

Listed Buildings Grade 2; 18 Main Street Heslington

Schools Lord Deramore's Primary 0208

2.2 Policies:

CYGB1

Development within the Green Belt

CYGB2

Development in settlements "Washed Over" by the Green Belt

CYGP1

Design

CYGP4A

Sustainability

CYGP10

Subdivision of gardens and infill devt

CYNE1

Trees, woodlands, hedgerows

CYHE2

Development in historic locations

CYHE3

Conservation Areas

CYHE10

Archaeology

CYH3C

Mix of Dwellings on Housing Site

CYH4A

Housing Windfalls

CYH5A

Residential Density

CYL1C

Provision of New Open Space in Development

3.0 CONSULTATIONS

3.1 Internal

Urban Design and Conservation

The property is located within the Heslington Conservation Area no.28. It is regrettable that the fabric of two of the original buildings on the site has been lost.

The original layout, scale and architectural character of the barns added greatly to the character of the site and illustrated the historic use of the buildings as part of Enclosure Farm. The information supporting the current application suggests that the materials from the two barn buildings has been salvaged for re-use as part of the redevelopment works. Given that the two agricultural buildings have been demolished and are no longer present on the site, it is important to consider the scale and character of this group of buildings at Enclosure Farm is not greatly altered. The applicant intends to rebuild the original agricultural buildings, in accordance with the approved plans 07/01046/FUL. This will result in the re-creation of the grouping of buildings at Enclosure Farm and consolidate the existing character and appearance of the Conservation Area. The new development will lack the authenticity of the original building fabric due to the unauthorised works of demolition carried out on this site.

Archaeology

No record of receiving an archaeological record of the barns or an archaeological watching brief of the site. Both of these will need to be submitted in order to discharge conditions 8 and 9 of the original application. A condition requiring an archaeological watching brief should be attached to this current application.

Highways

No objections, subject to the same standard conditions as previously attached relating to vehicular areas, car and cycle parking, turning areas, mud on highway and dilapidation survey.

Foss Island Internal Drainage Board

Recommend that any approval be subject to conditions relating to surface water discharge and run-off rates.

3.2 External

Heslington Village Trust

Raised concerns at the unauthorised demolition of Barns D and E and consider they have little option but to accept the re-building of the barns. Questioned clarity of plans for the uses of Barns D and E. Object to the current application on the grounds that the archaeological conditions attached to the original consent, requiring a watching brief and recordings, have not been adhered to.

Four emails/ letters of representation have been received from local residents, raising the following points;

Implementation of conditions attached to the previous approval; hours of construction; materials; size of building should be as previously approved (footings are larger); garden land to the south and east of Barn D to be reinstated; rebuilding of boundary wall to the rear of 18 Main Street.

4.0 APPRAISAL

4.1 Key Issues

Policy Context

Green Belt

Residential Use

Character and Amenity of Local Environment

Affect on Heslington Conservation Area
Residential Amenity
Ecology
Archaeology
Access, parking and highway safety
Contamination
Sustainability

4.2 Policy Context

The site lies within the Green Belt on the City of York Draft Local Plan within the washed over village of Heslington and within the Heslington Conservation Area. In addition to the City of York Draft Local Plan Policies, Planning Policy Statement 1: Delivering Sustainable Principles; Planning Policy Guidance Note 2: Green Belt; Planning Policy Statement 3: Housing and; Planning Policy Guidance Note 15: Planning and the Historic Environment set out National Planning Policy and are of relevance. A Village Design Statement was published for Heslington in 2004, it is a material planning consideration and offers advice on design principles based on the distinctive local character of the settlement. Section 4 'The Built Environment' requires development to respect the setting and character of the village, to sit happily in the pattern of existing development, respect views through to open countryside, reflect the domestic scale of buildings in the village, provide adequate parking, use high quality materials and maintain a variety in size and scale.

4.3 Green Belt

The site lies within a village 'washed over' by the Green Belt on the City of York Draft Local Plan. The relevant policy context is contained within PPG2 and Local Plan Policies GB1 and GB2. These allow development within the defined settlement limits of such villages providing it constitutes limited infilling that does not prejudice the openness or purpose of the Green Belt. It is considered that the development would accord with these policies and be acceptable in Green Belt terms. There is a history of infill development in the village behind frontage properties from either conversion with extension or new build, hi-lighted by the developments of Enclosure Gardens to the north east, the detached dwellings to the south east off Well Garth and the conversion of other farm buildings at Bridge Farm on the opposite side of Main Street. The site is located within the built-up area of the settlement and the size, scale and design of the buildings will be exactly the same as those approved under the previous application, which are considered appropriate to the form and character of the settlement and specifically the group of barns, which formed part of Enclosure Farm.

4.4 Residential Use

The site has an existing consent to convert the remaining barns on site to residential use and the site is surrounded by residential properties. The rebuilding of the barns for residential use is considered to be appropriate and compatible with surrounding uses. The buildings will be of the same, size, scale and design as those previously approved and will consist of a two bedroom dwelling with storage and additional storage and workshop for Barn A. The size and scale of the proposed barns are considered appropriate in relation to the plot and will restore the former courtyard layout.

4.5 Character and Amenity of Local Environment

In addition to general advice in PPS1 and Policy GP1, Policy GP10 in particular relates to infill development. It states that planning permission will only be granted for infilling to provide new development, where it would not be detrimental to the character and amenity of the local environment. The current scheme has been designed to the exact specifications approved under 07/01046/FUL and will utilise the reclaimed materials from the original barns which remain on site. The replacement barns will restore the former cluster of farm buildings and complete this small development of 3 dwellings.

4.6 Affect on Heslington Conservation Area

The site is located within the Heslington Conservation Area. The proposed barns will replace those, which were previously in situ, albeit with extensions and alterations approved under the previous application. The replacement barns will recreate the group of former agricultural buildings on the site, which contributed to the character and appearance of the Conservation Area. Whilst the replacement barns will not be the original buildings, conditions will be attached to any approval requiring details of all the proposed materials to be approved by the Local Planning Authority in order to retain as much of the original character of the buildings as possible. Whilst the rebuilding of the demolished barn within as short a timescale as possible would clearly be desirable, Circular 11/95 "The Use of Conditions in Planning Permissions" states that conditions requiring the completion of the whole of a development are likely to be difficult to enforce and should not normally be imposed. For example, if the reason for failure to carry out or complete a development is due financial difficulties experienced by the developer, then the enforcement of conditions is unlikely to succeed.

4.7 Residential Amenity

The proposed barns will be of the same size, scale and position as those approved under the previous application. As a result there will be no greater impact on the surrounding properties in terms of overlooking or overshadowing. There are only two first floor windows proposed in the south eastern elevation of the barn, one which would serve a staircase and the other a bedroom, however this faces the side gable wall of the neighbouring property (Garth End). The extended brick wall of the single storey element will reduce any impact on this dwelling in terms of overlooking and activity within the garden area. Given the position of the barn to the north west of Garth End the extensions to the original barn will not result in a significant increase in levels of overshadowing. The existing hedge between the application site and Garth End has so far been retained and a condition will be attached to any approval requiring its future retention and replacement should it become damaged or die. A condition restricting the hours of construction is also proposed in order to protect the amenity of surrounding residents.

4.8 Ecology

A bat survey was undertaken and submitted under a previous application, which was considered by the Council's Countryside Officer. The survey concluded that there was no evidence of the buildings being used by bats, though they provide good habitat for brown long-eared bats. As a result a condition is proposed to address bat mitigation and conservation.

4.9 Archaeology

The site lies outside the Area of Archaeological Importance but in an area which has produced prehistoric, Roman and medieval deposits. The former barns also had a

historic character that the original application proposed to alter. Conditions were attached to the previous application requiring an archaeological watching brief and archaeological record to be submitted prior to development commencing. Neither was submitted prior to the development commencing and the subsequent collapse of barns D and E. The agent has been advised that this information is outstanding and is still required. The agent has advised that he is to meet with the Council's Archaeologist to clarify the nature of the information required to satisfy the two original conditions. The same condition requiring an archaeological watching brief will be attached to this application, should planning permission be granted.

4.10 Access, Parking and Highway Safety

The site will be accessed off an improved driveway off Main Street and will provide appropriate levels of off-street car parking and internal turning facilities. The Local Highway Authority raises no objections to the scheme subject to the same standard conditions attached to the previous application relating to surfacing, cycle parking, turning areas, mud on highway and dilapidation survey.

4.11 Contamination

Given that the site has previously been used for agriculture and vehicular business use a condition to address any contamination on the site is suggested.

4.12 Sustainability

The Council's Interim Planning Statement on Sustainable Design and Construction was approved for development control purposes on 22 November 2007, prior to the submission of this application. The previously approved scheme was not subject to any specific sustainability requirements. However, as this is a fresh application and relates to a new build proposal, it is considered that the developer should be required to submit a sustainability statement showing that the development would achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. An appropriate condition is recommended.

4.13 Public Open Space

Local Plan Policy L1c requires the payment of a commuted sum towards public open space for all residential developments of less than 10 units where there is no on-site provision. This two-bedroom unit would generate a sum of £1242.

5.0 CONCLUSION

5.1 Application recommended for approval, subject to conditions.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Location plan 106/001; site survey 106/020; existing plans and elevations 106/023/A; proposed plans and elevations 106/033/B received on 29th January 2008.

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

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

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

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

4 A sample panel of the brickwork to be used on this building shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of building works. The sample panel shall comprise of the reclaimed bricks from the demolished barns on the site. This panel shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: So that the Local Planning Authority may be satisfied with the finished appearance of these details prior to the commencement of building works in view of their sensitive location.

5 VISQ8 Samples of exterior materials to be app

6 Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

New windows and doors, including openings, lintels, cills and reveals; roof lights (which should be of conservation style design of a dark finish); eaves and verges; and vent details including method of blocking up.

Reason: So that the Local Planning Authority may be satisfied with these details.

7 VISQ4 Boundary details to be supplied

8 ARCH2 Watching brief required

9 a. A desk study shall be undertaken in order to identify any potentially contaminative uses which have or are currently occurring on the site. This shall include a site description and a site walkover and shall be submitted to and approved by the local planning authority prior to development of the site. Informative: This

should, where possible date back to 1800

b. A site investigation shall be undertaken based upon the findings of the desk study. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on the site.

c. A risk-based remedial strategy shall be developed based on the findings of the site investigation. The remedial strategy shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site. Informative: The remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s).

d. A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect human health and the wider environment.

10 The hours of operation of this approved use shall be confined to 08.00 to 18.00 Mondays to Fridays, 09.00 to 13.00 Saturdays, and no working on Sundays and Bank Holidays.

Reason: To safeguard the amenities of adjoining occupants.

11 No development shall take place until full details of what measures for bat mitigation and conservation are proposed and have been submitted to and approved in writing by the Local Planning Authority. The measures shall include;

- i. A plan of how work is to be carried out to take account of bats;
- ii. Details of what provision is to be made within the new buildings to replace the features lost. Features suitable for incorporation for bats include the use of special tiles, bricks, soffit boards, bat boxes and bat lofts and should at least replace or substitute for what is existing;
- iii. The timing of all operations.

The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the Local Planning Authority.

If bats are discovered during the course of the work, then work shall cease and Natural England consulted before continuing.

Reason: To take account of and enhance habitat for protected species. It should be noted that under PPS9 the replacement/mitigation proposed should provide a nett gain in wildlife value.

12 Prior to the commencement of development the developer shall submit a "Sustainable Design and Construction" statement for the development. This statement shall include the measures to be incorporated at the design and construction stage in

order for the dwelling to achieve an Ecohomes "Very Good" rating or the equivalent standard under the Code for Sustainable Homes. Prior to first occupation of the dwelling, a further statement shall be submitted which confirms that the dwelling has achieved this standard. If the dwelling has not achieved the required sustainability standard, details of the changes to be made to the development to bring the dwelling up to the standard required and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development.

- 13 HWAY10 Vehicular areas surfaced, details reqd
- 14 HWAY19 Car and cycle parking laid out
- 15 HWAY21 Internal turning areas to be provided
- 16 HWAY31 No mud on highway during construction
- 17 HWAY40 Dilapidation survey

18 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs within the site. 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.

19 The use of the replacement barn E shall be used for purposes incidental and ancillary to the enjoyment of the dwelling house to which they relate and shall remain as such at all times.

Reason: In the interests of residential amenity.

20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no door, window or other opening additional to those shown on the approved plans shall at any time be inserted in the south eastern elevation of the buildings hereby approved.

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

21 The existing hedge along the south eastern boundary of the site shall be retained and shall not be wilfully damaged or destroyed or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Should the hedge be removed without such consent, or die, be severely damaged or

becoming seriously diseased it shall be replaced with a hedge of the same size and species details of which (including timescales for replacement) shall first be submitted to and approved in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers it important to safeguard this hedge in a positive manner so as to secure its continued well being.

22 No development shall commence unless and until details of provision for public open space facilities or alternative arrangements have been submitted to and approved in writing by the Local Planning Authority. The Open space shall thereafter be provided in accordance with the approved scheme or the alternatives arrangements agreed in writing by the Local Planning Authority and thereafter implemented, prior to first occupation of the development.

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

INFORMATIVE:

The alternative arrangements of the above condition could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution towards off site provision of open space. The obligation should provide for a financial contribution calculated at £1242.

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

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to Green Belt, Conservation Area, residential amenity and highway safety. As such the proposal complies with Policies GB1, GB2, GP1, GP4a, GP10, NE1, HE2, HE3, HE10, H3c, H4a and H5a of the City of York Draft Local Plan.

Contact details:

Author: Kirsty Catlow Development Control Officer

Tel No: 01904 551359