



Marcus Whitmore
planning studio

Planning, Design and Access Statement



Proposed Replacement Dwelling Moor Lane, Bishopthorpe, York

February 2024

Project Ref: 2307



Marcus Whitmore
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1 Introduction

- 1.1 This statement has been written in collaboration with Brierley Groom Architects in support of the planning application seeking permission for a replacement dwelling that is proposed to be built at Moor Lane, Bishopthorpe, York. Bishopthorpe village lies some 5 km to the south of York.
- 1.2 The application site lies within the general extent of the York Green Belt, as defined by the saved policies of the Yorkshire and Humber Spatial Strategy. The site is located within a cluster of dwellings which sit within the countryside between the settlements of Bishopthorpe (to the east) and Copmanthorpe (to the west). The site is positioned some 1.2 km to the southwest of the centre of Bishopthorpe and lies approximately 1 km south of the A64.
- 1.3 The site is currently occupied by a pair of 20th century semi-detached dwellings which have been extended to the rear and have been occupied as a single dwellinghouse following the grant of planning permission in 2007, which also allowed extensions and alterations to the property to facilitate its conversion.
- 1.4 The application proposes the demolition of the existing building on the site and its replacement with an architect-designed dwelling which takes influence from the Arts and Crafts architectural movement of the late 19th century.
- 1.5 This statement should be read in conjunction with the plans, drawings and documents submitted as part of the application, prepared by Brierley Groom Architects.



2 The Site and its Surroundings

- 2.1 The site comprises a pair of 20th century semi-detached dwellings, which are understood to have been occupied as a single dwelling since 2007. The property lies on the north side of Moor Lane within a cluster of dwellings of differing styles that are positioned in the open countryside a short distance to the southwest of the settlement of Bishopthorpe.
- 2.2 The existing dwelling has elevations of red brick with some rendered sections with a hipped roof covered in clay pantiles. The property has modern casement window frames throughout with bay windows to the ground floor of the front elevation, which faces onto Moor Lane. The property is two-storey in height with rooms located within the roof at second floor level, served by roof lights.
- 2.3 The existing dwelling has been extended to the rear in the past by a single storey, to provide additional rooms that overlook the rear garden. In 2007 planning permission was granted for the extensive remodelling of the dwelling and extensions to its front, rear and within the roof, although this permission was not implemented.
- 2.4 The property sits within a sizeable garden area, with lawned areas to its front and rear. The property also benefits from areas of woodland and a grass paddock lying to the north of the property's garden. The boundaries of the property are mainly defined by mature hedgerows and trees.
- 2.5 To the north of the site is a vacant builder's storage yard and buildings which have recently been the subject of an application for redevelopment of the site for 4 no. dwellings. The application was recently granted planning permission by the Local Planning Authority (LPA) under application reference 23/00391/FUL. The builder's yard site is generally well screened by mature hedgerows.
- 2.6 To the east of the site is the access to the builder's yard and to a sizeable, detached property known as South House.
- 2.7 To the south is the carriageway of Moor Lane with agricultural fields on its opposite side. To the west of the site are a number of dwellings, in a mix of single and one-and-a-half storeys. Slightly further along Moor Lane to the west are two larger two-storey detached dwellings, known as Northmoor and Meadow House, both of which have had two-storey extensions erected in the past.



- 2.8 The cluster of dwellings could be defined as a small ribbon development that has occurred along Moor Lane, although it is detached from the settlement of Bishopthorpe. In addition to the dwellings there are other buildings - commercial buildings and glasshouses – and storage areas, allotments and a playing field, which provides the area with a semi-rural character that sets it apart from the surrounding agricultural land. The development is contained and partially screened by hedgerows, trees and areas of woodland. The site and surrounding agricultural land is generally flat.

Planning History

- 2.9 The following relevant planning history for 4 Moor Lane is displayed online via the Council's public access website:

07/01446/FUL - Permission refused in August 2007 for alterations and extensions to facilitate conversion of existing pair of semi-detached dwellings to a single dwelling.

07/02202/FUL – Permission granted in November 2007 for first floor and single storey rear extensions, front dormer, new chimney to side, bay windows to front and external elevational alterations.

21/00856/FUL – Application for single storey extensions to rear, alterations to windows to front, dormer and porch to front and insertion of door openings to side withdrawn May 2021.

- 2.10 A pre-application submission was made in respect of the proposed replacement dwelling. The LPA's advice in respect of the submitted sketch proposals was that the proposal was materially larger than the existing extended property and therefore that it would constitute inappropriate development in the Green Belt and as such very special circumstances would be needed to outweigh the harm.
- 2.11 Other properties within the cluster of dwellings positioned north of Moor Lane have been extended in the past. The following permissions have been noted:

00/01483/FUL - Meadow House – Permission granted for the erection of two storey pitched roof side extension and replacement of single storey pitched roof with flat roof and roof lights to rear in August 2000.



03/00432/FUL – North Moor – Permission granted for erection of pitched roof conservatory and two storey extension to rear, dormer to front and porch to side in April 2003.

11/01690/FUL – Nursery – Permission granted for erection of two storey rear extension and replacement garage in September 2011.



3 The Proposal

- 3.1 The application proposes the erection of a replacement dwelling on the site following the demolition of the existing property. The design of the replacement dwelling has been amended following the receipt of pre-application advice from the LPA in order to respond to the concern raised that the proposal would represent a materially larger building than the one it replaces, which would harm openness.
- 3.2 The new dwelling is proposed to be sited on the footprint of the existing property, such that their respective footprints overlap. However, the new dwelling is proposed to be set slightly further back into the site, such that its front elevation would be positioned behind that of the existing dwelling.
- 3.3 The 'Site Plan as Proposed' (see extract below) shows how the footprint of the new dwelling relates to that of the existing property, including the extensions permitted in 2007. The proposed dwelling is of the same width as the existing property, with only the modest width of the proposed chimney on the east side extending beyond the existing footprint. Whilst the footprint of the rear section of the proposal dwelling is wider than the existing overall the footprints of existing and proposed are similar, taking into account the extensions permitted to be built in 2007.



Extract of Site Plan as Proposed by Brierley Groom Architects

- 3.4 The proposed dwelling is predominantly two-storeys in height with rooms in the roof served by a number of dormer windows. To the rear of the dwelling is a single storey element housing a kitchen and dining area and adjacent gym/games room.



- 3.5 The roof of the proposed dwelling is of a hipped design like that of the existing property, with a ridge height that is only 300mm higher than the existing property. The proposed dwelling does include additional floor space at first floor level when compared to the existing dwelling due to its greater depth.
- 3.6 The rear single storey flat roof element of the proposed dwelling extends to the same position as the existing rear wall of the single storey extension to the existing property, although it is some 1.7m lower than the existing, which has a pitched roof. The length of the rear flat roofed element falls well short (c.3.0m) of the rear wall of the approved 2007 planning application.
- 3.7 The design of the dwelling is inspired by the Arts and Craft movement of the late 19th century. The front elevation facing onto Moor Lane is proposed to have projecting gables to each side of an impressive entrance door with stone surround and a two-storey height window providing light to the internal staircase. The front elevation would have a number of windows with stone surrounds and projecting features with decorative timberwork to add visual interest. Attractively detailed brick chimney stacks would be positioned on the east and west sides of the property. The visualisations below show the attractive design of the proposed dwelling.



Visualisation of Front Elevation



Visualisation from the rear garden of the Property

- 3.8 The west facing side elevation is largely without windows to protect the privacy of the neighbouring dwelling (having only a single obscured glazed window serving an en-suite bathroom at first floor) whilst the east facing side elevation includes a number of window openings with stone surrounds, set either side of the impressive chimney stack. The rear elevation of the first and second floors continues the Arts and Crafts inspired theme with the flat roof single storey element detailed in a simpler, more contemporary manner with areas of floor to ceiling height glazing. As stated above, the height of the flat roof single storey element of the dwelling is some 1.7m lower in overall height than the existing rear extension, which has a pitched roof.
- 3.9 The existing vehicular access to the site would be retained and car parking provided along the site's west boundary as per the existing general configuration.
- 3.10 The front and rear gardens of the property would be landscaped in an attractive manner to complement the new dwelling, with the site's frontage opened up by a reduced height hedgerow to the front boundary with Moor Lane.



4 Relevant Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. This approach is endorsed by the National Planning Policy Framework (NPPF) and the online Planning Practice Guidance (PPG).

4.2 The Development Plan for the purposes of determining this planning application under Section 38(6) of the 2004 Act comprises:

The retained policies and Key Diagram relating to the Green Belt within the Yorkshire and Humber Regional Spatial Strategy (2008).

4.3 The City of York Council does not currently have a formally adopted local plan. Whilst its Draft Local Plan (April 2005) is used for development management purposes, it does not form part of the statutory development plan. Therefore, the weight to be attached to its policies, as material considerations, is very limited and given the passage of time and the more up-to-date policies of the emerging local plan is not considered further in this statement.

4.4 The emerging City of York Publication Draft Local Plan (2018) is at an advanced stage in the plan making process having been through an Examination in Public. Given this, it is considered that a reasonable degree of weight can be attached to its policies, as material considerations.

The Development Plan

Yorkshire and Humber Regional Spatial Strategy (2008)

4.5 Policies YH9C and Y1 of the Regional Spatial Strategy (RSS) establish the principle of the York Green Belt. These policies are set out in “The Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013”. The Key Diagram of the RSS illustrates the general extent of the Green Belt, but it does not give any determination as to the extent of its boundaries.

4.6 Policy YH9C states that:



“The detailed inner boundaries of the Green Belt around York should be defined in order to establish long term development limits that safeguard the special character and setting of the historic city.”

- 4.7 Policy Y1: York Sub Area advises that plans, strategies, investment decisions and programmes should define the detailed boundaries of the outstanding sections of the outer boundary of the York Green Belt about 6 miles from York city centre and the inner boundary in line with Policy YH9C. It also states that plans, strategies, investment decisions and programmes should protect and enhance the nationally significant historical and environmental character of York, including its setting, views of the Minster and important open areas.
- 4.8 The above indicates that the general extent of the York Green Belt has been established in principle for many years, although detailed boundaries have yet to be formally defined within an adopted development plan.
- 4.9 For this application, it is considered that the site lies within the general extent of the York Green Belt and as such it needs to be considered against national and local Green Belt policy, as these are material considerations.

Material Considerations

- 4.10 The policies of the Draft Local Plan (2018) which are considered relevant to the proposal include the following:
- DP2: Sustainable Development
 - SS2: The Role of York’s Green Belt
 - GB1: Development in the Green Belt
 - D1: Placemaking
 - D2: Landscape and Setting
 - GI2: Biodiversity and Access to Nature
 - GI4: Trees and Hedgerows
 - CC2: Sustainable Design and Construction of New Development
 - ENV2: Managing Environmental Quality
 - ENV4: Flood Risk
 - ENV5: Sustainable Drainage.
- 4.11 The other material policy considerations relating to this application include the National Planning Policy Framework (NPPF) (2023) – primarily Section 13: ‘Protecting Green Belt land’ and the online Planning Practice Guidance (PPG).



4.12 The City of York Council has no adopted Supplementary Planning Documents that are considered to be relevant to the proposal.



5 Planning Assessment

- 5.1 Having regard to the planning policies identified in Section 4 of this statement, and in accordance with Section 38 (6) of the 2004 Act, the proposal is considered in relation to the development plan and other material considerations below.
- 5.2 The following matters are the key issues in the consideration of the proposal:

- Principle of Development
- Development in the Green Belt
- Design and Appearance
- Sustainability
- Ecology and Biodiversity
- Flood Risk and Drainage
- Residential Amenity
- Access
- Very Special Circumstances.

Principle of Development

- 5.3 The site is located outside of a settlement boundary and is considered to be located within the general extent of the York Green Belt as defined in the retained policies of the Regional Spatial Strategy (RSS).
- 5.4 The City of York Local Plan Publication Draft (2018) proposes that the site remains in the Green Belt. The Draft Local Plan (2018) seeks to define the boundaries of the Green Belt around York. Policy GB1 of the Draft Local Plan (2018) states that permission will only be granted for development where:

The scale, location and design of development would not detract from the openness of the Green Belt

It would not conflict with the purposes of including land within the Green Belt, and

It would not prejudice or harm those elements which contribute to the special character and setting of York.



- 5.5 The policy goes on to advise that development must be for one of a number of purposes, including:

“limited extension, alteration or replacement of existing buildings”.

- 5.6 The policy also advises that all other forms of development within the Green Belt are considered to be inappropriate and very special circumstances will be required to justify such development.

- 5.7 Paragraph 10.10 of the Draft Local Plan (2018) notes that:

“The principle of existing buildings in the Green Belt and open countryside being demolished and replaced by a new building is acceptable provided it is on a one-for-one basis, and the new building is in the same use and not materially larger than the one it replaces.”

- 5.8 In principle, it is considered that the redevelopment of the site for a replacement dwelling accords with Policy GB1 of the Draft Local Plan (2018) and national policy as set out in the NPPF, subject to the further considerations set out below.

Development in the Green Belt

- 5.9 Policy GB1 of the Draft Local Plan (2018) and its associated text aligns with the guidance on Green Belts in the NPPF, i.e. that the replacement of a building is not inappropriate development provided the new building is not materially larger than the one it replaces.

- 5.10 Following consideration of the pre-application advice received from the LPA the footprint and massing of the replacement dwelling has been reduced in order to more closely align with that of the existing dwelling. The existing and proposed dwellings have similar footprints at ground floor level, although these are slightly different in their configuration. At first floor level the floor area of the proposed dwelling is larger than that of the existing house, but its design seeks to minimise the additional visual mass at this upper level. In addition, the roof of the proposed dwelling is proposed to be hipped with the rear wings set under hipped gables that sit below the main ridge of the dwelling.

- 5.11 Whilst it is acknowledged that the existing dwelling has been extended in the past and that one proposal in 2007 allows for further extensions to the dwelling, in this instance the replacement dwelling is not considered to be materially larger than the



existing dwelling due to the careful consideration given to its visual massing through the following factors:

- The setting back of the front elevation in relation to the existing house
- The articulation given to the front elevation
- The matching of the alignment of the rear elevation to that of the existing dwelling
- Proposing that the single storey section of the property is some 1.7m lower than the existing
- Setting in the rear wings and hipping the roof of the rear gables
- The design quality of the Arts and Craft inspired architecture.

- 5.12 The context of the site is also considered to be important in the consideration of the above matter, as the replacement dwelling would sit in a very similar position to the existing dwelling within an established cluster of dwellings that are in a variety of designs and sizes, and that give the locality a semi-rural character.
- 5.13 Together with its neighbouring dwellings (and the permitted four new dwellings on the adjacent former builder's compound) the building on the site comprises an established development of mainly two-storey dwellings, that are distinctly different in character to the countryside that surrounds them. Collectively their impact on openness is modest when compared to the extent of the undeveloped countryside they sit within. The collection of dwellings is easily understood to be a modest enclave of development within the Green Belt and previous development has been allowed that has resulted in properties being enlarged with no real impact on openness. The residential character of this localised area of development has been reinforced by the recent permission granted by the LPA for four detached dwellings on the land immediately adjacent to the site, which the LPA considered did not materially impact on openness.
- 5.14 Whilst 'openness' is not defined in the NPPF a number of factors can be considered as relevant to the concept. Both visual and spatial factors are included as referred to in the government's online Planning Practice Guidance regarding Green Belt. This advises that the courts have identified a number of matters that need consideration, including that:

"openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume".



5.15 It is considered that individually and as part of the wider collection of dwellings along Moor Lane, the increase in the size of the replacement dwelling in comparison with the existing property will result in no material impact on the openness of the Green Belt from both spatial and visuals perspectives.

5.16 In addition to the above, the replacement dwelling is not considered to conflict with criteria I – iii of Policy GB1 of the Draft Local Plan (2018), as follows:

The scale, location and design of development would not detract from the openness of the Green Belt

5.17 The development is of a similar scale, location and form to the existing dwelling it replaces, particularly in terms of its hipped roof design. The quality of the Arts and Crafts inspired design and the reduction of the overall visual mass of the dwelling by the setting in and setting down of different elements of the first floor and roof results in the replacement dwelling not being materially larger than the existing property. In addition, the setting back of the new dwelling within the site in relation to the existing, the increase in the articulation of the front elevation in comparison with the existing and the complementary landscape treatment of the front garden is considered to ensure that the openness of the Green Belt is not detracted from. Taking a balanced view, it is considered that the quality of the design of the replacement dwelling, and the appropriate landscape treatment of its grounds, will safeguard the openness of the Green Belt.

It would not conflict with the purposes of including land within the Green Belt

5.18 As the NPPF advises, the Green Belt serves five purposes. These are:

- a) to check the unrestricted sprawl of large built-up areas
- b) to prevent neighbouring towns merging into one another
- c) to assist in safeguarding the countryside from encroachment
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.19 The site's location within an established cluster of houses within the Green Belt means that its redevelopment on a one-for-one basis does not impact on any of the purposes of the Green Belt. In terms of purpose a) the development would take place within a relatively isolated cluster of dwellings which would not result in sprawl. In relation to purpose b) the development would not extend the cluster of existing dwellings in Moor Lane that are positioned some distance from Copmanthorpe and Bishopthorpe such that the merging of neighbouring settlements would not occur. With regard to purpose c) the development would take place on a



plot that already accommodates a two-storey dwelling within an established group of dwellings so no encroachment into the countryside would occur. In terms of purpose d) the location of the scale of the replacement dwelling in relationship to the existing means that there would be no impact on the setting and special character of York, as an historic settlement. Finally, in respect to purpose e) the proposal is for a replacement dwelling rather than new dwellings that might otherwise be built on urban land – that said the site is itself previously developed land, with the replacement dwelling sited on the footprint of the existing building. The development result in the regeneration of the site itself insofar as it would replace a property of poor visual and thermal quality with an attractive, energy efficient dwelling.

It would not prejudice or harm those elements which contribute to the special character and setting of York

- 5.20 In 2003 the Council published an appraisal of the Green Belt, which largely comprised an assessment of the purpose of the Green Belt to preserve the setting and special character of historic towns. Whilst the appraisal identified a number of areas of open countryside that reinforce the rural setting of the historic city of York the area in which the site is located, between Copmanthorpe and Bishopthorpe, is categorised as one that prevents coalescence, i.e. it serves no purpose in terms of the setting and special character of York.
- 5.21 Given the above, it is considered that the replacement dwelling can be considered to be appropriate development within the Green Belt and one which when compared to the existing dwelling, and taking account the site's setting within an established group of dwellings, will have no material impact on the openness of the Green Belt in accordance with Policy GB1 of the Draft Local Plan (2018) and guidance in the NPPF.

Design and Appearance

- 5.22 Government planning policy as outlined in paragraph 130 of the NPPF which indicates that planning decisions should ensure that development is visually attractive as a result of good architecture and layout together with appropriate and effective landscaping. Policy D1 of the Draft Local Plan indicates that development proposals will be supported where they improve existing poor existing urban and natural environments.
- 5.23 The existing property on the site was originally built as a pair of semi-detached dwellings and has been much altered over time. It is considered to be bland in appearance and currently sits within poorly landscaped grounds. The applicants



have commissioned Brierley Groom Architects to design of a replacement dwelling inspired by the Arts and Craft movement of the late 19th century. The applicants' current home (of 10 years) is a Walter Brierley designed grade 2 listed building, known as Bishopthorpe Garth, which itself is built in the Arts and Craft style.

5.24 The replacement dwelling at Moor Lane contains the distinguishing features of the Arts and Crafts movement, including:

- Asymmetry
- Clarity of form and construction
- Craftsmanship
- Variety of materials.

5.25 Asymmetry is expressed through the differing plan shapes and changing rooflines of the dwelling, whilst clarity of form and construction is demonstrated with simple shapes that reflect the internal arrangements of the property. Craftmanship and variety in materials is expressed through use of projecting elements such as the gables with decorative timberwork and robust stone and timber features around the windows. The use of stone and timber is proposed to complement the walls of the property, which are to be constructed in a mellow brick with the hipped roof of the property covered in grey plain tiles.

5.26 The design also incorporates a simpler contemporary architecture to the single storey rear element of the dwelling, providing open place living areas served by a roof lantern and large glazed openings overlooking the rear garden. As stated previously the replacement dwelling is proposed to be sited on the footprint of the existing dwelling, although it is to be set slightly further back from the site's frontage with Moor Lane. Therefore, its general relationship with the dwellings in the vicinity will not change, although the new house will be much more visually attractive and will be set within attractively landscaped grounds, with the site's frontage opened up by the removal of the existing tall conifer hedgerow and its replacement with more appropriate planting.

5.27 The drawings and visualisations that have been produced in support of the proposals demonstrate that the scheme will be of high-quality design, both in terms of the architectural design of the dwelling and the associated landscaping within its curtilage. Overall, the proposals are considered to be a suitable response to the site's context in relation to appearance, scale, massing and layout. Indeed, it is considered that the design response it entirely appropriate and will result in a positive impact as



the site currently accommodates a visually and thermally poor building, within garden areas that have been poorly managed.

- 5.28 The design approach has very much been led by the Applicants' vision for the site, as explained in their personal statement. This includes that:

"We chose the local architects Brierley Groom for this project due to their firm's historical connection with our existing home Bishopthorpe Garth, which was designed by Walter Brierley, and built in 1908.

The practice, which has played an integral role in the historical architecture of York since 1750, was once owned by Walter Brierley. He is known for having created over 300 buildings in the York area and across the north of England between 1885 and the time of his death in 1926. He is known as the "Lutyens of the North".

Our vision is - rather than renovate the current tired, architecturally bland, poorly insulated and energy hungry property - to replace it with a single detached house of traditional design that will enhance the street scene and provide quality accommodation for many years to come. It will be built using the most up-to-date sustainable materials with the latest energy saving and ecological features. The property has been designed by Brierley Groom, taking influence from our love of the Arts and Crafts movement and the previous work of Walter Brierley. The proposed dwelling will contrast with and complement the other individually designed properties on Moor Lane."

- 5.29 The quality of the Arts and Crafts inspired architecture of the proposed dwelling will ensure a visually attractive development will be carried out, which along with the landscaping of the garden in a complementary manner will improve the visual amenity of the locality, in compliance with the guidance in the NPPF and Policies D1 and D2 of the Draft Local Plan (2018).

Sustainability

- 5.30 Policy CC2: Sustainable Design and Construction of New Development of the Draft Local Plan (2018) encourages new development to demonstrate high standards of sustainable design and construction. It requires proposals to demonstrate energy and carbon dioxide savings with reductions over the requirements of certain parts of the Building Regulations.



- 5.31 Brierley Groom Architects are aware that by adopting the correct approach to construction a significant contribution can be made to sustainable development. Therefore, the first step of any sustainable design strategy must always be to reduce the basic energy demand of the property. To reflect this approach, Brierley Groom are proposing the following:

All new building fabric elements will achieve a thermal performance that is better than the current requirements of Part L of the Building Regulations
The new lighting installations will incorporate high efficiency light sources and automatic controls
The new heat generating equipment will be selected to allow operation at the highest possible efficiencies. Air or Ground Source Heat Pumps will be used
Any mechanical ventilation systems will incorporate heat recovery
Rainwater harvesting is proposed.

- 5.32 Having undertaken the above to ensure that the energy demand is reduced, consideration will be given to a number of strategies that will allow the energy to be delivered in the most carbon efficient manner and to give consideration to on-site generation as appropriate. The principal benefits of adopting a sustainable approach include:

Assisting with the provision of high-quality accommodation
Providing long-term social and environmental benefits to the owner and the wider community
Reducing energy consumption and promoting renewable energy sources.

- 5.33 Brierley Groom have advised that they will aim to minimise the use of non-renewable resources in the development and where possible materials such as bricks already on the development site will be re-used. Any waste generated through the development will be managed safely, recycled and/or reused. The 'whole life' costs of the materials will be considered.

- 5.34 In terms of water conservation, re-use and disposal the following energy saving measures available for the cold water and domestic hot water services will be used:

All cold and hot water pipework will be well insulated to minimise heat distribution gains and losses
Low flush or reduced cistern volume toilets are to be incorporated
Where appropriate flow limiters will be fitted to the shower outlets.



- 5.35 Electrical consumption represents a significant load for modern homes and the following measures will be implemented to reduce consumption:

Where possible LED or other high efficiency light sources will be utilised
Daylight and presence detection will be utilised to automatically switch lighting off in areas of the house which are not being use
The bathroom/toilet ventilation systems will operate on variable air volumes to reduce the fan power and the volume of air that is to be heated.

- 5.36 The above approach, which is fully endorsed by the applicants, is considered to accord with the requirements of Policy CC2 of the Draft Local Plan (2018) encourages new development to demonstrate high standards of sustainable design and construction.

Ecology and Biodiversity

- 5.37 Policy GI2: Biodiversity and Access to Nature of the Draft Local Plan (2018) requires that in order to conserve and enhance York's biodiversity, new development should result in a net gain to, and help to improve, biodiversity.
- 5.38 A Preliminary Ecological Appraisal (PEA) of the wider site in the applicants' ownership has been undertaken by Wold Ecology and a report prepared dated September 2023. The report contains a Phase 1 Habitat Map for the site which includes a variety of habitats including amenity grassland and bare ground around the existing dwelling with areas of semi-improved grassland, mixed tree and conifer plantations tree and hedgerows.
- 5.39 The extract from the Habitat Map shown on the following page shows that the majority of the land within the garden area is amenity grassland (yellow) along with bare ground (shown dotted) and introduced shrub (shown in brown hatching).
- 5.40 The PEA confirms that the site is suitable for nesting birds and as such it advises that the timing of any site clearance works should be outside the bird nesting season. It also confirms that no evidence of bats roosting within the buildings on the site was recorded and that therefore no further surveys are recommended in respect of bats. In addition, the PEA does not recommend any further surveys for badger, great crested newt or reptiles.



Extract from Phase 1 Habitat Map of site by Wold Ecology

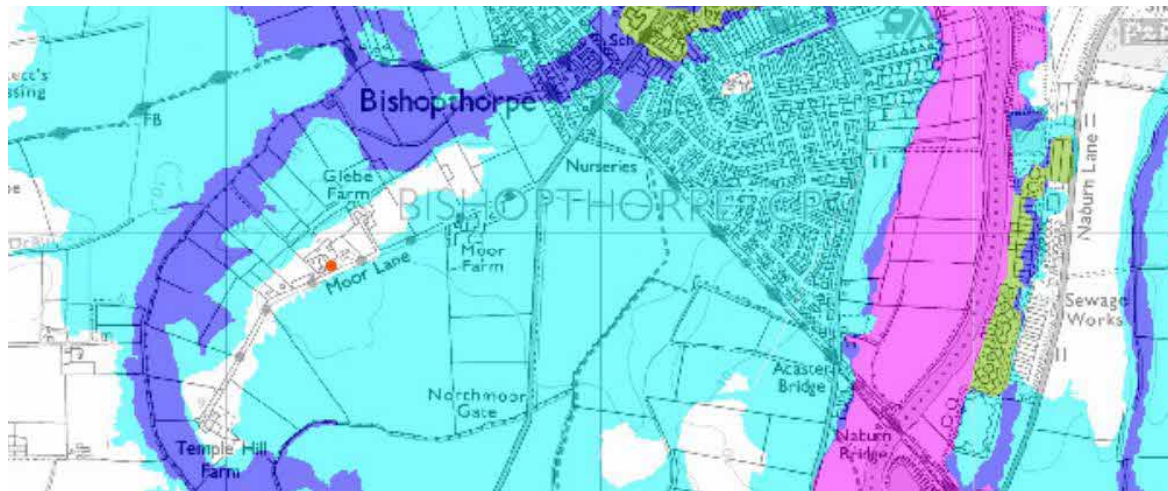
- 5.41 The PEA does record the present of Himalayan balsam on the site and recommends that this invasive species be removed by a specialist contractor.
- 5.42 In terms of biodiversity gains and recommendations the PEA sets out advice on the protection of hedgerows and trees during construction works and recommends that an Ecological Enhancement Management Plan is produced in order to maintain and enhance the site's ecological value. It also recommends that in order to increase nesting opportunities for birds and roosting opportunities for bats that suitable boxes are erected on the site.
- 5.43 It is considered that conditions can be imposed on any grant of planning permission requiring that an Ecological Enhancement Management Plan be drawn up for the site and that various measures be introduced, including bird and bat boxes, in order to increase the biodiversity of the site. This approach is considered to ensure the development accords with Policy GI2.

Flood Risk and Drainage

- 5.44 Policy ENV4: Flood Risk of the Draft Local Plan (2018) states that new development should not be subject to unacceptable flood risk and should be designed and constructed in such a way that mitigates against current and future flood events. It also advises that an assessment of whether proposed development is likely to be affected by flooding and whether it will increase flood risk locally and elsewhere in the catchment must be undertaken.



- 5.45 In this instance the application site lies within Flood Zone 1 (low risk) as shown below on the extract from Figure 10b of York's Strategic Flood Risk Assessment Documents. The application site is shown with a red dot and sits within Flood Zone 1 (white area) along with its neighbouring properties on Moor Lane.



Extract from Figure 10b of the York Strategic Flood Risk Assessment

- 5.46 The area of the footprint and roof of the replacement dwelling is similar to that of the existing property on the site and as a result surface water runoff will not be materially increased over the existing situation.
- 5.47 As the site is not located in an area at risk of flooding and the application is for a minor development on a site with an area of less than 1 hectare a flood risk assessment is not warranted in this instance.
- 5.48 Given the above, the proposal raises no conflict with Policy ENV4 of the Draft Local Plan (2018).
- 5.49 In terms of drainage, Policy ENV5: Sustainable Drainage of the Draft Local Plan (2018) requires that for all development on brownfield sites, surface water flow shall be restricted to 70% of the existing runoff rate (i.e. a 30% reduction in relation to existing runoff). The policy states that sufficient attenuation and long-term storage should be provided to ensure surface water flow does not exceed the restricted runoff rate. Policy ENV5 requires that Sustainable Drainage System (SuDS) methods of source control and water quality improvement be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes.



- 5.50 The site is currently served by soakaways which convey the surface water from the site to the ground. As there is no material increase in roofing and hard surfacing within the plot over the existing situation it is proposed that the existing soakaways will continue to be utilised. In addition, foul water drainage will be discharged to the existing mini treatment plant which already serves the existing dwelling. Dealing with surface water within the site itself, by infiltration, is considered to comply with Policy ENV5.

Residential Amenity

- 5.51 The relationship of the proposed replacement dwelling with its neighbours is such that residential amenity will not be impacted.
- 5.52 There is one immediate neighbour to the site, which is a one-and-a-half storey dwelling positioned to the west, known as Swiss Cottage. The west facing side elevation of the replacement dwelling features only one obscured glazed window that will serve an en-suite bathroom at first floor. This will ensure that there is no loss of privacy to, or harmful overlooking of, the neighbour. It should be noted that the existing dwelling has an existing window at first floor level on its side elevation facing the neighbour, which provides light to the staircase/landing.
- 5.53 The proposed dwelling has a deeper plan form at first floor level which will result in additional walling and roofing at a higher level than the existing property, positioned to the side but also behind the rear elevation of the immediate neighbour. However, given the separation distance between the proposed dwelling and the neighbour and the landscaped shared boundary between the plots, the additional visual mass of brick walling and hipped roof will not result in overbearing effect on the neighbour, with any views softened by the existing planting along the shared boundary which is proposed to be retained.
- 5.54 All other neighbours are positioned a sufficient distance from the site such that no impact on amenity would arise.
- 5.55 Given the above, the proposed development is considered to accord with Draft Local Plan (2018) Policies D1 and ENV2.

Access

- 5.56 Access to the dwelling will meet all requirements set out within the current Building Regulations relating to new housing.



- 5.57 Vehicle access to the site is through the existing access from Moor Lane. Appropriate on-site vehicle parking and turning is created within the site.

Very Special Circumstances

- 5.58 Whilst the proposed replacement dwelling is considered to be appropriate development within the Green Belt in line with paragraph 149 of the NPPF, it is considered that there are very special circumstances in this case that weigh in favour of the development should the LPA consider that these are required in support of the proposals.

- 5.59 Paragraph 148 of the NPPF advises 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 resulting from the proposal, is clearly outweighed by other considerations.”

- 5.60 Whilst the factors in this case are considered to support the argument that the replacement dwelling is not materially larger than the one it replaces, and that the proposal will result in no material impact to the openness of the Green Belt, if the LPA considers that the dwelling requires ‘very special circumstances’ to outweigh the very limited harm that would arise then the following points should be noted.

- 5.61 Whilst it is acknowledged that applicants must identify factors that are specific to their site when seeking to argue that very special circumstances apply in their case, these factors in themselves need not be very special, but can amount to very special circumstances in relation to a particular case.

- 5.62 In this case, very special circumstances are considered to exist due to the following combination of factors:

1. The development proposes a new dwelling of high-quality design, resulting in an Arts and Crafts inspired property that builds on the legacy of Walter Brierley in Bishopthorpe and York. The architects practice of Brierley Groom has been specifically chosen by the Applicant in order to deliver a new dwelling that is inspired by the architectural attributes of their current home,



Bishopthorpe Garth, a grade 2 listed Arts and Crafts dwelling designed by Walter Brierley, which was built in 1908.

2. The new dwelling will be highly energy efficient and utilise renewal and other technologies that will minimise its carbon emissions, replacing a thermally and aesthetically poor dwelling.
3. The site does not provide a strong contribution to Green Belt purposes
4. The redevelopment of the site would have no material impact on the openness of the Green Belt as it forms part of an established cluster of houses of mixed character positioned along Moor Lane
5. The site is previously developed land that accommodates a bland and much altered property standing in poorly maintained grounds.



6 Conclusions

- 6.1 The replacement dwelling is considered to be appropriate development within the Green Belt and one which when compared to the existing dwelling and taking account the site's setting within an established group of dwellings will have no material impact on the openness of the Green Belt in accordance with Policy GB1 of the Draft Local Plan (2018) and guidance in the NPPF.
- 6.2 In design terms, the quality of the Arts and Crafts inspired architecture of the dwelling will ensure it is visually attractive and together with the landscaping of the garden it will enhance the visual amenity of the locality, in compliance with the guidance in the NPPF and Policies D1 and D2 of the Draft Local Plan (2018).
- 6.3 The dwelling is proposed to incorporate high standards of sustainable design and construction, and the approach to be adopted is considered to accord with the requirements of Policy CC2 of the Draft Local Plan (2018).
- 6.4 In relation to ecology, it is considered that conditions can be imposed on the grant of planning permission requiring that an Ecological Enhancement Management Plan be drawn up for the site and that various measures be introduced, including bird and bat birds, in order to increase the biodiversity of the site, in accordance with Policy GI2 of the Draft Local Plan (2018).
- 6.5 The proposal will not result in a material increase in hard surfacing within the site and it is proposed that the existing soakaways will continue to be utilised. Ensuring that surface water is drained within the site itself, by infiltration, is considered to comply with Policy ENV5.
- 6.6 The proposal is not considered to result in any unacceptable impacts on residential amenity and therefore complies with Policies D1 and ENV2 of the Draft Local Plan (2018).
- 6.7 As stated above, it is considered that the proposed replacement dwelling is appropriate development in the Green Belt in accordance with national and local planning policy. However, if the LPA considers that the development requires very special circumstances to support it, these are set out at the end of Section 5 of this statement.



Marcus Whitmore
planning studio