

COMMITTEE REPORT

Date: 5 April 2018 **Ward:** Osbaldwick and Derwent
Team: Major and **Parish:** Osbaldwick Parish
 Commercial Team Council

Reference: 17/02562/FUL
Application at: Village Green Osbaldwick Village Osbaldwick York
For: Replacement of 2no. bridges over Osbaldwick Beck
By: Osbaldwick Parish Council
Application Type: Full Application
Target Date: 21 March 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 Osbaldwick Village Green comprises a long linear open space running centrally through the historic village area and framing the Osbaldwick Beck as it flows westwards towards its confluence with the River Foss. It furthermore partially lies within the Osbaldwick Conservation Area whose significance it makes it partially defines. Planning permission is sought by Osbaldwick Parish Council for the replacement of two bridges crossing the Green which are presently in poor structural condition. The area furthermore lies within Flood Zone 3.

2.0 POLICY CONTEXT

2.1 York Development Control Local Plan (2005) Policies:

CGP15A Development and Flood Risk
CYHE2 Development in historic locations
CYHE3 Conservation Areas

2.2 (Emerging) Publication Draft Local Plan Policies:-

ENV 4 Development and Flood Risk
D4 Conservation Areas

3.0 CONSULTATIONS

INTERNAL

Flood Risk Management Team

3.1 No objection

Planning and Environmental Management (Archaeology)

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3.2 No objection in principle to the proposal but draw attention to the proximity of the more westerly of the bridges to the former moated manor of Osbaldwick and the presence of archaeological deposits of Post Medieval date eroding from the bank side in the presence of its abutments.

Planning and Environmental Management (Landscape)

3.3 Raise concerns in respect of the impact of the proposed brick parapets on views of the green and the beck.

Highway Network Management

3.4 No response.

EXTERNAL

Environment Agency

3.5 No objection.

Foss(2008) Internal Drainage Board

3.6 No objection.

4.0 APPRAISAL

KEY CONSIDERATIONS:-

4.1 KEY CONSIDERATIONS INCLUDE

- * Impact upon the character and appearance of the Osbaldwick Conservation Area;
- * Impact upon deposits of archaeological significance;
- * Impact upon flood risk in the locality.

PLANNING POLICY

4.2 On 21 February 2018 the Publication Draft York Local Plan 2018 ("2018 Draft Plan") was published for the final six week consultation. The emerging Local Plan policies contained within the 2018 Draft Plan can only be afforded limited weight at this stage of its preparation, and subject to their conformity with the NPPF and the level of outstanding objection to the policies in accordance with paragraph 216 of the NPPF. However, the evidence base underpinning the emerging Local Plan is capable of being a material consideration in the determination of planning applications.

4.3 The York Development Control Local Plan was approved for Development Control purposes in April 2005; its policies remain material considerations in respect of Development Management decisions although any weight will be very limited except where in accordance with the National Planning Policy Framework.

CHARACTER AND APPEARANCE OF THE CONSERVATION AREA

4.4 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty on the Council "to have special regard to the desirability of preserving and enhancing the character and appearance of Conservation Areas". As a statutory duty it must be given considerable importance and weight in determining the planning application. Where harm is identified to a Heritage Asset there will be a strong presumption against the grant of permission. Central Government Planning Policy as outlined in paragraph 131 of the National Planning Policy Framework urges Local Planning Authorities to give significant weight to the desirability of sustaining and enhancing the significance of heritage assets and putting them to uses consistent with their conservation. Policy D4 of the Publication Draft Local Plan is also relevant in this context. This indicates that development proposals will be supported if designed to conserve and enhance the Conservation Area whilst leaving its essential qualities unchanged. Policy D4 of the (Emerging) Publication Draft Local Plan also seeks that new development is designed to preserve and enhance the character and appearance of the Conservation Area whilst safeguarding important views through it.

4.5 The two bridges to be replaced connect the main village street to the north with properties lying on the south side of the Green together with a pedestrian footpath running in a parallel east/west direction. There are a number of other bridges giving private vehicular access to properties on the south side of the Green lying primarily to the east. Both bridges are of a plain functional character and date from the Late 19th/Early 20th Century. The westerly bridge incorporates some reused brick work from an earlier structure and there is an area of stonework laid within the Beck directly to its west. The easterly bridge is of a lesser townscape importance with service pipes crossing the Beck directly to its west. Both bridges have open post and rail balustrades. The green is one of the main elements of the character and appearance of the area. The conservation area character statement states that "the elongated green is the focal point of the village. Buildings are set well back along each side, creating an open rural character.

4.6 The proposal envisages the erection of two brick built bridges with a 1.3 metre high brick parapet with the existing head walls retained in situ. Both existing bridges are in poor structural repair with cracking to the bridge decks and scouring of mortar from the head walls and parapets along with displacement of masonry from both parapets and more significantly the bridge abutments. The western bridge has no parapet and the eastern bridge has a parapet of only 30cm above deck level. Both have a timber balustrade to lessen the risks of trips and falls into the Beck although this is itself in poor structural order and requires regular replacement.

4.7 The replacement of the existing bridges with structures incorporating a more substantial parapet detail and the associated impact upon east/west views would have some impact on the character and appearance of the Conservation Area. However it is considered that the harm generated would be modest and amount to less than substantial harm within the terms of paragraph 134 of the NPPF. The parapet height would match those of the nearby stone bridge directly to the east and also within the Conservation Area and the harm would be outweighed by the public benefit of providing safe access to properties on the south side of the Green without the need to provide timber balustrade which has proved difficult to maintain. At the same time it is felt that the fundamentally open character of the views through the Conservation Area along the alignment of the Green would be largely retained with the proposed parapet detail. The impact of the proposals upon the character and appearance of the Conservation Area would be broadly neutral and that the requirements of the statutory duty comprised within Section 72 of the 1990 Planning(Listed Buildings and Conservation Areas) Act would be fulfilled.

IMPACT UPON DEPOSITS OF ARCHAEOLOGICAL SIGNIFICANCE

4.8 The western bridge contains re-used early brickwork, has evidence of stone paving within the Beck bed and lies in close proximity to the site of the Medieval moated manor of Osbaldwick traces of which survived until the early 1990s. There is evidence of the banks around the western bridge having been raised by tipping of domestic waste in the late 18th/early 19th Century. Some of the tipped material comprising fragments of porcelain and glassware have begun to erode from the sides of the bank. There is also a possibility of evidence of leats to supply a continuous flow of water to the moat joining the Beck in the vicinity of the western bridge. In view of the significant potential for the survival of archaeological deposits particularly in the vicinity of the western bridge it is recommended that any permission be conditioned to require the undertaking of an archaeological evaluation before work is undertaken.

IMPACT UPON FLOOD RISK IN THE LOCALITY

4.9 Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should seek to ensure that flood risk is not increased elsewhere. Policy ENV 4 of the (Emerging) Publication Draft Local Plan indicates that new development should not be subject to unacceptable flood risk and shall be designed in such a way as to mitigate against current and future flood events. The development involves the replacement of existing structures which are felt to have a low degree of vulnerability in flood risk terms. The bridge abutments for the new construction would match the pattern of the existing structures and would sit high within the Beck channel with a relatively shallowly defined arch. This is felt to be acceptable in ensuring efficient Beck flow with out each bridge acting as

an obstruction in the event of a severe weather event. The proposal is therefore felt to be acceptable in Flood Risk terms.

5.0 CONCLUSION

5.1 It is considered that the proposed replacement bridges would give rise to less than substantial harm to the significance of the Conservation Area in terms of the prominent east/west views along the alignment of the village Green and the Osbaldwick Beck. It is however felt that the harm is outweighed by the public benefit of being able to provide safe access to properties on the south side of the village Green without the two bridges having to be closed regularly for maintenance purposes. The proposed work is felt to be acceptable in flood risk terms and whilst the surroundings of the western bridge are felt to be archaeologically sensitive any harm can be satisfactorily mitigated by a requirement for an archaeological evaluation in advance of work being undertaken.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans:-

Drawing Refs:- HU-DB-SR-682-17-02; HU-DB-SR-682-17-03.

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

3 VISQ8 Samples of exterior materials to be app

4 A programme of post-determination archaeological mitigation, specifically an archaeological watching brief/excavation is required on this site during the demolition of the bridges and ground works for the new footings. The watching brief will become an excavation at the point where/if significant archaeological deposits are revealed.

The archaeological scheme comprises 3 stages of work. Each stage shall be completed and approved by the Local Planning Authority before it can be discharged.

A) No demolition/development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed

WSI. The WSI should conform to standards set by the Chartered Institute for Archaeologists.

B) The site investigation and post investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (or publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed in accordance with Section 12 of NPPF.

Reason: The site lies within an Area of Archaeological Interest and the development may affect important archaeological deposits which must be recorded prior to destruction.

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) and having taken account of all relevant national guidance and local policies including imposition of appropriate planning conditions, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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