

COMMITTEE REPORT

Date: 2 February 2017 **Ward:** Strensall
Team: Major and **Parish:** Earswick Parish Council
Commercial Team

Reference: 16/02792/OUT
Application at: Fossbank Boarding Kennels, Strensall Road, York, YO32 9SJ
For: Erection of 4no. dwellings served by new access road from existing driveway following demolition of existing kennels, stables, quarantine and cattery buildings
By: Mrs A & M Royle & Barker
Application Type: Outline Application
Target Date: 9 February 2017
Recommendation: Approve

1.0 PROPOSAL

1.1 Full planning permission was granted in June 2016 for the erection of four detached houses following the demolition of existing single storey outbuildings associated with Fossbank Boarding kennels. The houses were to be accessed via a newly created driveway from the existing private access from Strensall Road. The approved dwellings had habitable space over two floors, with the upper storey accommodated within the roof space. Plots 1 and 3, were located to the south of the existing dwelling, and provided three bedroom accommodation, together with a detached single garage. Plots 2 and 4, were located the west of the existing dwelling and would each have 4+ bedrooms and detached double garages. The approved materials of construction were timber cladding to the walls and profiled lightweight metal roofing system with timber windows and doors.

1.2 The current application is submitted in outline with all matters reserved with the exception of the access. Accordingly, whilst the description of the application refers to the erection of four dwellings, the layout, design, and indeed number of dwellings is not for consideration at this stage. The applicant has advised that following the granting of planning permission, they contacted a number of house builders who expressed an interest in the site. However they were unwilling to proceed because funding agencies were unwilling to provide mortgages for timber framed kit houses. The application has therefore been re-submitted with the aim of obtaining an outline permission, to enable Fossbank Kennels to be relocated elsewhere. This application is submitted, therefore, with a view to securing an outline planning permission for 4 dwellings to enable the site to be sold and redeveloped which will allow Fossbank Kennels to be relocated elsewhere. The supporting statement also states, 'The Applicants must cease using the kennels by June 2017, following which they will have no income, and unless the site is sold in the interim, no means of purchasing kennel

premises elsewhere. There is therefore a degree of urgency in resolving their problems.'

1.3 The existing reception building, the stables, house and the paddock that lies between the site and Strensall Road fall outside the application site boundary.

1.4 The application is accompanied by a supporting statement from the applicant's agent, together with a contamination assessment, flood risk assessment, surface water drainage strategy and bat survey report.

1.5 The application is reported to sub-committee at the discretion of the Assistant Director because the earlier decision was made by Members and this application is materially different.

2.0 POLICY CONTEXT

2.1 Policies:

CYGP1	Design
CGP15A	Development and Flood Risk
CYGB1	Development within the Green Belt
CYGB6	Housing devt outside settlement limits
CYNE1	Trees, woodlands, hedgerows
CYNE6	Species protected by law
CYNE7	Habitat protection and creation
CYH2A	Affordable Housing
CYH4A	Housing Windfalls
CYT4	Cycle parking standards

3.0 CONSULTATIONS

INTERNAL

Planning and Environmental Management

(i) City Archaeologist

3.1 This application site covers an area of relatively undisturbed ground to the north of Earswick. The site may potentially contain archaeological features relating to a prehistoric-Romano-British landscape and/or medieval and post-medieval agricultural practices. It is possible that excavations for the foundations of the proposed dwellings and associated service connections may reveal or disturb archaeological features or deposits. It will be necessary to record any revealed features and deposits through an archaeological watching brief on all groundworks. Request condition ARCH2

(ii) Countryside and Ecology

3.2 The Council's Countryside and Ecology Officer has advised that the revised application does not alter her comments in relation to approved application 15/02843/FUL on the site. The Bat Survey undertaken in May 2016 is still valid. Therefore if permission is granted for the development, it is recommended that conditions be imposed required mitigation to be carried out in accordance with the submitted Bat Survey Report, together with a requirement for biodiversity enhancement.

Public Protection

3.3 The Council's Public Protection Officer has advised that the comments made on application 15/02843/FUL still apply. Their comments at that time concluded that the proposed new development would result in the removal of any noise nuisance from the kennels affecting nearby residents. They further concluded that the potential for loss of amenity due to odour or noise from Hall Farm affecting the proposed dwellings was low.

3.4 In terms of contaminated land, it is requested that a condition be attached to any permission granted due to potential for contamination associated with the former uses of the land.

3.5 In accordance with paragraph 35 of the NPPF and the Council's Low Emission Strategy (October 2012), the environmental protection unit would recommend a condition requiring an electric vehicle charge point.

Highway Network Management

3.6 Network Management have responded that there are no objections in principle to the outline application from a highways point of view. They further advice that access arrangements appear the same of that approved (15/02843/FUL), though details will need to be conditioned.

Flood Risk Management Team

3.7 Object to the development due to the lack of drainage detail. However if the application is approved it is recommended that conditions be imposed that require details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, to be submitted to and approved by the Local Planning Authority.

EXTERNAL

Yorkshire Water

3.8 No views received

Foss Internal Drainage Board

3.9 The Board has advised that it has assets in the wider area in the form of the River Foss, which is known to be subject to high flows during storm events. Accordingly they advise that where possible, the risk of flooding should be reduced and that as far as is practicable, surface water should be managed in a sustainable way to mimic the existing surface water flows. The application form states that surface water drainage will be disposed of via soakaway and / or Sustainable Drainage System (SUDs). The Board welcomes soakaways as an approach, but recommends that soakaway testing is carried out in accordance with BRE Digest 365, to ensure that the soil structure is suitable. If this is established, the applicant should submit a design for a soakaway that would fully accommodate a 1:30 year storm event with no overland run-off for a 1:100 year event plus a 20% allowance for climate change. As an alternative, the application form makes reference to a Sustainable Drainage System by using an existing pond on the site. It is recommended that any permission be subject to a condition requiring details of surface water drainage to be submitted and approved.

Earswick Parish Council

3.10 Support the application.

Neighbour Notification and Publicity

3.11 There have been 12 objections received in relation to the application, including the following material planning grounds:

- Concerned about proposed development extending beyond the existing footprint of the initial application and/or kennels.
- Support brownfield development in and around York, but strongly opposed to opportunistic development that impacts on the greenbelt.
- The application is materially different to the first as it appears that the applicant intends to sell the entire site to a developer. This will bring the risk that the whole site will be the subject of further development.
- Impact on the openness and permanence of the green belt.
- The demolition proposals are an attempt to extend the planning site, and lead to pressure for further housing development on the surrounding undeveloped land on the periphery of the village.
- Further encroachment onto land intended by Previous Green Belt Appraisals to protect the regional green belt corridor stretching north from the city boundary to Strensall should be vigorously resisted.

- Harm to visual amenity by expansion of the original site, abandonment of low rise eco friendly housing design, and pressure for further development will exacerbate the harm to the green belt that was set aside by the original decision to approve the very limited development on the grounds of exceptional circumstances.
- Very concerned by the prospect of the whole site being sold to a developer, not least because the Draft Neighbourhood Plan for Earswick talks about no housing development within the village, and in light of this will object in strongest terms in the event that the whole site is sold and subsequently an application is made for the re-development of the whole site.
- Replacement of timber framed houses with traditionally built properties.
- The revised numbers for housing need can be adequately met from suggested sites in the Draft Local plan.
- The purpose of the planning system is not to generate money for landowners.
- The development will add to the congestion on Strensall Road and access at a dangerous point due to the speed restrictions from 60mph down to 30mph.
- The premise for the approval of the previous application was to allow the kennels to close on grounds of public nuisance, and now they seem to seek further profit by demolishing their residence to make way for additional housing.
- Alteration in style of properties and potential increase in numbers on the periphery of the village will make an unacceptable impact on its historic setting, and should be rejected.

3.12 One letter of support has been received from a user of the kennels, and includes the following;

- Fail to see how a change of material will make any difference to the overall plan. The plans have already been passed.
- Understand the difficulties that the business is going through following neighbour complaints, and understand the need to get the planning and building moving to enable them to relocate the business.

4.0 APPRAISAL

4.1 The key considerations material to the determination of the application are:

- Principle of development
- Openness and purposes of Green Belt
- Character and appearance
- Flood risk
- Highway safety
- Residential amenity
- Ecology
- Archaeology

- Contributions

POLICY CONTEXT

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS") saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013. These policies, YH9(C) and Y1(C1 and C2), relate to York's Green Belt and the key diagram, Figure 6.2, insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

4.3 Central Government guidance is contained in the National Planning Policy Framework (NPPF, March 2012). 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. Footnote 9 of paragraph 14 contains restrictions where this presumption in favour of sustainable development does not apply, including land designated as Green Belt. Paragraph 17 lists twelve core planning principles that the Government consider should underpin plan-making and decision-taking, such as seeking high quality design and protecting Green Belt.

4.4 Section 6 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49), with housing in rural areas being located where it will enhance or maintain the vitality of rural communities (paragraph 55).

4.5 Section 7 of the NPPF requires good design. At paragraph 56, it says that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

4.6 Section 9 'Protecting Green Belts' says that the essential characteristics of Green Belts are their permanence and openness (paragraph 79). Paragraph 80 sets out the purposes of Green Belt. These are to check unrestricted sprawl of large built up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and, to assist in urban regeneration. Paragraph 88 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

With regard to new buildings, paragraph 89 states that the construction of new buildings is inappropriate in Green Belt unless it falls within one of the listed exceptions.

4.7 Section 10 'Meeting the challenge of climate change, flooding and coastal change offers advice on locating new development to avoid increased flood risk.

4.8 Section 11 'Conserving and enhancing the natural environment' says that the planning system should contribute to and enhance the natural environment by, amongst other things, minimising impacts on biodiversity and providing net gains in biodiversity where possible as well as preventing adverse affects on pollution and land instability.

4.9 Section 12 'Conserving and enhancing the historic environment' requires local planning authorities to recognise the significance of heritage assets and conserve them in an appropriate manner.

4.10 The City of York Draft Local Plan (DLP) was approved for development control purposes in April 2005. Its policies are material considerations in the determination of planning applications, although it is considered that their weight is limited except when they are in accordance with the NPPF. The relevant policies are summarised in section 2.2 above. Policies considered to be compatible with the aims of the NPPF and most relevant to the development are GP1 'Design' and GB1 'Development in the Green Belt'.

4.11 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).

SITE AND HISTORY

4.12 The application site is located on the west side of Strensall Road, between Earswick and Strensall. It comprises an area of approximately 0.32 hectares, (excluding the driveway), at the end of a long private driveway. The driveway currently serves the dwellinghouse, known as Foss Bank, the paddocks and stables, and a kennels/cattery business that occupy a collection of single storey buildings to the rear of the existing house. Only the single storey, L-shaped building housing the kennels and the quarantine building fall within the application site boundary. The kennel building is of brick and tile construction and follows the site boundaries at the north-western corner of the site. The quarantine building is also a single storey structure adjacent to the cattery building. The remainder of the application site is exercise space serving the kennels or private garden/orchard. The site is landscaped on its boundaries and within it, including a line of evergreen trees along the boundary between the kennels and the existing house and its garden.

4.13 To the north of the site are open fields and Hall Farm - an intensive pig farming operation. To the south is a field that separates the site from a large more modern housing estate, which is an extension to Earswick that falls within its defined settlement limit. To the west is open land used as a playing field/play area and beyond this the River Foss. To the east, beyond the original house and its paddock, is Strensall Road, with a row of houses on its eastern side.

4.14 The kennels and cattery business has been present at the site for many years and pre-dates the housing estate to the south. There have been previous outline planning applications and a full application relating to development of the site for housing.

4.15 Outline planning permission (09/01956/OUT) was refused at Committee in 2010 for three new houses on the grounds that the proposal constituted inappropriate development for which there was no compelling benefit that clearly outweighed harm.

4.16 In June 2016, full planning permission was granted for the erection of 4 no. detached dwellings with garages, together with the provision of a new access road from the existing driveway. Although this site lies within the Green Belt and, therefore, residential development would constitute inappropriate development in terms of Paragraph 89 of the NPPF, nevertheless, in determining application 15/02843/FUL, Members considered that very special circumstances existed which warranted granting approval for the development.

PRINCIPLE OF DEVELOPMENT

4.17 Paragraphs 87-88 of the NPPF advise that permission should be refused for inappropriate development, unless other considerations exist that clearly outweigh identified harm to the Green Belt and which would amount to very special circumstances.

4.18 Members will recall that the report on the previous application 15/02843/FUL made reference to a noise abatement notice that has been served on the applicants, who operate the kennels from the site. The supporting statement to that application claimed that the notice has adversely affected the viability of the business. And further, that the proposed new dwellings would result in the removal of any further noise nuisance affecting residential properties in the vicinity. Members took this information into account in the determination of application 15/02843/FUL and considered that the applicant had demonstrated very special circumstances to justify approving the application despite the potential harm to the Green Belt by reason of inappropriateness.

4.19 Since an extant permission already exists for residential development on this site, the first consideration, in terms of this current application, therefore, is whether or not there have been any material change of circumstances which would warrant setting aside the principle that housing in this location is acceptable.

4.20 In the 8 months since permission was granted for the redevelopment of this site, there have been no changes to Green Belt Policy in either the NPPF or through Ministerial Statements. Neither have there been any material changes to the circumstances which warranted Members granting approval for housing in this location in the first place. The noise abatement notice is still active and prohibits the recurrence of noise nuisance due to barking dogs.

4.21 In consideration of the current application, the extant permission on the site for four dwellings and garages constitutes the very special circumstances that exist. It is therefore considered that there is nothing which would warrant a reconsideration of the already-established principle that residential development on this site is acceptable.

4.22 The main issue, therefore, is whether the proposal to change this application from a detailed to an outline scheme is acceptable.

IMPACT ON OPENNESS AND GREEN BELT PURPOSES

4.23 The site comprises land that surrounds an existing two-storey dwelling house and that accommodates two single-storey outbuildings. Two further single-storey buildings, comprising a cattery and stables, are proposed to be removed. These are within the applicant's ownership, but fall outside the planning application boundary. The remainder of the site is undeveloped other than the single-width access track. The land is divided by field boundaries and means of enclosure, such as around the kennels, and there are trees and planting within the area that is the application site. The site, in its wider context, reads as a single host dwelling within its own plot of land with related outbuildings. The kennel block and quarantine building are single-storey and of low scale, and as such, there is limited visibility of them when viewed from Strensall Road neither are they prominent in views from the surrounding open land.

4.24 The extant permission (15/02843/FUL) granted consent for four, detached houses with associated garages and driveways, which are single storey to eaves height, with additional accommodation within the roof space. However, the current proposal is in outline, with all matters except access reserved. If unrestricted by condition, it could result in a greater number of dwellings, and indeed scale of development. The supporting statement from the applicant states 'Given the distance of the site from any public viewpoint, the extent of surrounding vegetation and the scale of the existing house on the site, my own view is that limiting the development to 1½ storeys would be difficult to justify. However, if you, or Members, take a different view, the height of the dwellings can be covered by planning condition'. It is accepted

that the site is distant from the road, and there is some existing screening and changes in landform to the west of the site. Nevertheless, it is considered that an increase in the number of approved dwellings, and/or an increase in height of the dwellings, could render the development more visible, and create a more urban development which would detract from the open character and appearance of the site. The impact of the development would also be exacerbated by the additional lighting from windows on the higher stories that would be visible from a distance. The additional vehicular movements associated with an increase in scale and numbers would add to the urbanisation of the area. Furthermore, it is considered that unrestricted outline consent could create a development that appears as an urban expansion of the existing housing development at The Garden Village.

4.25 It is of note that the update to the York Green Belt Appraisal (February 2003) undertaken as part of the Evidence base of the emerging Local Plan and titled 'Historic Character and Setting Technical Paper, January 2011', concluded that as the gap between the settlements at this point is particularly narrow, any development in this area would be likely to have a significant impact upon the Green Belt. Whilst the principle of residential development may have been established, the York Green Belt Appraisal demonstrates the sensitivity of this location and the need to ensure that the rural character and openness is not compromised through a greater density of development on this site.

4.26 This harm to openness should be afforded substantial weight by the decision maker. It is therefore considered that if Members are minded to approve the application, this potential harm should be mitigated by restricting the development to a maximum of four houses and garages on the site, and limited to one and a half storey in height. Subject to this limitation, and taking account of the extant permission, it is considered that the current application accords with Section 9 of the NPPF - Protecting Greenbelt Land.

CHARACTER AND APPEARANCE

4.27 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.

4.28 The extant permission for the development of four houses on the site, (15/02843/FUL) relates to the erection of four timber framed houses that have a relatively low one and a half storey ridge height. As detailed above, the current application is in outline with no details of layout or design. If permission is granted, details of the design will be the subject of a reserved matters application. It is considered that lower height dwellings would help to reduce the visual impact of the buildings on the general appearance of the site when viewed from outside. It is also considered that lower height dwellings would be more typical of a rural area, and would appear ancillary to the existing dwelling which is in the applicant's ownership.

This would differentiate from the more urban appearance of the larger scale houses on the adjacent Garden Village development.

4.29 It is not considered however that the use of timber cladding is essential to the acceptability of the development in this location. It has been noted earlier in the report that the houses will be viewed at a distance. It will not be possible from most public viewpoints to differentiate between the use of timber cladding, and brick.

Furthermore, a significant number of rural buildings are constructed from brick. Accordingly, it is not considered necessary to condition any approval to the use of timber cladding.

4.30 Taking account of the extant permission on the site, and subject to the recommended conditions in relation to a restriction on the number and height of dwellings, it is considered that the development accords with policy GP1 of The City of York Draft Local Plan, and Sections 7 and 9 of the NPPF.

FLOOD RISK

4.31 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.

4.32 The site falls within flood zone 1 and, as such, should not suffer from river flooding. The application form states that foul sewage would be discharged to a package treatment plant and surface water disposed of via a soakaway or SUDS in the form of a retention/detention basin. The Council's Flood Risk Management Team has objected to the application on the basis of a lack of drainage information. It is considered however, that because there is an extant permission on the site, such details can be conditioned.

HIGHWAY SAFETY

4.33 The NPPF encourages sustainable travel and the location of development in sustainable and accessible locations. The application proposes additional residential properties on a site isolated from local services, but on the public transport route from York City Centre to Strensall. The principle of the location has been accepted by the approval of application 15/02843/FUL for the erection of four dwellings. Subject to the approval of details, it is not considered that the revised application for outline consent would raise any new material considerations that would warrant refusing the application.

RESIDENTIAL AMENITY

4.34 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.

4.35 The nearest residential properties are located to the south of the site and form part of a large modern housing estate. They are at a distance of over 30m from the site and separated by a field. Whilst the current application does not include details of the design or indeed location of the proposed dwellings, it is considered that the distance of the site, from neighbouring properties is such that the proposed houses would not have any impact on the nearby houses in terms of overlooking, overshadowing or increased sense of enclosure. Indeed, the removal of the existing commercial use and associated noise and its replacement with the domestic use of the land would benefit the local community.

4.36 If development on the site is limited to four dwellings, it is considered that the site is large enough to provide a level of private amenity and parking provision that is commensurate with the size of the proposed dwellings. Furthermore, the dwellings could be arranged on the site in a manner that would provide adequate separation between them. The houses would be at a distance of approximately 250m from the existing pig farm located to the north of the site. Whilst there have been noise and odour complaints about the operations at Hall Farm, these have not related to the pigs themselves. It is also noted that the proposed houses would be no closer to the adjacent farm than the current host property at the site. During consideration of application reference 15/02843/FUL, it was accepted that the potential loss of amenity to the proposed four new dwellings is low. It is not considered that there is any material change in circumstances since that application was approved that would warrant a change in recommendation.

4.37 The Council's Public Protection Officer requests conditions covering contamination and electric vehicle charge points be attached to any approval.

4.38 In light of the above, no objections are raised to the proposal on the grounds of residential amenity and there would be negligible harm caused in this respect.

ECOLOGY

4.39 Paragraph 118 of the NPPF aims to conserve and enhance biodiversity, including the refusal of planning applications where development would adversely affect Sites of Special Scientific Interest, ancient woodland and European protected sites. The site does not fall within any of these designations.

4.40 The existing buildings at Foss Bank are considered to have the potential to support roosting bats, considering their construction and the surrounding habitat. An ecological survey was submitted on 24 May 2016. It confirms that no evidence of bats using the buildings was observed and no bats were recorded emerging from them. Therefore, it is considered unlikely that the buildings are in use as a bat roost and bats do not present a significant ecological constraint to the development of the buildings. However, as it is difficult to provide conclusive evidence of the presence/absence of

such roosts, precautionary mitigation measures are proposed. The buildings were considered suitable for nesting birds and the report advises development takes place outside the bird-nesting season and compensation be included in the development for house sparrow and swallows.

4.41 The survey has been appraised by the Council's Countryside and Ecology Officer who supports the findings and recommendation. She raises no objections to the application subject to a condition requiring mitigation detailed in the Bat Survey Report by Quants environmental.

ARCHAEOLOGY

4.42 Section 12 of the NPPF advises that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Paragraph 131, in particular, states that local planning authorities should take account of the desirability of sustaining and enhancing an asset's significance, the positive contribution it can make to sustainable communities and the positive contribution new development can make to local character and distinctiveness. Paragraph 135 requires the effect of an application on the significance of a non-designed heritage asset to be taken into account in determining an application.

4.43 The City Archaeologist has identified the site as having the potential to contain archaeological features relating to a prehistoric Romano-British landscape and/or medieval and post-medieval agricultural practices. As such, the proposal may reveal or disturb these archaeological features and any deposits. Therefore, in line with advice in the paragraph 40 of the Planning Policy Guidance document that accompanies the NPPF, a condition requiring an archaeological watching brief on all groundworks has been requested by the City Archaeologist. Any harm to archaeological deposits and features can be adequately addressed and mitigated through the imposition of conditions.

CONTRIBUTIONS

4.44 Policy requirement in respect of contributions towards affordable housing and public open space has been superseded as a result of Ministerial guidance which has resulted in a change in national policy. Accordingly the development does not trigger a requirement for any contributions.

5.0 CONCLUSION

5.1 The application site is within the general extent of the York Green Belt. The proposal constitutes inappropriate development for the purposes of paragraph 88 of the NPPF, and by definition causes harm to the Green Belt. However, in determining application 15/02843/FUL, Members resolved that the proposals would not materially

affect the openness of the Green Belt and considered that the applicant had demonstrated that very special circumstances existed to justify approving the application despite, the potential harm to the Green Belt by reason of inappropriateness. Application 15/02843/FUL for the erection of four dwellings remains extant, and subject to the necessary condition discharge can be implemented.

5.2 This extant permission constitutes very special circumstances for supporting inappropriate development in the green belt as submitted in this outline application. It is not considered that there are any material considerations or objections raised that would warrant refusing in principle this outline application. It is considered however that an increase in housing numbers and scale of dwellings, would detract from the open character and appearance of the green belt, and accordingly would be contrary to Section 9 (Protecting Green Belt Land) of the NPPF and Policy GP15a of the 2005 Draft Local Plan. It is therefore considered that development be restricted to a maximum of four single storey dwellings, with any additional accommodation contained within the roof space.

6.0 RECOMMENDATION: Approve

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

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

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

2 OUT1 Approval of Reserved Matters

3 No work shall commence on site until the applicant has secured the implementation of a programme of archaeological work (a watching brief on all ground works by an approved archaeological unit) in accordance with a specification supplied by the Local Planning Authority. This programme and the archaeological unit shall be approved in writing by the Local Planning Authority before development commences.

Reason: The site lies within an area of relatively undisturbed ground, where there is potential for archaeological deposits relating to a prehistoric landscape and/or medieval and post medieval agricultural practices, which could be disturbed through excavation.

4 The development hereby approved shall be restricted to a maximum of four dwellings on the site enclosed in the red line on the submitted plan.

Reason: It is considered that any increase in the number of dwellings will result in harm to the character of the area, and the openness of the green belt.

5 The dwellings hereby approved shall be limited to single storey at eaves level, with any additional accommodation within the roof space.

Reason: In the interests of protecting the character of the area, and the openness of the green belt.

6 The development hereby permitted shall be implemented in accordance with the scheme of mitigation set out in the Bat Survey report by QUANTS Environmental Ltd dated May 2016 submitted in support of the application. This includes the following measures to be provided prior to demolition or any works to the buildings:

- Install 3x durable woodcrete bat boxes (i.e. 2F Schwegler) on site, to be installed in a mature tree with the position confirmed under the guidance of a suitably qualified ecologist;

- A toolbox talk to the contractors involved with demolition delivered by a suitably qualified ecologist in order to explain the presence of bats, their legal protection, roles and responsibilities, the proposed method of working and procedures should bats or evidence of bats be found.

During works to Buildings B1 (kennels) and B4 (stables) the roof tiles and other features of potential value to bats should be removed in a controlled manner by hand/hand tools under the supervision of a Natural England licensed bat surveyor.

Prior to occupation, as a biodiversity enhancement, two woodcrete bat bricks (1FQ or 1WQ Bat Box by Schwegler or similar) should be installed on the south/east/west elevations of each new dwelling (the position of the bat bricks should be confirmed under the guidance of a suitably qualified ecologist).

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

7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a

verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

8 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used (including surfacing materials) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance, and to ensure that the development does not harm the character of the area.

9 The applicant shall install a three pin 13 amp electrical socket in each of the garages for the four properties which are located in a suitable position to enable the charging of an electric vehicle using a 3m length cable.

Note: Any socket provided must comply with BS1363 or an equivalent standard, Building Regulations and be suitable for charging electric vehicles.

Reason: To promote sustainable transport through the provision of recharging facilities for electric vehicles.

10 Prior to occupation, a detailed landscaping scheme (including hard and soft landscaping) which shall illustrate the number, species, height and position of trees and shrubs within the site shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety,

suitability and disposition of species within the site.

11 Details of all means of enclosure to the site boundaries shall be submitted to and approved in writing by the Local Planning Authority before the construction of the houses and shall be provided in accordance with the approved details before the development is occupied.

Reason: In the interests of the visual amenities of the area and the amenities of neighbouring properties.

12 No development shall take place until details of the proposed means of foul and surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority. Thereafter, unless otherwise agreed in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved works, and no dwelling shall be occupied prior to the completion of the approved foul drainage works.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If 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, (preferably 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.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then in accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey 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.

If existing connected impermeable areas are not proven, then a Greenfield run-off rate based on 1.4 l/sec/ha shall be used for the above.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

The applicant should provide a topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site and because building works may prejudice an acceptable drainage scheme.

13 Before the commencement of construction works, details of the junction between the internal access road and the highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until that junction has been constructed in accordance with the approved plans.

Note: The details shall include a refuse collection point within the site curtilage.

Reason: In the interests of highway safety.

14 PD1 Removal of specific permitted development rights
Classes A, B, C and E of Schedule 2 Part 1

15 The development hereby permitted shall not come into use until full details of the proposed vehicular access including passing place, parking arrangements, turning and cycle storage facilities have been submitted to and approved by the Local Planning Authority. These facilities shall be constructed in accordance with the specification so approved prior to the development being first brought into use and thereafter shall be maintained clear of any obstruction which would preclude their intended use.

Reason: To ensure appropriate on-site vehicle parking facilities, access and manoeuvring areas are provided in the interest of highway safety and general amenity of the development.

16 The access driveway shall be maintained throughout its length at a minimum width of 3.7m and a minimum height clearance of 4.5m.

Reason: To ensure access by emergency vehicles to the site is maintained at all times.

17 HWAY28 IN Proximity of gate etc to highway

18 HWAY11 Initial 10m of access surfaced

19 There shall be no external lighting on the dwellings, or within their curtilage or access, unless details have first been submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of maintaining the character of the countryside.

7.0 INFORMATIVES:

Notes to Applicant

1. 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 order to achieve a positive outcome:

- requested revised site plan
- Imposition of conditions to mitigate impacts.

2. 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:

Works in the highway - Section 171/Vehicle Crossing - Section 184 - Stuart Partington
(01904) 551361

3.INFORMATIVE:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

The buildings were considered suitable for nesting bird activity, and therefore works should ideally start between October and February (outside of the nesting bird season); however, should works commence within the bird-nesting season (March to September) a pre-start nesting bird check would be required.

There are opportunities for the development to provide enhancement for birds without detriment to the building by the addition of bird boxes, examples of which can be found on the RSPB website

http://www.rspb.org.uk/makeahomeforwildlife/advice/helpingbirds/roofs/internal_boxes.aspx.

4. INFORMATIVE:

The developer's attention is drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be adhered to, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

(a) All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

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

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

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

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

(f) There shall be no bonfires on the site

5. INFORMATIVE:

i) The applicant should be advised that the Internal Drainage Board's prior consent is required for any development including fences or planting within 9.00m of the bank top of any watercourse within or forming the boundary of the site. Any proposals to culvert, bridge, fill in or make a discharge to the watercourse will also require the Board's prior consent.

Contact details:

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