

COMMITTEE REPORT

Date: 5 January 2017 **Ward:** Dringhouses and Woodthorpe
Team: Major and Commercial Team **Parish:** Dringhouses/Woodthorpe Planning Panel

Reference: 16/00725/FUL
Application at: 5 Mayfield Grove York YO24 1HJ
For: Erection of 3no. dwellings with associated access following demolition of existing bungalow (revised scheme)
By: Mr D Evans
Application Type: Full Application
Target Date: 14 October 2016
Recommendation: Refusal

1.0 PROPOSAL

1.1 The application seeks full planning permission for the erection of three dwellings on a 0.06ha plot at the eastern end of Mayfield Grove. The proposed houses would replace an existing bungalow located towards the front of the site with its main garden to the rear. There would be a semi-detached pair of 3 bedroom dwellings at the front of the site on the footprint of the existing bungalow and a single detached 2 bedroom bungalow to the rear. Vehicle access would be from Mayfield Grove, via newly created parking areas and private driveway to the rear property.

1.2 The application is supported by the following documents: Design and Access Statement, Sustainability Statement, Contamination Assessment and Bat Scoping Report. Revisions have been made to the including the omission of one dwelling and re-positioning of the frontage building and private driveway.

1.3 The application is called in for a Committee decision by Councillor Reid.

2.0 POLICY CONTEXT

2.1 2005 Draft Local Plan (4th set of changes):

Allocation: Areas of Archaeological Interest GMS Constraints: Dringhouses Area

Policies:

- CYGP1 – Design
- GP3 – Planning Against Crime
- CYGP4A – Sustainability
- CYGP4B – Air Quality
- CYGP6 – Contaminated Land

- CYGP9 – Landscaping
- CYGP10 – Subdivision of gardens and infill devt
- CGP15A – Development and Flood risk
- CYNE6 - Species protected by law
- CYHE10 - Archaeology
- CYT4 – Cycle parking
- CYH3C – Mix of dwellings
- CYH4A – Windfall sites
- CYH5A – Residential density

3.0 CONSULTATIONS

3.1 The application has been publicised by means of a site notice posted at the front of the site on Mayfield Grove and notification to statutory consultees and neighbouring properties. Further consultation was undertaken following the submission of revised plans to statutory consultees and those who had expressed an interest in the application. The consultation period expired on 23.9.16. The following comments have been received to the original and revised proposals:

INTERNAL

Planning and Environmental Management (City Archaeologist)

3.2 The site lies within an Area of Archaeological Importance, close to the line of the Roman Road to Tadcaster (RCHME Road 10), where cemeteries are often located. It may also contain desopists or features relating to the historic settlement of Dringhouses, which evidence suggests was an Anglo-Scandinavian or early medieval settlement outside of the city boundary and existing as a separate manor prior to 1066. The construction of the buildings to the rear of the plot will have the most impact on any surviving Romano-British-Post-Medieval archaeology as this is an area of relatively undisturbed land and therefore a Strip, Map and Record (ARCH 1) is required to examine and record the nature of any existing archaeological features and deposits. An archaeological watching brief (ARCH2) is required on the groundworks of the front plot, given that the proposed building is largely within the footprint of the existing building and so archaeological deposits may have already been disturbed.

Public Protection

3.3 No objections raised and confirmation that following comments not affected by revised scheme. However, the neighbouring property of 20 Tadcaster Road is currently a petrol station and there is a potential for contamination due to the previous use of this site. Also, the Council's historic maps show there was some metal working activity on the adjacent site. To ensure that any contamination is adequately dealt, it is requested that a condition covering unexpected contamination

be planed on any permission granted. A further condition requiring the installation of electric vehicle recharging points is requested in line with Paragraph 35 of the NPPF and the Council's Low Emission Strategy (adopted in October 2012).

Highway Network Management

3.4 Please defer pending following amendments: Driveways to plots 1-3 to terminate 6m from back of highway to a solid wall (front elevation) to prevent parked cars overhanging the highway. Is there scope to have all of the parking to the rear of the site? Driveway to plot 4 - Recommend a width of 3.1m. [No response received to revised plan.]

Public Realm

3.5 No comments as the proposal is below the 10 unit threshold.

EXTERNAL

Yorkshire Water

3.6 Request condition in order to protect local aquatic environment and YW infrastructure as existing drainage details submitted on drawing 1593 105 (revision P00) dated 16/03/216 that has been prepared by DC Architecture are not acceptable to Yorkshire Water. In response to revised plan, confirm that comments and conditions are still relevant.

Ainsty (2008) Internal Drainage Board (IDB)

3.7 The application site sits immediately adjacent to the Ainsty IDB district. The Board does have assets adjacent to the site in the form of Holgate Beck, which is at capacity and the site is in an area where drainage problems exist. No objections are raised to the principle of development subject to clarification on the drainage strategy and connectivity, to be covered by a condition on any approval.

Dringhouses and Woodthorpe Planning Panel

3.8 The Panel objected to the original submission and the revised plans on the following grounds:

- It represents extreme over-development of a small site;
- Replacing one house with four would increase both traffic and parking congestion in an already congested area;
- Off-street parking is achieved at the expense of on-street parking for local residents and visitors using the local shops;

- The revisions do not go far enough to negate the combined impact of traffic congestion and limited resident/visitor on-street parking when using the local facilities.

Neighbour Notification and Publicity

3.9 6 no. comments have been received from local residents objecting to the original proposal and 2 no. further comments to the revised scheme, on the following grounds:

- Surface water and drainage - proposed development would put additional strain on already stretched drainage system that floods at time of high rain fall;
- Vehicular access and parking – proposed development includes no visitor parking, requires relocation of street lamp post, would increase vehicle numbers which would impact on junction with Tadcaster Road, availability of on street parking, road safety on Mayfield Grove and affect emergency vehicle access.
- Design and Amenity – Overdevelopment of site in a sensitive area bordering a conservation area, with density, height, scale and proportions not being sympathetic to surroundings, invasion of privacy and light, limited details of materials;
- Bio-diversity – Loss of tree in front garden and query whether investigations been carried out to be confident that there will be no adverse affect to bats living in the area;
- Contamination – Query whether investigations have been carried out into previous contamination from adjacent garage and suspect material on site.

3.10 1 no. comment received from resident of 4 Mayfield Grove:

- Cannot see any reason why the development should not go ahead;
- It could well alleviate present parking problems.

4.0 APPRAISAL

KEY ISSUES

4.1 The main considerations relevant to the determination of this application are:

- Principle of development;
- Flood risk and drainage;
- Impact on archaeological features and deposits;
- Impact on biodiversity;
- Access, parking and highway safety;
- Character and appearance;
- Affect on residential amenity.

SITE AND PLANNING HISTORY

4.2 The application relates to a site consisting of a detached bungalow with rear garden on the south side of Mayfield Grove, at its eastern end, close to its junction with Tadcaster Road. It sits behind the frontage properties on Tadcaster Road, which are located to the east and comprise a petrol filling station, shop unit (no.24) and dwelling house (no.26). To the north and west of the site are the other residential properties on Mayfield Grove. To the south is an open area of land that is understood to be used in connection with the commercial units on Tadcaster Road. The site has an existing vehicle access from Mayfield Grove via a private drive adjacent to the eastern site boundary. The site lies outside the Tadcaster Road Conservation Area (which excludes the properties adjoining the site on the west side of Tadcaster Road), though within the Dringhouses Archaeological Area of Importance. This is due to the line of Roman Road to the east of the site, Roman cemetery to the south and archaeological events on the land to the south of the site at the rear of 26-28 Tadcaster Road. There are archaeological monuments and listed buildings in the vicinity of Tadcaster Road, but not adjacent to the site. It falls within Flood Zone 1.

4.3 There is no relevant planning history for the application site as the records only show domestic extensions and outbuildings to the dwelling in the 1970s. A planning permission for the erection of 11 dwellings on land to the rear of this application site is currently before the Council for determination (26 Tadcaster Road, ref.15/02726/FULM), but has been delayed due to issues with the highway access to Tadcaster Road. The submitted plans show an access road immediately to the rear of the application site, beyond which there are two buildings both with 3 no. two-storey dwellings facing north overlooking the access road.

POLICY CONTEXT

4.4 Central Government guidance is contained in the National Planning Policy Framework ("NPPF", March 2012). This places emphasis on achieving sustainable development, by establishing a presumption in favour of development that contributes to building a strong, competitive economy and supports a vibrant and healthy community, whilst contributing to the protection and enhancement of our natural and built environments. Paragraph 7 of the National Planning Policy Framework says planning should contribute to the achievement of sustainable development by balancing its economic, social and environmental roles. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking. The principles include: seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encouraging the effective use of land by reusing land previously developed that is not of high environmental value; taking full account of flood risk; contributing to conserving and enhancing the natural environment and reducing pollution; and, actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling.

4.5 Section 4 of the NPPF promotes sustainable transport. Section 6 sets out the Government's policy for the delivery of homes. Section 7 seeks good design as a key aspect of sustainable development. Section 10 offers advice on meeting the challenge of climate change and flooding. Section 11 contains Government policy that aims to conserve and enhance the natural environment including landscapes, ecology and pollution and land instability.

4.6 Although there is no formally adopted local plan, the City of York Draft Local Plan (DLP), was approved for Development Control purposes in April 2005. Whilst it does not form part of the statutory development plan for the purposes of S38, its policies are considered to be capable of being material considerations in the determination of planning applications, where policies relevant to the application are in accordance with the NPPF. The DLP identifies the site on the proposal map as lying within the main built-up area of the City. Relevant policies are summarised in section 2.2 and of particular relevance are policies GP1 'Design', GP4a 'Sustainability', GP10 'Subdivision of Gardens and Infill Development', HE10 'Archaeology' and H4a 'Housing Windfalls'.

4.7 At this stage, policies in the 2014 Publication Draft Local Plan are considered to carry very little weight in the decision making process (in accordance with paragraph 216 of the NPPF).

PRINCIPLE OF DEVELOPMENT

4.8 The NPPF promotes the approval, without delay, of proposals that accord with the development plan or where the plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so demonstrably outweigh the benefits when assessed as a whole. One of the core planning principles set out in the NPPF is the effective use of land through the reuse of land which has been previously developed providing it is not of high environmental value.

4.9 However, it excludes land in built-up areas such as private residential gardens from the definition of previously developed land. Notwithstanding this, paragraph 49 of the NPPF states that housing applications should be considered in the context of a presumption in favour of sustainable development. It goes on to say, at paragraph 53, that local planning authorities should consider policies to resist inappropriate development of residential gardens, for example where it would cause harm to the local area. Local Plan Policy GP10 accords with paragraph 53 of the NPPF.

4.10 The application site is located on a predominantly residential street within a mixed use area that lies within the main built-up area of the City. It is in a sustainable and accessible location, within walking distance of local facilities and public transport routes. Therefore, subject to further consideration being given of the impacts of the development on the local environment, the proposal is considered to be acceptable in principle.

FLOOD RISK

4.11 Paragraph 103 of the NPPF states that development should be directed to the areas of low flood risk and that development should not result in an increase of flood risk within the site or elsewhere.

4.12 The site falls within flood zone 1, which is at the lowest risk from flooding and within which the likelihood from river flooding is low and residential development is considered appropriate.

4.13 Local residents have raised concerns based on the potential to exacerbate existing surface water problems in the vicinity. However, it is noted that neither Yorkshire Water nor the Ainsty Internal Drainage Board object to the scheme in terms of disposal of foul or surface water subject to conditions requiring detailed drainage information. It is clear that there is a solution available for surface water disposal either through a soakaway within the site or controlled discharge to the main sewer. As such, whilst the concerns of the local community are noted, there are not sufficient grounds to justify a refusal on the basis of increased flood risk within the site or elsewhere.

ARCHAEOLOGY

4.14 The NPPF requires developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation, where the site includes or has the potential to include heritage assets with archaeological interest (paragraph 128). It goes to say, at paragraph 135, that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining applications, with a balanced judgement being required between the scale of any direct or indirect harm or loss and the significance of the asset. Paragraph 139 of the NPPF states that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to policies for designated heritage assets. These require that heritage assets be conserved for the benefit of future generations and planning permissions be refused where substantial harm is caused to them. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost proportionate to their importance and impact, and to make this information publicly accessible (para.141).

4.15 The site is within the Dringhouses Area of Archaeological Importance, close to the line of a Roman Road and Roman cemetery. There is also the potential for an Anglo-Scandinavian/early medieval settlement in the area. As the groundworks involved with the proposal may reveal or disturb archaeological features and deposits, conditions are requested by the City Archaeologist requiring archaeological excavation and recording for the works at the rear of the site where the land is undisturbed and an archaeological watching brief for the front building

works where the land has been previously disturbed. Subject to such conditions, the application is considered to be acceptable as any harm can be adequately mitigated.

BIODIVERSITY

4.16 The Conservation of Habitats and Species Regulations 2010 and the Wildlife and Countryside Act 1981 provide the legal framework for the protection of habitats and species. In addition, the Natural Environment and Rural Communities Act 2006 imposes a duty on local authorities to have regard to the purpose of conserving biodiversity in the exercise of their functions.

4.17 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural local environment by, amongst other things, minimising impacts on biodiversity. Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where significant harm cannot be avoided or adequately mitigated and where development would adversely affect Sites of Special Scientific Interest (SSSI), ancient woodland and European protected sites. Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss. Draft Local Plan policies reflect this advice in relation to trees, protected species and habitats.

4.18 There are no designated nature sites that would be adversely affected by the proposals. A bat scoping report was submitted during the planning application process after it was identified that the existing building was suitable bat habitat. Furthermore, the planning application to the rear of the site (ref.15/02726/FULM) was accompanied by a full bat survey including an activity survey, which identified that the land was used for bat commuting and foraging and that, as bats were observed early on in the evening, it is likely that a roost is located close by, possibly within one of the neighbouring houses.

4.19 The survey of the application site was based on one daytime visit to the property in August 2016 and involved a visual inspection of the bungalow and garage. No signs of roosting bats or bat activity inside the buildings were noted, but due to the presence of features with potential to provide roosting opportunities for bats, both the bungalow and garage were assessed as having a medium potential to support bats. The report states that, 'from the current results, it is not possible to fully determine whether bats are using the building as a roost' (para. 5.3.1.2) and 'based on the evidence collected to date, it is possible that the studied bungalow and garage at 5 Mayfield Grove could support individual or significant numbers of bats' (para. 5.3.2.2). It advises that additional bat survey work, including either emergent or swarming surveys, are required in order to prevent any potential impacts occurring to bats present.

4.20 Government advice in paragraphs 98 and 99 of Circular 06/2005 states that the presence or absence of protected species, and the extent to which they could be affected by the proposed development, should be established before planning permission is granted, since otherwise all material considerations might not have been considered in making the decision. This approach is re-iterated in the British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development. Professional standard guidance from the Bat Conservation Trust recommends that as a minimum, structures assessed as having moderate roost suitability should be subject to two separate surveys – dusk emergence and dawn re-entry - to give confidence in a negative result.

4.21 As such, the level of information available with this application is not considered to be sufficient to confirm the presence or absence of the protected species or assess the impact of the proposal involving the full demolition of the buildings on site on the protected species. It is not possible to impose a condition, as part of a planning approval, requiring further survey work aimed at identifying the presence or absence of bats, nor is it possible to condition that the developer obtain a licence from Natural England in order to discharge the duty placed upon them by the 2006 Act (confirmed by *Woolley v Cheshire East Borough* 2009). Therefore, in accordance with legislation and planning guidance, this lack of sufficient information is considered to be sufficient reason to warrant refusal of the application.

4.22 As the carrying out of bat surveys is time sensitive, it will not be possible to undertake the further emergence and swarming surveys until May at the earliest. The applicant was informed of the recommendation to refuse on the grounds of lack of sufficient information and given the opportunity to withdraw the application, but has declined to do so.

HIGHWAY SAFETY

4.23 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The scheme is in such a location and provision is made within the scheme for secure and enclosed cycle parking to serve the three dwellings. The proposal would also provide one off-street parking space to serve each dwelling, with a front curtilage parking space for the semi-detached properties and a parking/turning space to the side and front of the rear dwelling. This parking provision would be accessed via a narrow private drive running along the side boundary with the petrol filling station (PFS). It is proposed to be set away from the boundary enclosure with the PFS at the front to allow adequate pedestrian visibility, to then be a width of 3.1m for a distance of approximately 12m, before narrowing to 2.75m. Revisions were requested by the highway officer to ensure that the front parking bays were long enough to accommodate a vehicle without overhang of the footpath and the private driveway was wide enough to accommodate a vehicle. The arrangement is tight, but workable.

4.24 Concern has been expressed by local residents on Mayfield Grove about the impact of the proposal on parking along the road and highway safety at the junction of Mayfield Grove with Tadcaster Road. No objection has been received from the local highway authority on highway safety grounds from the proximity of additional accesses to the junctions or potential loss of on-street parking outside the site.

CHARACTER AND APPEARANCE

4.25 Chapter 7 of the NPPF gives advice on design, placing great importance on the design of the built environment. The NPPF, at paragraph 64, advises against poor quality design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Draft Local Plan policies GP1, GP10 and H4a are consistent with the aims of the NPPF in that they seek, *inter alia*, development that respects and enhances the local environment and is appropriate in scale and density without impacting on existing landscape features.

4.26 The site is located at the start of Mayfield Grove, immediately adjacent to the frontage properties on Tadcaster Road, which include a petrol filling station. The character of the street largely comprises detached and semi-detached residential properties that face onto the road with small front gardens enclosed by low boundary walls and long rear gardens. The application site is at the transition point between the properties on Tadcaster Road and the rest of the residential properties along Mayfield Grove and has a wider frontage than the remaining residential properties on the south side of the street. The proposed layout is tight with three dwellings replacing one single dwelling, though it is noted that the existing property is a bungalow and, therefore, has a larger footprint than the average two storey house.

4.27 The footprint of the proposed semi-detached pair is equitable to the existing bungalow and would sit on a similar front building line – the two storey front elevation is set back from the existing front wall of the bungalow and that of no.7, but the single storey front porches extend to the same building line as the neighbouring house. The side wall of the proposed front dwellings with no.7 is on a similar line to the existing bungalow. The external form and appearance of the semi-detached pair would be in-keeping with others on the street – it is noted that the type and style of property varies at the eastern end of Mayfield Grove, with a hipped roof detached house at no.7 and a semi-detached gable roof houses opposite. The proposed semi-detached pair of properties is of the same overall height as no.7 and incorporates a hipped roof, but with the symmetrical double window arrangement of the semi-detached houses long the street. Parking provision has been revised to allow a low front boundary wall to be provided between the parking spaces. The bulk of the properties and front boundary wall would help to maintain the sense of enclosure that is characteristic along the south side of the street.

4.28 The proposal would introduce a dwelling at the rear of the property. This is at odds with the layout of Mayfield Grove and would not be supported on other residential plots along the street. However, the application site is located immediately to the rear of the commercial properties on Tadcaster Road and any built form to the rear would be read against, and in the more enclosed context of, these commercial buildings. Views through to the property to the rear would be limited, with glances of it along the private drive and that of no.7. As a result, the construction of a lower height property to the rear as proposed, and a higher density of housing on site, could be accommodated without adversely affecting the overall character and appearance of the street.

4.29 The detached dwelling to the rear would be subservient in scale and height to the frontage properties, with a roof ridge 1.2m lower than the frontage properties. It would have a dual pitched roof, with the end gables facing towards the front of the site (north) and the open land to the rear (south). Its windows are orientated to make best use of its southerly aspect.

4.30 Overall, the proposal is considered to be acceptable in terms of its detailed design and visual impact on the character and appearance of the local environment.

RESIDENTIAL AMENITY

4.31 One of the core principles of planning outlined in the NPPF is to seek a good standard of amenity for all existing and future occupants. Paragraph 120 of the NPPF states that new development should be appropriate for its location to prevent unacceptable risks from pollution and land instability.

4.32 The proposal would mostly impact the neighbouring property to the west, 7 Mayfield Grove. This would mainly be from a visual awareness of additional built form rather than an erosion of the residential amenity that can reasonably be expected to be enjoyed in urban areas. The impact on the occupants of no.7 from disturbance from vehicles coming and going has been reduced by the re-design of the scheme and relocation of the private driveway serving the rear property to the boundary adjacent to the PFS. Whilst there is the potential for some disturbance at the rear due to vehicle movement, this would only be in relation to one 2-bedroom dwelling and the parking/turning area would be set back from the boundary by approximately 3m within which a landscaped buffer/screen could be planted.

4.33 The buildings would be set away from the boundary with no.7 by approximately 1m. The frontage building would sit largely on the same footprint as the existing bungalow, though would be two-storey and would extend beyond the rear wall of no.7 by approximately 800mm. It would be to the east of no.7, and at a distance of approximately 3.3m from the house itself, taking into account the private drive of no.7. No windows are proposed in the side elevations of the semi-detached pair. The eaves of the rear property, which would be single storey height) would be approximately 14m to the south of no.7 and the roof ridge, approximately 15.6m to

the south-east. Openings in the north and west facing elevations would be at ground floor level only, with the exception of a bathroom roof light.

4.34 As a result, there would be limited additional overshadowing to the neighbouring property, given the limited projection and orientation of the frontage properties and the limited height adjacent to the boundary and distance of the rear property. Any shadowing of no.7 from the frontage properties would be in the early morning and short lived and would be to the rear garden area from the rear property. The daylight/sunlight to the rear of the dwelling for the majority of the day would be unaffected. There would be limited loss of privacy due to the absence of windows in the side elevation of the front property and inclusion of openings in only the ground floor of the rear dwelling. The front kitchen window would face towards the rear of the frontage building, though the secondary lounge window would face towards the garden of no.7. Whilst not impacting on privacy within the house itself, it is recommended that this secondary window is obscured glazed to avoid potential overlooking, dependent on the height of the boundary enclosure.

4.35 The proposed buildings are at a sufficient distance from the other surrounding residential properties on Mayfield Grove and Tadcaster Road and as such would not result in any adverse loss of residential amenity.

4.36 In terms of the amenity of future occupiers, the internal size and facilities within the properties is acceptable. The properties would have a south-facing aspect, which would help to counter the smaller private amenity spaces than the existing bungalow and surrounding properties. The size of garden is not, however, unusual in more modern housing developments, though that serving the eastern semi-detached property is impinged to an extent by the private driveway serving the rear property. Each dwelling would have access to an off-street parking space and cycle and refuse storage.

4.37 The application is accompanied by a screening assessment which confirms a long term residential use and a low expectation for any land contamination. As such, the Council's Environmental Protection Unit raises no objection, subject to conditions to ensure that any potential land contamination is adequately addressed.

4.38 In summary, the main impact of the development on residential amenity is on the neighbouring property, 7 Mayfield Grove. Subject to condition relating to the side secondary lounge window, any impact is considered to be within acceptable limits and would not result in an erosion of residential amenity over and above what can reasonably be expected in a built-up area. The proposal seeks to make the most efficient use of land, whilst achieving a good standard of amenity for existing and future occupants whilst making the most efficient.

5.0 CONCLUSION

5.1 The proposal has been revised to address officer's concerns in respect of character and amenity, residential amenity and highway safety. Subject to conditions, the development would not result in any demonstrable harm to flood risk, archaeology, visual and residential amenity, highway safety and land contamination.

5.2 However, insufficient information has been submitted to fully assess the impact of the development, which involves the full demolition of two buildings on site with medium potential for bat habitat, on the protected species. Further time specific surveys (May-September) are required, as advised by the appointed ecologist, in order to allow this assessment to be carried out. It is not possible to impose a condition requiring the surveys to be undertaken post-decision. The applicant has been invited to withdraw the application and resubmit once the further information is available, but has declined to do so. The application is, therefore, recommended for refusal due to insufficient information regarding the presence or absence of bats.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Refuse

The submitted Bat Scoping Report, dated August 2016, identifies the site as having medium potential to support individual or significant numbers of bats, but does not fully determine whether bats are using the building as a roost. Surveys of the land to the rear of the site have observed commuting and foraging bats, with the likelihood of a potential roost within buildings in the immediate vicinity. However, the level of information available with this application is not sufficient to confirm the presence or absence of bats, a European protected species and protected nationally by virtue of the wildlife and Countryside Act 1981, or to allow a full assessment of the impact of the proposal to fully demolish the buildings on site on the species. Therefore, in accordance with legislation and planning guidance, in particular paragraphs 109 and 188 of the NPPF, 98 and 99 of Circular 06/2005 and Policy NE6 of the Draft Local Plan 2005, the application is considered to be unacceptable due to the potential harm to a protected species.

INFORMATIVES:

STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- Revisions to application to address concerns relating to highway access, visual amenity and residential amenity;
- Consideration of conditions to mitigate outstanding concerns relating to drainage, visual amenity and residential amenity;
- Request for survey to assess presence/absence of bats.

However, the applicant/agent was unwilling to withdraw the application, resulting in planning permission being refused for the reasons stated.

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