application  
**Target Date:** 15 August 2009

### 1.0 PROPOSAL

1.1 SITE: Application relates to part of the rear gardens of 95 and 97 Heslington Lane, which are located on the north side of Heslington Lane on the corner with Barmby Avenue. The surrounding area is predominantly residential. Barmby Avenue is a straight road, with a mix of semi-detached and detached properties of differing styles and no uniform building line on the western side. No. 97 Heslington Lane has been extended with a two storey side extension and a rear conservatory.

1.2 PROPOSAL: Erection of a semi-detached pair of two storey houses, with attached single storey side additions. The houses would be orientated E-W and would be set back 5.4m (to main front wall) from the front boundary with Barmby Avenue. The houses would comprise at ground floor: living room and separate kitchen/diner, and garage and utility room in single storey addition, and at first floor: three bedrooms and bathroom. The front elevation of the houses would appear as a traditional two storey house (height to eaves 5m and overall to ridge 7.1m), though the rear would have an extended roof slope and would appear as a one and a half storey building (height of eaves at rear 4.1m). The main windows would look east towards Barmby Avenue or west over the rear gardens, with those at the rear being velux windows in the extended roof slope. One side windows at first floor level is proposed, to allow light to the staircases. Each house would have a driveway for one vehicle, leading to the garage. The remainder of the front area would be split into two forecourts behind the existing hedge and the rear area would be divided into rear garden spaces. The application includes the provision of solar photovoltaic panels/tiles for powering electricity and solar hot water panels on the roof slopes and rainwater harvesting in the rear garden area.

1.3 The application is accompanied by a design and access statement, sustainability statement and drainage assessment. The design and access statement explains the development and confirms that the properties have been proposed to address the needs for 'proper family homes with gardens' and designed to minimise overlooking of adjacent rear gardens. The sustainability statement confirms the location of the site in relation to the city centre and public transport and cycle routes and the need to satisfy level 3 of the Code for Sustainable Homes. The drainage assessment includes details of foul and surface water drainage. Revised plans have been submitted to show the

internal space of the integral garage increased by 0.8m as requested by the Highway Authority to accommodate cycle parking.

1.4 HISTORY: Outline planning permission was granted in 2005 for the erection of a two bedroom bungalow in the rear garden of 97 Heslington Lane only. This permission has now lapsed.

Approval was given for a two storey side extension at 97 Heslington Lane in 2009, to increase the number of bedrooms to four. This is in the process of being constructed. A double garage was proposed with a driveway in the rear garden area - to be built under permitted development rights.

A bungalow was granted permission at the rear of 99 Heslington Lane, opposite the application site, in and has since been erected.

1.5 REFERRAL TO COMMITTEE: The application has been called-in for a Committee decision at the request of the local ward councillor, Councillor D'Agorne. This is on the grounds of the potential overdevelopment of the site and the potential for it setting a precedent for other applications in the area. There is concern that the proposal is forward of the building line of other properties along Barmby Avenue and could have an adverse effect on this street. Reference is made to the permission granted for a bungalow on the site, of which a dormer window was removed at officer's request and the presence of a bungalow on the opposite side of Barmby Avenue.

## **2.0 POLICY CONTEXT**

2.1 Development Plan Allocation:

City Boundary GMS Constraints: York City Boundary 0001

DC Area Teams GMS Constraints: East Area (1) 0003

2.2 Policies:

CYGP1  
Design

CYGP10  
Subdivision of gardens and infill devt

CYGP4A  
Sustainability

CYH4A  
Housing Windfalls

CYH5A  
Residential Density

CYL1C  
Provision of New Open Space in Development

CYH3C  
Mix of Dwellings on Housing Site

CYSP6  
Location strategy

CYNE1  
Trees, woodlands, hedgerows

CYT2  
Cycle pedestrian network

### **3.0 CONSULTATIONS**

3.1 PUBLICITY: The application has been advertised by the posting of a site notice as well as consultation with local residents and statutory consultees.

#### **3.2 INTERNAL**

3.2.1 Environmental Protection Unit - No objections. Request hours of construction condition.

3.2.2 Education - No contribution required.

3.2.3 Lifelong Learning and Culture - Council's position is that if there are going to be more people living in an area then there is going to be more pressure on existing open space. The Council has also recently published the result of the Sports Recreation and Open Space study, which was commissioned as part of the LDF process and signed off by members earlier this year. As a result, the Council seeks 106 contributions where a) there is a shortfall in provision within the defined catchment for each typology and b) where there is a shortfall in quality of existing provision. Provision - There is already a surplus in provision of open space for Fishergate and Fulford Wards of 1.03 hectares. Quality - issues for teenager facilities, capacity issues for existing allotments and sports facilities. Therefore a payment is required based on York formula.

3.2.4 Highway Network Management - No objections. Request amendments to show garages increased in length to accommodate car and cycle or access to rear made wide to allow passage of bike to rear. Revised plans increase internal length of integral garage so now suitable for both the storage of cycles and a car. Attention brought to impact on no. 97 Heslington Lane from proposal and the reduction in car parking provision for this property from 4 to 1 space. The provision of only one vehicle

space complies with recommended minimum standards, however, in this instance the highway authority would not object to a second parking place either in tandem or double width being provided. The highway authority would in fact recommend in this instance that two spaces be provided due to its location at a junction to minimise the likelihood of vehicles being parking hazardously within the public highway in close proximity to the junction. Request that conditions be attached.

3.2.5 Environment and Conservation (Archaeology) - Site lies outside AAI. Records indicate that an extensive late-prehistoric and Romano-British landscape is preserved in this area. An archaeological evaluation and subsequent excavation on site of the new St. Oswald's School have indicated the presence of archaeological deposits and features dating from the prehistoric period to present day. These deposits include possible prehistoric scoops or pits; ditches and pits dating tot he Roman period; medieval ridge and furrow; and a possible Civil War entrenchment. These deposits are preserved between 0.30m and 1.0m below the surface on that site. It is probable that a similar range of archaeological features and deposits will be preserved on this site. These must be recorded through an archaeological watching brief on all groundworks for this development. Request ARCH2 condition.

3.2.6 York Consultancy (Drainage) - Development is in low risk Flood Zone 1 and should not suffer from river flooding. Object on grounds of insufficient information to determine the potential impact the proposals may have on the existing drainage systems. Further calculations and invert levels of existing and proposed systems required. proposed rainwater harvesting system not considered an appropriate method of surface water attenuation as the volume and intensity of water created during any storm duration is far greater than that that can be used in that same period and must have a suitable outfall. Proposed disposal from harvester system is via soakaways, an assessment should be carried out to prove that the ground has sufficient capacity to except surface water discharge and to prevent flooding of the surrounding land and the site itself. If soakaway unsuitable then, in accordance with PPS25, peak run-off from the development must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

### 3.3 EXTERNAL

3.3.1 Fishergate Planning Panel - Not currently operating. Previously commented on application for bungalow that 'provided no more application to enlarge the building in future is made, no objection.

3.3.2 17 Letters from neighbours (3 from the neighbours at 3 Barnby Avenue) and one from the Broadway Area Good Neighbour and Residents' Association, making following comments/objections:

- over-development of small area of land leaving little 'true' garden to serve proposed properties and no.97;
- loss of large garden, size of proposed gardens, number of properties/density, design and front forecourts detrimental to existing open character of the 'avenue' and visual amenity of area;
- highway safety issues from reduction in parking for no.97, extra driveways, on-street parking and extra traffic, close to junction with Heslington Lane, in an area already congested with parking problems;
- more student accommodation to area already over-run with students and untidy gardens;
- impact on sunlight to adjacent properties due to height of properties;
- loss of privacy from overlooking windows;
- sufficient properties for sale to meet demand with need for affordable bungalow or single level accommodation to achieve greater balance in area;
- impact on birds and their habitat and bio-diversity;
- impact on growing of fruit and vegetables in the area;
- welcome local employment opportunities, but may be anti-competitive;
- drainage concerns as current sewer will not cope;
- disagree land is under-used garden or brown-field;
- loss of garden, parking space and double garage to serve the extended no.97;
- over intensive development of both 95 and 97 Heslington Lane resulting in inadequate levels of amenity for occupants;
- precedent for other developments in area;
- bungalow approved not a precedent for semi-detached pair;
- building lines on Barmby Avenue established by covenants.

## **4.0 APPRAISAL**

### 4.1 Key issues:

- principle of development;
- density and type;
- character and amenity;
- residential amenity;
- archaeology;
- access and parking provision and highway safety;
- flood risk and drainage;
- public open space and education provision.

### 4.2 POLICY CONTEXT

4.2.1 National Planning Policy - Central Government planning policy is set out in Planning Policy Statement 1: Delivering Sustainable Development (PPS1), Planning Policy Statement 3: Housing (PPS3), Planning Policy Guidance Note 13: Transport (PPG13) and Planning Policy Statement 25: Development and Flood Risk (PPS25):

PPS1 seeks the provision of sufficient, good quality new homes in suitable locations and promotes high quality and inclusive design, which avoid segregation and provide opportunities for physical activity and recreation. It states that design, which fails to

take the opportunities to improve the character and quality of an area, should not be accepted.

PPS3 supports PPS1 with regards high quality new housing and encourages sustainable and environmentally friendly new housing development through the reuse of previously developed land, more efficient use of land through appropriate densities, reducing dependency on the private car and provision of affordable housing. It states that careful attention to design is particularly important where the chosen local strategy involves intensification of the existing urban fabric. More intensive development is not always appropriate. However, it also states that the density of an existing development should not dictate that of new housing by stifling change or requiring replication of existing styles and form. When well designed and built in the right location, new housing development can enhance the character and quality of an area.

The objectives of PPG13 are to promote sustainable transport choices, accessibility to facilities by public transport and reduce the need to travel, especially by car.

PPS25 sets out the approach to be taken in applying the Government's policy on flood risk management in planning decisions.

4.2.2 Local Planning Policy - Local planning policies contained in the City of York's Draft development Control Local Plan (incorporating 4th set of changes) are material to the consideration of the application. These are summarised in section 2.2 above. The following are of particular relevance:

Policy SP6 requires development to be concentrated on brownfield land within the built up urban area of the city and urban extensions

Policy H4a states that proposals for residential development on land not already allocated on the Proposal Map will be granted planning permission where the site is within the urban area and is vacant, derelict or underused or it involves infilling, redevelopment or conversion of existing buildings, and the site has good accessibility to jobs, shops and services by non-car modes. It requires new developments to be of an appropriate scale and density to surrounding development, and not to have a detrimental impact on existing landscape features.

Policy H3c seeks to achieve a mix of house types, sizes and tenures on all residential development sites where appropriate to the location and nature of the development.

Policy H5a requires the scale and design of proposed residential developments to be compatible with the surrounding area and not to harm local amenity. Within the city centre, new residential developments should seek to achieve a net residential density of greater than 40 dwellings per hectare.

Policy GP10 deals in particular with the subdivision of gardens and infilling, which will only be granted to provide new development, where this would not be detrimental to the character and amenity of the local environment.

Policy GP1 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 states that proposals for all development should have regard to the principles of sustainable development, in relation to accessibility of the site by means other than the car, the quality of the design, with the aim of conserving and enhancing the local character and distinctiveness of the City, minimising use of non-renewable resources, management of waste. The 'whole life' costs of the materials should be considered.

### 4.3 PRINCIPLE OF RESIDENTIAL DEVELOPMENT

4.3.1 The application site forms part of a domestic curtilage and therefore constitutes brownfield land in terms of the definition in PPS3. It lies in a predominantly residential area within the defined settlement limit of the City and is in a sustainable location, within reasonable walking distances of local services and facilities and accessible by public transport. The proposal would involve infill development on land that is claimed to be underused garden. The principle of residential development on the site conforms with the key objectives of national and local planning policies and is considered to be acceptable, demonstrated by the granting of permission for the erection of a bungalow in 2005.

### 4.4 DENSITY, SCALE AND DESIGN

4.4.1 The density of the development would be 49 dwellings per hectare and would therefore achieve the minimum net density on the site of 40 dwellings per hectare required by Local Plan Policy H5a for sites in urban areas. The proposed semi-detached pair would be two storey and of a comparable scale to other properties in the vicinity. It would have a dual pitched roof over the main two storey part of the house and hipped roofs over the single storey side garages to reduce their visual impact. Whilst the design of the dwellings would be different to those adjacent, there is a mix of size, form, siting and design of properties in the area. The development is in a sustainable location and includes the provision of more sustainable energy generation and reuse of surface water run-off on-site to serve the dwellings.

### 4.5 CHARACTER AND AMENITY

4.5.1 GP10 states that permission will only be granted for the subdivision of existing garden areas where this would not be detrimental to the character and amenity of the local environment. Local residents are concerned that the proposed houses would appear crammed onto the site to the detriment of the character and amenity of the local environment. Their concern for the appearance of the street in which they live is understandable.

4.5.2 The development would result in the loss of part of the gardens of nos.95 and 97, thereby reducing the space between the houses fronting onto Heslington Lane and 3 Barmby Avenue, which would change the appearance of this part of Barmby Avenue. However, the distances remaining between the two storey part of the new build and the two storey elevations of the existing properties on either side, 97 Heslington Lane and 3 Barmby Avenue, would be approximately 15m and 9m respectively. This would be comparable with the spacing of the properties on the eastern side of Barmby Avenue, with the rear garden of no.99 Heslington Lane being similar in length to that proposed at the rear of no.97. However, it should be noted that the property opposite the proposed development, at the rear of no.99, is a bungalow. Whilst the proposed new build would differ in its design to others on the street and would be set further forward than no.3, there is no uniform building line or rhythm of development on Barmby Avenue and there is a mix of type and style of property, particularly on the western side of the street.

4.5.3 The erection of a single dwelling and particularly a bungalow to reflect that on the eastern side of the avenue would be preferable to the proposal and would have less of an impact. However, that is not the proposal submitted for consideration. Reference is made by a local resident to the refusal of an application to build a house at the rear of 99 Heslington Lane, though this decision was made approximately 20 years ago and preceded PPS3. The previous application for a bungalow on the site was different in that it only related to the garden space of no.97 with the proposed property being in close proximity to the western site boundary, and therefore there were issues of loss of privacy from first floor windows to the occupants of no.95.

4.5.4 In light of the above, whilst the development would not enhance the area, in the opinion of officers, it would not cause demonstrable harm to the appearance or residential character of the street.

#### 4.6 RESIDENTIAL AMENITY

4.6.1 The main impact of the proposal would be on the dwelling to the north, 3 Barmby Avenue. This is a two storey detached house with its primary windows overlooking its front and rear gardens. There are secondary windows in the side elevation facing south towards the application site, which serve the front dining room and rear kitchen at ground floor and a bedroom at first floor. The property is situated approximately 5m from the boundary with the application site, along which there is a high boundary hedge. It is set back from the road by approximately 8.5m.

4.6.2 The proposed semi-detached pair would be located to the south of no.3 and positioned 3.4m further forward towards the boundary with Barmby Avenue (a set back of approximately 5.7m). The ridge of the houses would be in line with the front elevation of no.3. There would be a separation distance of approximately 8.4m from the two storey side elevation of the proposed houses and the side elevation of no.3. The only window proposed in the north facing elevation would serve a staircase. The occupants would obviously be aware of the presence of the proposed houses when viewing from the outside of their property or the windows in the side elevation, but the new build would not hinder or restrict views from the main windows in the front and rear elevations of their property. There would likely be some loss of sunlight to the ground floor secondary windows in the side elevation of no.3 and the potential for the



casting of shadows at the side of this property in the late morning to early afternoon. However, as the sun would be at its highest at this time of day and taking into account the separation distance between the properties and orientation of the dual-pitched roof, the impact would be lessened. There would be no effect, in terms of privacy, overshadowing or increased disturbance, on the living room located at the rear of no.3 or on its rear garden.

4.6.3 Whilst the new build would be visible from the other surrounding properties on Barmby Avenue and Heslington Lane, its mere presence is not sufficient to warrant refusal of the application in the absence of any demonstrable harm to the residential amenity that neighbouring occupants can reasonably expect to enjoy in an urban area.

4.6.4 The garden areas proposed to serve the new build properties and nos. 95 and 97 Heslington Lane, are acceptable by current standards. There is sufficient space between the two storey element of no.97 and that of the new build to protect the amenities of future occupiers of these properties.

## 4.7 ARCHAEOLOGY

4.7.1 Records show that it is probable that a range of archaeological features and deposits from the late-prehistoric and Romano-British landscape, similar to those uncovered at the site of the new St.Oswald's School, may be preserved at the site. An archaeological watching brief on all groundworks is therefore required and can be dealt with by condition.

## 4.8 ACCESS, PARKING AND HIGHWAY SAFETY

4.8.1 The proposal includes the provision of a single garage sufficient in length to accommodate a vehicle and bicycle and space at the front of the property for one vehicle to park. This complies with current Council parking standards. A new vehicular crossing would need to be created to access the driveway/garage for the southern-most semi house. The proposal reduces the provision of car parking space serving 97 Heslington Lane from four, as shown in the application for the recently completed two storey side extension, to one. Whilst four exceeds the Council standard of two spaces for a dwelling of three or more bedrooms, this is a maximum figure. Therefore, whilst two spaces would be preferable and encouraged by the Local Highway Authority, the authority does not object to the application on the basis of the reduction of parking to serve no.97.

## 4.9 FLOOD RISK AND DRAINAGE

4.9.1 The site lies in Flood Zone 1 (low risk) and should not therefore suffer from river flooding. The Council's Drainage Engineer has objected to the application on the grounds of insufficient information with regards to the surface water system and proposed rainwater harvesting system and soakaways. This has been raised with the applicant who considers that it is not reasonable to demand further calculations or drawings from specialist engineers prior to determination of the application, when there is a type of surface soakaway that would be effective. As this issue has not been resolved, it is recommended that a condition be attached to any approval.

## 4.10 LOCAL PROVISION

4.10.1 There is no requirement for a financial contribution towards education provision in the area.

4.10.2 Policy L1c requires provision to be made for the open space needs of future occupiers of a development, and is supported by advice in PPS1. For sites of less than 10 dwellings, a commute sum payment is required for off-site provision. In response to a request for justification by the agent, the Council's Leisure Section has provided a more detailed response, confirming that there are provision issues for teenager facilities, capacity issues for existing allotments and sports facilities in the area. This equates to a commuted sum payment of £1110 per dwelling. The agent has confirmed that his client may accept the imposition of a condition requiring the payment of the sum, though formal confirmation of this had not been gained at the time of writing.

## 4.11 OTHER ISSUES

4.11.1 Concern has been expressed about the precedent that the proposed development could set in the area and the provision of additional student accommodation. There are few situations in the area similar to that of 95 and 97 Heslington Lane, which have long gardens on the corner of two roads, other than nos 99 and 101 opposite, which have already been developed. In addition, each application is considered on its merits. The development proposes two three bedroom family houses. The planning system does not usually control the occupation of dwelling houses (Use Class C3) providing it falls within the definition of a dwelling house set out in the Use Classes Order, that is, by people living together as a family or by not more than six residents living together as a single household.

## 5.0 CONCLUSION

5.1 The proposal represents efficient use of brownfield land in a sustainable location, with a development that would provide adequate parking provision and private amenity space and would result in minimal harm to the amenity of surrounding residential properties. The new build properties would change the appearance of the street and result in a reduction in the open area between the properties fronting on to Heslington Lane and those on Barmby Avenue. However, given the mix of house types and styles on the street and the lack of a uniform building line or rhythm on the western side, it would, in the opinion of officers, be difficult to refuse the application on the basis of impact on the character and amenity of the street scene and area.

5.2 Conditions are required if approved to address archaeology, materials and landscaping, sustainability, hours of construction, highway matters, surface water drainage and public open space provision. In addition, due to the size of the gardens and relationship to neighbours, it is recommended that any approval be subject to permitted development rights for the dwellings being restricted.

## 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:-

Drawing no. GB/HL/8A, GB/HL/9A, GB/HL/10A dated May 09 and received 19 August 2009;

Unnumbered site plan dated August 2009 and received 19 August 2009;

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

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

3 ARCH2 Watching brief required

4 VISQ8 Samples of exterior materials to be app

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order), development of the type described in Classes \*\*\*\* of Schedule 2 Part 1 of that Order shall not be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of the amenities of the adjoining residents the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "permitted development" under the above classes of the Town and Country Planning (General Permitted Development) Order 1995.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), nos door, windows or other openings additional to those shown on the approved plans shall at any time be inserted in the side elevations or rear roof slopes of the semi-detached properties.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

7 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 in the garden areas of the two properties hereby approved. The scheme shall include the provision of soft landscaping or turf within the front garden area. 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.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site and in the interests of visual amenity of the area.

- 8 NOISE7 Restricted hours of construction
- 9 HWAY9 Vehicle areas surfaced
- 10 HWAY19 Car and cycle parking laid out
- 11 HWAY29 IN No gate etc to open in highway
- 12 HWAY30 Non-protruding garage doors

13 Prior to the commencement of the development, the developer shall submit for the written approval of the Local Planning Authority an initial Code for Sustainable Homes (CSH) Design Stage assessment for the development. Unless otherwise agreed in writing with the Local Planning Authority, this shall indicate that at least the minimum code level 3\_\_\_ rating will be achieved. This shall be followed by the submission of a CSH Post Construction Stage assessment, and a CSH Final Certificate (issued at post construction stage). These documents shall be submitted to the Local Planning Authority after completion and before first occupation of the building. Both documents submitted shall confirm that the code rating agreed in the initial CSH Design Stage assessment has been achieved.

Reason: In the interests of sustainable development.

14 Peak surface water run-off from the development shall be attenuated to 70% of the existing rate, in accordance with a scheme to reduce run off to be submitted to and agreed in writing by the Local Planning Authority (based on 140 l/s/ha of connected impermeable areas). The scheme submitted shall include storage volume calculations, using computer modelling, allowing for a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model shall also include an additional 20% allowance for climate change. The modelling shall use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. Details of run off rates including calculations of both the existing and proposed rates shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: To comply with guidance contained within Planning Policy Statement 25 (Development and Flood Risk).

15 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter

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

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

**INFORMATIVE:**

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £2220 (£1110 per property).

No development can take place on this site until the public open space has been provided or the Planning Obligation has been completed and you are reminded of the local planning authority's enforcement powers in this regard.

**7.0 INFORMATIVES:  
Notes to Applicant**

1. INFORMATIVE:

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

Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

2. INFORMATIVE:

Please note that the proposal impacts on the availability of parking provision for no. 97 Heslington Lane, shown on the approved plan GB/HL/4 dated Dec 08 and submitted as part of the planning approval granted in February 2009 for a side extension to the property (ref: 08/2813/FUL). Formal approval will need to be sought from the Local Planning Authority for the amendment to the approved plans.

**Contact details:**

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