



Meeting: **PLANNING COMMITTEE**
Date: **WEDNESDAY 6 DECEMBER 2017**
Time: **2.00 PM**
Venue: **COUNCIL CHAMBER**
To: **Councillors J Cattanach (Chair), D Peart (Vice Chair), Mrs E Casling, I Chilvers, J Deans, I Reynolds, R Packham, C Pearson and P Welch.**

Agenda

- 1. Apologies for Absence**
- 2. Disclosures of Interest**

A copy of the Register of Interest for each Selby District Councillor is available for inspection at www.selby.gov.uk.

Councillors should declare to the meeting any disclosable pecuniary interest in any item of business on this agenda which is not already entered in their Register of Interests.

Councillors should leave the meeting and take no part in the consideration, discussion or vote on any matter in which they have a disclosable pecuniary interest.

Councillors should also declare any other interests. Having made the declaration, provided the other interest is not a disclosable pecuniary interest, the Councillor may stay in the meeting, speak and vote on that item of business.

If in doubt, Councillors are advised to seek advice from the Monitoring Officer.

- 3. Chair's Address to the Planning Committee**
- 4. Suspension of Council Procedure Rules**

The Planning Committee is asked to agree to the suspension of Council Procedure Rules 15.1 and 15.6(a) for the committee meeting. This facilitates an open debate within the committee on the planning merits of the application without the need to have a proposal or amendment moved and seconded first. Councillors are reminded that at the end of the debate the Chair will ask for a proposal to be moved

and seconded. Any alternative motion to this which is proposed and seconded will be considered as an amendment. Councillors who wish to propose a motion against the recommendations of the officers should ensure that they give valid planning reasons for doing so.

5. Minutes

To confirm as a correct record the minutes of the Planning Committee meeting held on 8 November 2017 (pages 5 to 14 attached).

6. Planning Applications Received (pages 17 to 148)

- 6.1 2017/0272/FUL – Carlton Supermarket and Post Office, High Street, Carlton (pages 17 – 28 attached).
- 6.2 2017/0820/FULM – Hollygarth, 17 Holly Grove, Thorpe Willoughby (pages 29 – 50 attached).
- 6.3 2017/0443/REM – Land Adj to Station Mews, Church Fenton (pages 51 – 62 attached).
- 6.4 2017/0706/FUL – Oakwood, Main Street, Healaugh (pages 63 – 80 attached).
- 6.5 2016/1170/FUL – North House Farm, Main Street, Skipwith (pages 81 – 96 attached).
- 6.6 2016/0673/FUL – Windmill, Old Road, Appleton Roebuck (pages 97 – 128 attached).
- 6.7 2016/0675/LBC – Windmill, Old Road, Appleton Roebuck (pages 129 – 148 attached).

7. Private Session – Exclusion of Press and Public

The Committee may exclude the press and public for the following item of business and to do so it must pass a resolution in the following terms:

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and Public during discussion of the following item as there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) of the Act (information relating to the financial or business affairs of any particular person, including the authority holding that information).

8. Outline planning application for residential development including access (all other matters reserved) – Appeal of Members’ decision

To receive the report (pages 149 - 154 attached).

Gillian Marshall
Solicitor to the Council

Dates of future meetings
Wednesday 10 January 2018
Wednesday 7 February 2018
Wednesday 7 March 2018
Wednesday 11 April 2018

For enquiries relating to this agenda please contact Victoria Foreman on 01757 292351, or email to vforeman@selby.gov.uk

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Planning Committee

Venue:	Council Chamber
Date:	Wednesday 8 November 2017
Time:	2.00pm
Present:	Councillors J Cattnach (Chair), D Buckle (for C Pearson), I Chilvers, J Deans, R Packham, D Peart, I Reynolds and P Welch.
Officers present:	Gill Marshall, Solicitor to the Council; Ruth Hardingham, Planning Development Manager; Diane Wilson, Planning Officer (for minute items 34.6 and 34.7); Keith Thompson, Senior Planning Officer (for minute items 34.2 and 34.5); Paul Edwards, Principal Planning Officer (for minute item 34.9), Andrew Martin, Principal Planning Officer (for minute items 34.8 and 36), Jenny Tyreman, Senior Planning Officer (for minute item 34.3), Simon Eades, Senior Planning Officer (for minute items 34.1 and 34.4), Phil Crabtree, Interim Head of Planning (for minute item 36) and Victoria Foreman, Democratic Services Officer
Public:	23
Press:	1

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors E Casling and C Pearson. Councillor D Buckle was in attendance as a substitute for Councillor C Pearson.

30. DISCLOSURES OF INTEREST

Councillor J Deans declared a non-pecuniary interest in relation to applications 2017/0229/FUL – Oakwood Lodges, Oakwood Park, Market Weighton Road, 2017/0528/FUL – Birchwood Lodge, Market Weighton Road and 2017/0665/FUL – Fair View, York Road, Cliffe as he had received representations from objectors on each application.

Councillor I Reynolds declared a non-pecuniary interest in relation to application 2017/0530/FUL – Land to the West of 2 North View, Moor Lane, Catterton as he knew the applicant but had not spoken to him about the application.

All Committee members declared a non-pecuniary interest in relation to applications 2016/0673/FUL and 2016/0675/LBC – Windmill, Old Road, Appleton Roebuck, as they had received telephone calls regarding the applications, but had not entered in to debate about the schemes.

31. CHAIR’S ADDRESS TO THE PLANNING COMMITTEE

The Chairman informed the Committee that applications 2016/0673/FUL and 2016/0675/LBC – Windmill, Old Road, Appleton Roebuck had been withdrawn and would not be considered at the meeting. The Planning Development Manager confirmed that the applications were not in the green belt as stated in the report, and as such needed to be reassessed before consideration by the Committee.

The Committee noted that the order of the agenda had been adjusted to reflect the number of public speakers registered in relation to each application. The order of business would therefore be as follows:

1. 2017/0614/COU Fields Farm, Butts Lane, Lumby, Leeds
2. 2017/0443/REM – Land Adj to Station Mews, Church Fenton, Selby
3. 2017/0528/FUL – Birchwood Lodge, Market Weighton Road, Barlby, Selby
4. 2017/0665/FUL – Fair View, York Road, Cliffe, Selby
5. 2017/0229/FUL – Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby
6. 2017/0804/FUL – Maspin Grange, Hillam Common Lanem Hillam, Leeds
7. 2017/0816/FULM – Land At Byram Park Road, Byram, Knottingley
8. 2017/0235/FUL – Willowdene, Hull Road, Hemingbrough, Selby

Lastly, the Chairman advised the Committee that an update note had been circulated by officers.

32. SUSPENSION OF COUNCIL PROCEDURE RULES

The Committee considered the suspension of Council Procedure Rules 15.1 and 15.6 (a) to allow for a more effective discussion when considering planning applications.

RESOLVED:

To suspend Council Procedure Rules 15.1 and 15.6 (a) for the duration of the meeting.

33. MINUTES

The Committee considered the minutes of the Planning Committee meeting held on 11 October 2017.

RESOLVED:

To approve the minutes of the Planning Committee meeting held on 11 October 2017 for signing by the Chairman.

34. PLANNING APPLICATIONS RECEIVED

The Committee considered the following planning applications:

34.1 Application: 2017/0614/COU

Location: Fields Farm, Butts Lane, Lumby, Leeds

Proposal: Proposed change of use of agricultural building to child daycare (D1 Use Class) with external alternation to windows and doors

The Senior Planning Officer presented the application that had been brought before the Committee because there were 10 representations contrary to the officer recommendation.

The Committee was informed that the application was for a change of use of an agricultural building to child daycare (D1 Use Class) with external alterations to windows and doors.

The Committee noted that the application was recommended for refusal because the scheme was not located within the development limits of the village or on an existing school or village site, and was not in a sustainable location; it was not easily or safely accessible.

In reference to the officer update note, the Planning Officer explained that there were minor alterations to the summary and paragraph 2.6 of the report, but these did not add any further issues than those already raised.

Ray Goodman, representing the objectors, spoke in objection to the application.

Kathryn Ward representing South Milford Parish Council spoke in objection to the application.

Councillor D Hutchinson spoke in objection to the application as Ward Member.

Craig Smith, agent, spoke in support of the application.

It was proposed and seconded that the application be refused.

RESOLVED:

To REFUSE the application for the reasons set out in paragraph 6.1 of the report.

34.2 Application: 2017/0443/REM

Location: Land Adj to Station Mews, Church Fenton, Selby

Proposal: Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)

The Senior Planning Officer presented the application that had been brought before the Committee due to there being more than 10 objections to the proposal.

The Committee was informed that the application was for reserved matters relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

In reference to the officer update note, the Senior Planning Officer explained that the agent had agreed a greater separation distance of 12.5m between no 17. Fieldside Court and the dwelling at plot 5. Revised plans had been submitted that morning, and it was recommended that the revised plans be re-consulted on for 14 days to allow neighbours to review them.

The Committee felt that the application should not be considered until the plans had been re-consulted on and circulated to all relevant parties, including the Planning Committee.

It was proposed and seconded that the application be deferred.

RESOLVED:

To DEFER the application for consideration at a future meeting of the Planning Committee following re-consultation of the revised plans.

34.3 Application: 2017/0528/FUL

Location: Birchwood Lodge, Market Weighton Road, Barlby, Selby

Proposal: Proposed construction of hangar/storage building

The Senior Planning Officer presented the application that had been brought before the Committee as it had been called in by a District Councillor.

In reference to the officer update note, the Senior Planning Officer explained that since the Committee report had been written, Cliffe Parish Council had made representations on the application. The applicant had also responded to the comments of the neighbouring properties and Parish Council.

Michael McDonald, representing the objectors, spoke in objection to the application.

Councillor K Arthur spoke in objection to the application as Ward Member.

The Committee debated the application and raised concerns relating to the location of the hangar, its height and massing and the impact it could have on neighbouring properties and the surrounding area. Some Committee Members also felt that it was an incursion into the open countryside.

An amendment was proposed and seconded that the application be refused, contrary to the officer's recommendation of approval. The amendment was supported by the Committee.

It was proposed and seconded that the application be refused.

RESOLVED:

To REFUSE the application for the following reasons:

- **Intrusion into the open countryside;**
- **Overdevelopment of the rural setting;**
- **Detrimental impact on neighbouring residential amenity.**

34.4 Application: 2017/0665/FUL

Location: Fair View, York Road, Cliffe, Selby

Proposal: Proposed erection of detached single storey dwelling

The Senior Planning Officer presented the application that had been brought before the Committee at the request of the Ward Member.

The Committee was informed that the item before them was for the proposed erection of a detached single storey dwelling.

In reference to the officer update note, the Senior Planning Officer explained that Cliffe Parish Council had made some additional comments on the application since the report had been published.

In response to a query regarding the built form of the proposal, the Senior Planning Officer explained it was considered that the scheme introduced an alien back-land form of development which was out of keeping with the character and form of that part of the village.

Councillor K Arthur spoke in support of the application as Ward Member.

Mark Newby, agent, spoke in support of the application.

The Committee noted that counsel's advice had been sought regarding interpretation of the Core Strategy Policy SP4, and that other permissions granted in the area which had been cited by some Members had been made under a different policy context.

The Committee were reminded that in order to approve an application that was contrary to the Development Plan, material considerations were required. It was the opinion of officers that there were no material considerations to support the approval of this application.

An amendment was proposed and seconded that the application be deferred in order for sufficient reasons for approval to be given. The amendment was not supported by the Committee.

It was proposed and seconded that the application be refused.

RESOLVED:

To REFUSE the application for the reasons set out at paragraph 6.0 of the report.

34.5 Application: 2017/0229/FUL

Location: Oakwood Lodges, Oakwood Park, Market Weighton Road, North Duffield, Selby

Proposal: Section 73 to vary/remove conditions 05 (access), 10 (access) and 17 (access) of approval 2006/1531/FUL for the erection of fourteen holiday cabins, community building and associated works

The Senior Planning Officer presented the application that had been brought before the Committee as it had been called in by a District Councillor.

The Committee was informed that the item before them was a Section 73 application to remove conditions attached to a planning approval for application 2006/1531/FUL. The Committee was advised that the proposal sought to remove conditions that related to access to the site including conditions 5, 10 and 17.

The application was deferred from the October meeting as the Committee expressed a concern that without the existing conditions as a point of reference, it was difficult to take a decision on the matter. Members had felt that they needed a clear and concise set of amended decisions.

It was noted by the Committee that Appendix A to the report was the full 2006/1531/FUL notice of decision for reference for Members, and could be used to refer to the recommended conditions in the report. Three new highways conditions had been recommended, namely Conditions 17, 18 and 19, and a new plans condition was noted as Condition 2.

In reference to the officer update note, the Senior Planning Officer explained that Condition 13 had been recommended to include a timescale for implementation of the new highway works.

Fletcher Eyres, representing objectors, spoke in objection to the application.

The Committee confirmed that their previous concerns regarding the clarity of the conditions had been allayed.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 7.0 of the report and officer update note.

34.6 Application: 2017/0530/FUL

Location: Land To The West Of 2 North View, Moor Lane, Catterton, Tadcaster

Proposal: Erection of a detached bungalow with integral garage and creation of a vehicular access

The Planning Officer presented the application that had been brought before the Committee due to there being 13 letters of support against the Officer recommendation. The Committee noted that since publication of the Committee report, it had come to light that one of the letters in support of the application was fraudulent.

The Committee was informed that the application before them was for the erection of a detached bungalow with integral garage and creation of vehicular access.

The Planning Officer explained that the application was unacceptable in view of the character of the area, and informed the Committee that Catterton was a secondary village, and as such, the lowest category in the settlement hierarchy in terms of sustainability.

Melissa Madge, agent, spoke in support of the application.

The Committee felt that the application was not tenable and contrary to local and national planning policy. It was proposed and seconded that the application be refused.

RESOLVED:

To REFUSE the application subject to the conditions set out in paragraph 5.0 of the report.

34.7 Application: 2017/0804/FUL

Location: Maspin Grange, Hillam Common Lane, Hillam, Leeds

Proposal: Proposed conversion and alterations to existing barn and piggery building to create two new dwellings and introduction of two storey side extension to existing farmhouse

The Planning Officer presented the application that had been brought before the Committee as officers considered that although the proposal was contrary to Criterion 1 of Policy H12 of the Local Plan, there were material considerations which would justify approving the application.

The Committee was informed that the application before them was for the proposed conversion and alterations to existing barn and piggery building to

create two new dwellings and introduction of a two storey side extension to existing farmhouse.

The Planning Officer explained that the proposal would bring back into use redundant farm buildings and that it was considered that the proposals were acceptable in regards to the principle of development for this location.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 6.0 of the report.

34.8 Application: 2017/0816/FULM

Location: Land At Byram Park Road, Byram, Knottingley

Proposal: Proposed construction of 13 affordable rent houses with associated highways and landscaping

The Principal Planning Officer presented the application that had been brought before the Committee because it had been submitted by Selby District Council.

The Committee was informed that the application before them was for the proposed construction of 13 affordable rent houses with associated highways and landscaping.

In response to a query concerning encroachment onto the site by neighbouring properties, the Principal Planning Officer confirmed that resolutions to these issues were being pursued separately.

In reference to the officer update note, the Principal Planning Officer explained that since the Committee report had been written, the final set of amended plans and a series of conditions recommended by the local highway authority had been received. These additional conditions were set out in full in the update note.

The Committee expressed their support for the proposals.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to:

- i. no representations raising new material planning considerations within the remainder of the re-publicity period;**
- ii. a unilateral undertaking to secure:**
 - a) the delivery of affordable housing;**
 - b) a financial contribution of £65 per dwelling towards waste and recycling; and**

- iii. **the conditions set out in paragraph 7.0 of the report and officer update note.**

34.9 Application: 2017/0235/FUL

Location: Willowdene, Hull Road, Hemingbrough, Selby

Proposal: Proposed erection of 2 no. 4 bed detached dwellings and 1 no. 5 bed detached dwelling with integral garaging

The Principal Planning Officer presented the application that had been brought before the Committee because the application was a departure from the development plan.

The Committee was informed that the application before them was for the proposed construction of three detached dwellings on land adjacent to the Hemingbrough settlement development limits.

In response to a query concerning development outside of development limits, the Principal Planning Officer explained that the proposed site was already enclosed as it was fenced off and part of garden land; so there was no loss of agricultural land.

The Principal Planning Officer explained that since the Committee report had been written the temporary Tree Protection Order (TPO) had been confirmed as such the willow, oak and walnut trees were formally protected.

It was proposed and seconded that the application be approved.

RESOLVED:

To APPROVE the application subject to the conditions set out in paragraph 7.0 of the report subject to the minor variations to the conditions set out.

35. Exclusion of Press and Public

The Committee were asked to consider if they wished to exclude the press and public for the following item of business.

RESOLVED:

That, in accordance with Section 100(A) (4) of the Local Government Act 1972, in view of the nature of the business to be transacted, the meeting be not open to the Press and Public during discussion of the following item as there will be disclosure of exempt information as defined in paragraph 3 of Schedule 12(A) if the Act (information relating to the financial or business affairs of any particular person, including the authority holding that information).

Private Session

36. Member Briefing – Pre Application Presentation

The Committee received the pre-application presentation in relation to a potentially significant development which would involve a new media centre and business park. Members' thoughts on the underlying principles were sought.

Members noted the advice from the Council's Monitoring Officer that informal pre-application discussions such as these were common practice for forthcoming developments and undertaken without prejudice to the rights of the Committee to consider the matter if and when it was presented for a decision. These particular discussions had been taken in private session due to the inclusion of information in the report that, for the moment, was commercially sensitive.

Following the presentation, the Committee discussed the proposals in detail. Members emphasised the importance of ensuring that infrastructure issues such as road capacity and maintenance, bus and train provision and general transport planning were given due and serious consideration.

Members felt strongly that the road infrastructure around the area identified for the development, and indeed the wider area, needed significant investment if such a proposal was to come forward and be successful.

Meaningful discussions and partnership working between the applicants, their agents, Selby District Council, NYCC Highways and other agencies and organisations would be essential in order for the proposals to be viable and sustainable.

No pre-application decisions were made at the session and the Committee Members reserved their rights to make any decision as they saw fit in the future, should the proposals be submitted formally as an application to the Council.

RESOLVED:

To consider the contents of the report and the applicant's further presentation on 8 November 2017, and offer preliminary thoughts on the draft proposals as part of an ongoing pre-application process.

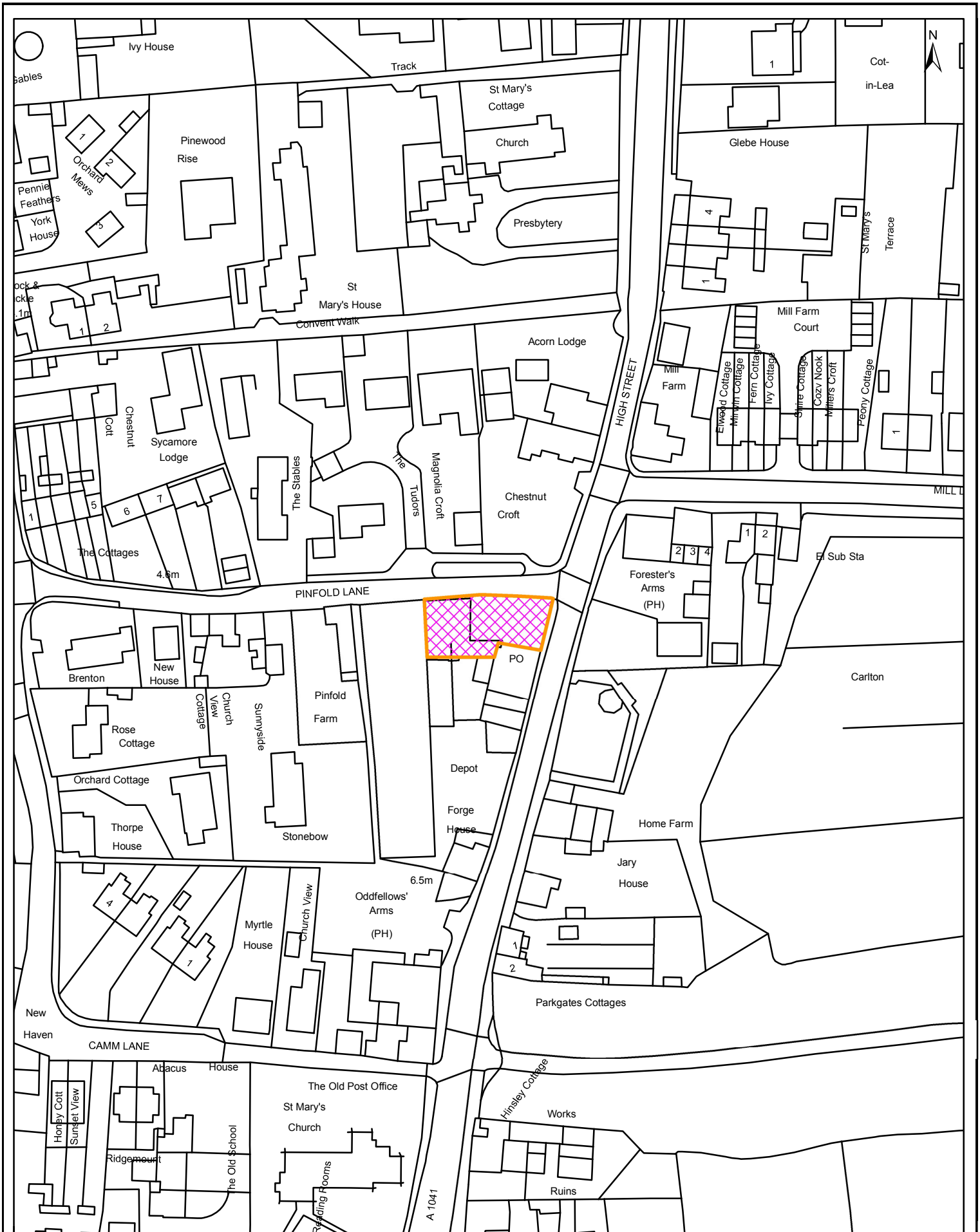
The meeting closed at 5.45pm.

Items for Planning Committee

6 December 2017

Ref	Site Address	Description	Officer	Page
2017/0272/FUL	Carlton Supermarket and Post Office, High Street, Carlton	Proposed erection of apartments on a brownfield site	PAED	17-28
2017/0820/FULM	Hollygarth, 17 Holly Grove, Thorpe Willoughby	Proposed demolition of former care home and construction of 17 residential units and highway improvements to the existing access	ANMA	29 - 50
2017/0443/REM	Land Adj to Station Mews, Church Fenton	Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)	KETH	51 - 62
2017/0706/FUL	Oakwood, Main Street, Healaugh	Proposed conversion of existing disused agricultural buildings to form two residential dwellings with associated garaging	DIWI	63 - 80
2016/1170/FUL	North House Farm Main Street Skipwith	Proposed erection of 8 dwellings, 3 double garages and 1 single garage following demolition of existing farm buildings	PAED	81 - 96
2016/0673/FUL	Windmill, Old Road, Appleton Roebuck	Proposed conversion of windmill to form a dwelling with new extension	YVNA	97 - 128
2016/0675/LBC	Windmill, Old Road, Appleton Roebuck	Listed building consent for the proposed conversion of windmill to form a dwelling with new extension	YVNA	129 - 148

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APPLICATION SITE

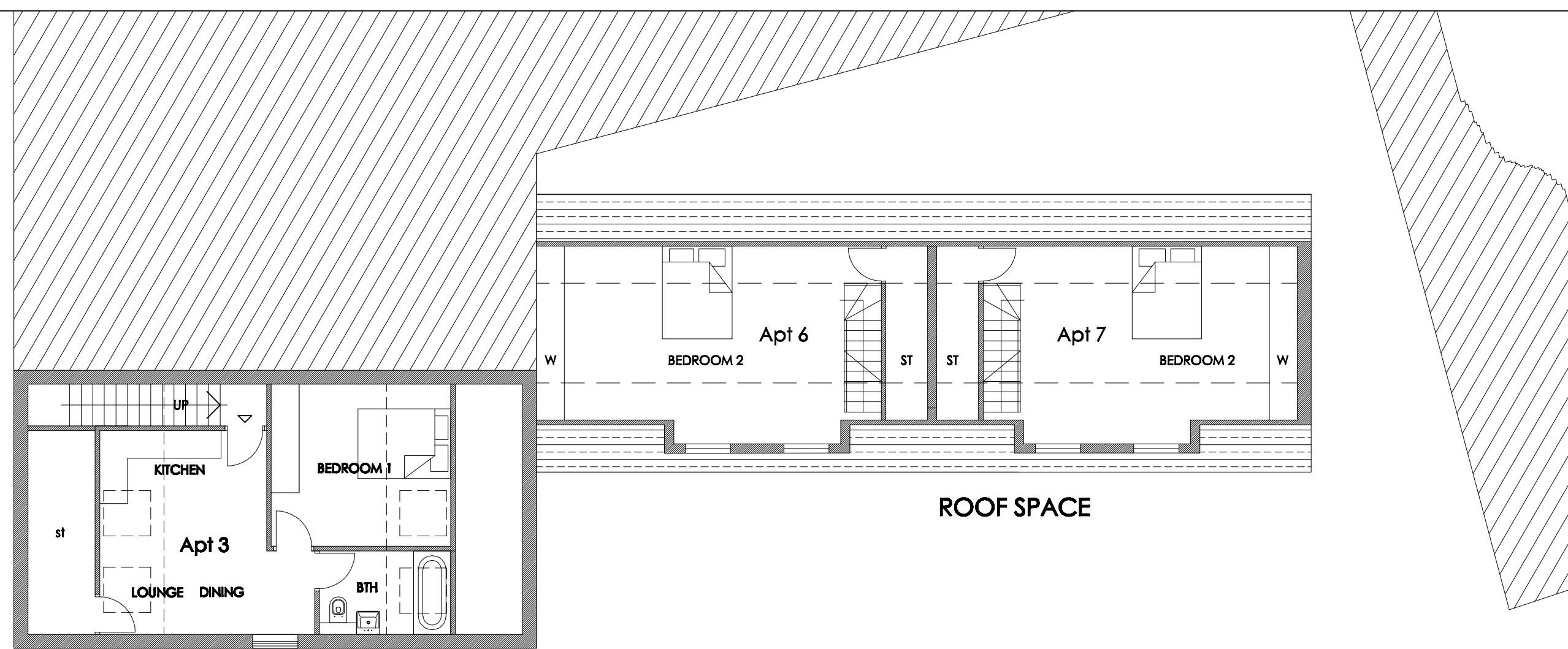
Carlton Supermarket and Post Office, High Street, Carlton
 2017/0272/FUL

1:1,250

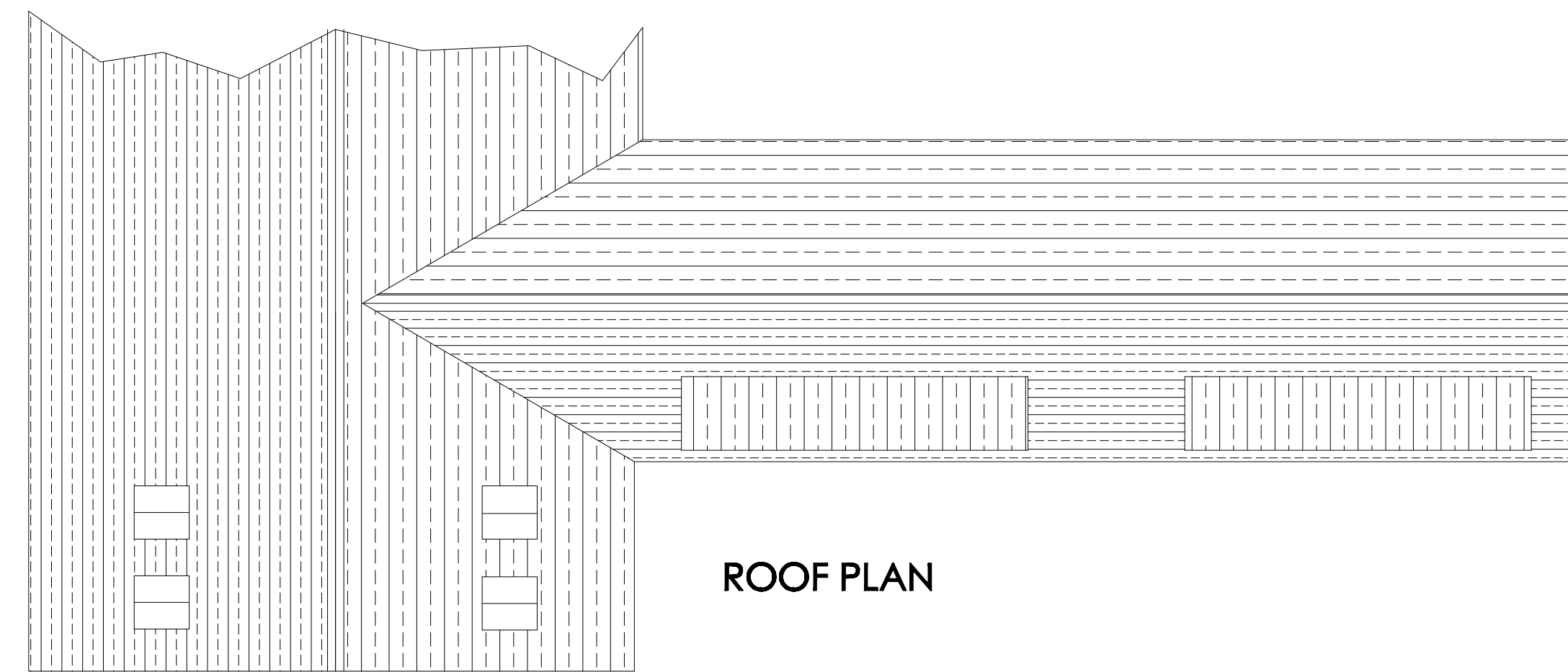


Notes
 1. Do not scale drawing, if in doubt contact White Rose architectural
 2. All dimensions are in millimetres unless noted otherwise
 3. Not for construction unless otherwise shown
 4. Where appropriate, this drawing to be used in conjunction with project specific Design Risk Assessment, produced in accordance with requirements of Regulation 13 of the Construction (Design and Management) Regulations 1994
 5. The design shown on this drawing is the property of White Rose architectural limited and is not to be copied, communicated or disclosed, in whole or in part, except in accordance with a contract, licence or agreement in writing with White Rose architectural ltd

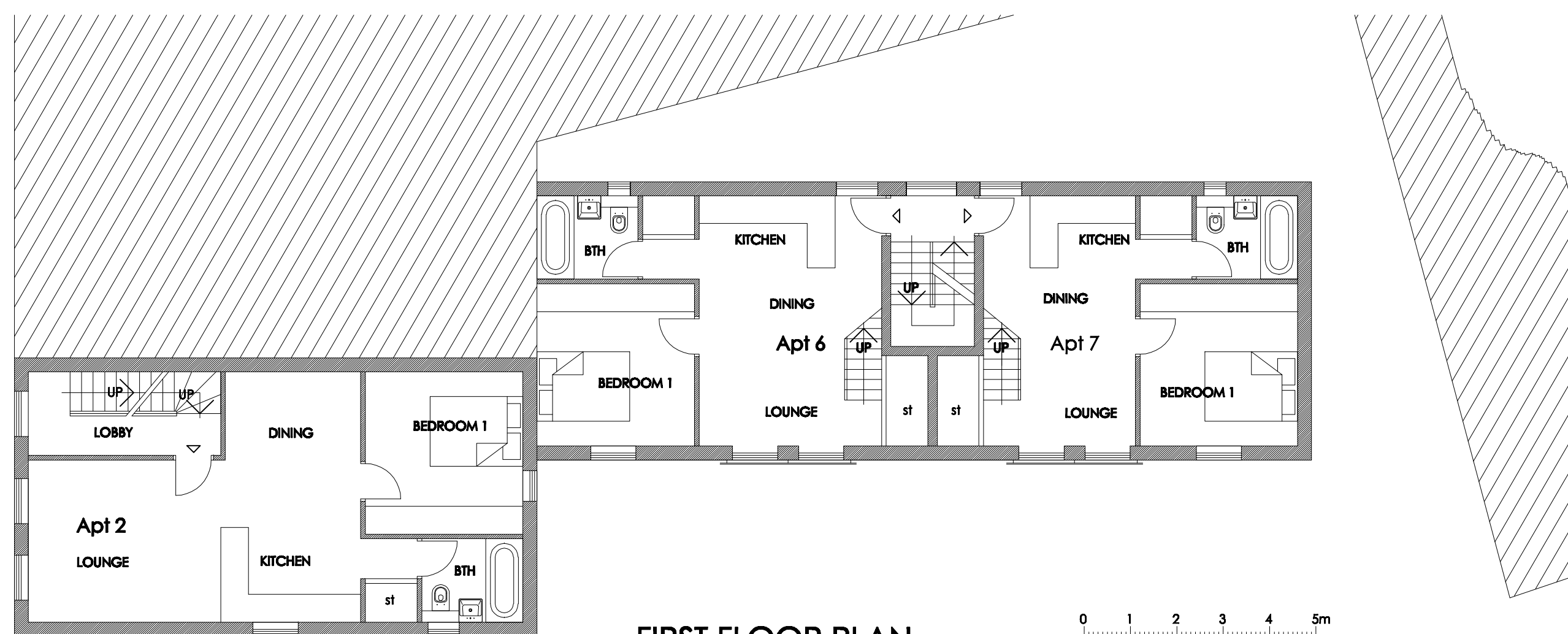
Rev	Date	Comments	Init.
A	22.02.17	generally amended	
B	23.02.17	generally amended	
C	09.10.17	Apt block 4-9 reduced in height & parking layout amended at request of planning	
D	19.10.17	Apt block reduced to 7 and designed as 2 storey	
E	02.11.17	parking layout amended as requested by highways	



SECOND FLOOR PLAN



ROOF PLAN

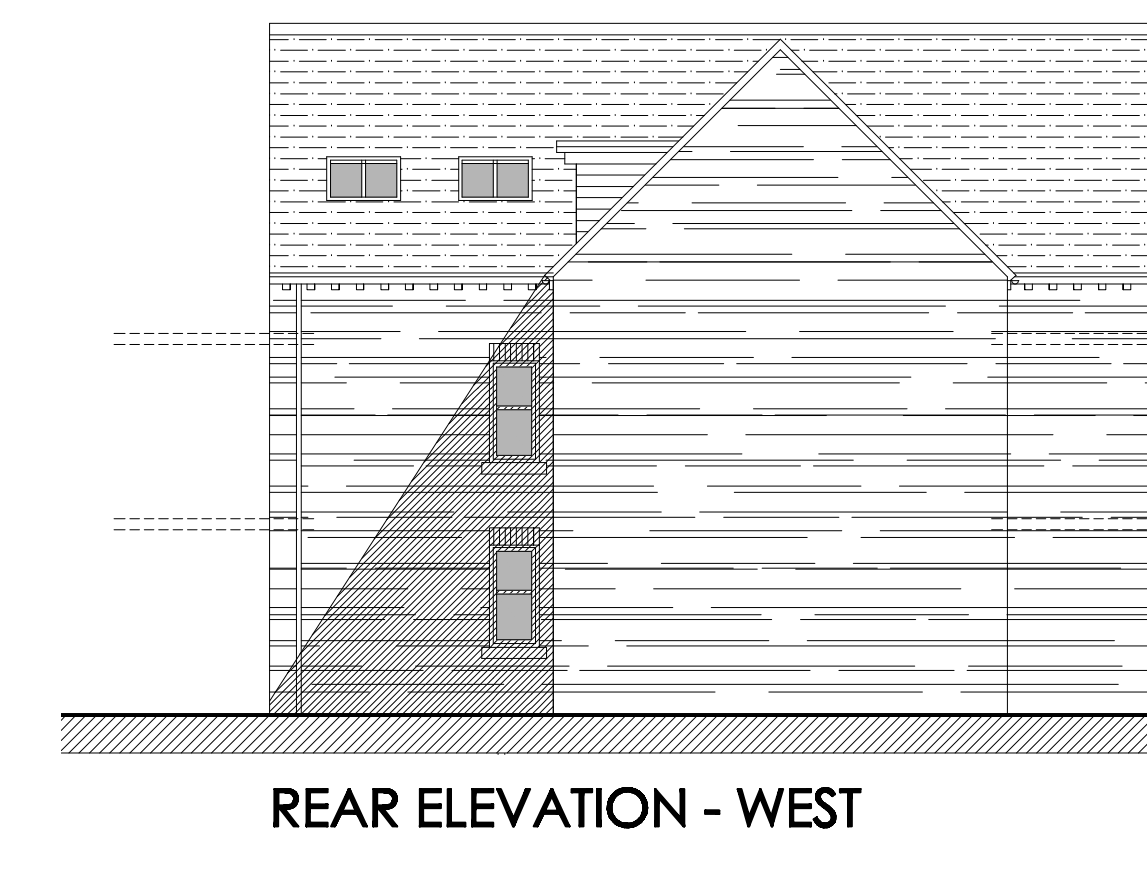


FIRST FLOOR PLAN



HIGH STREET ELEVATION - EAST

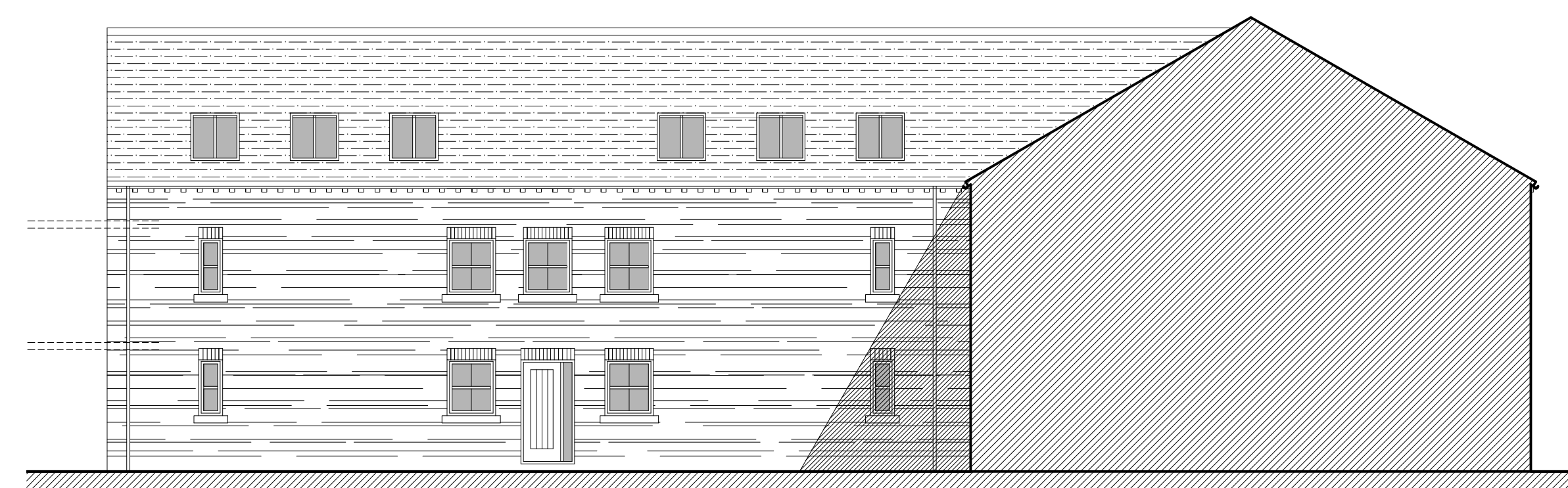
EXISTING PROPERTY



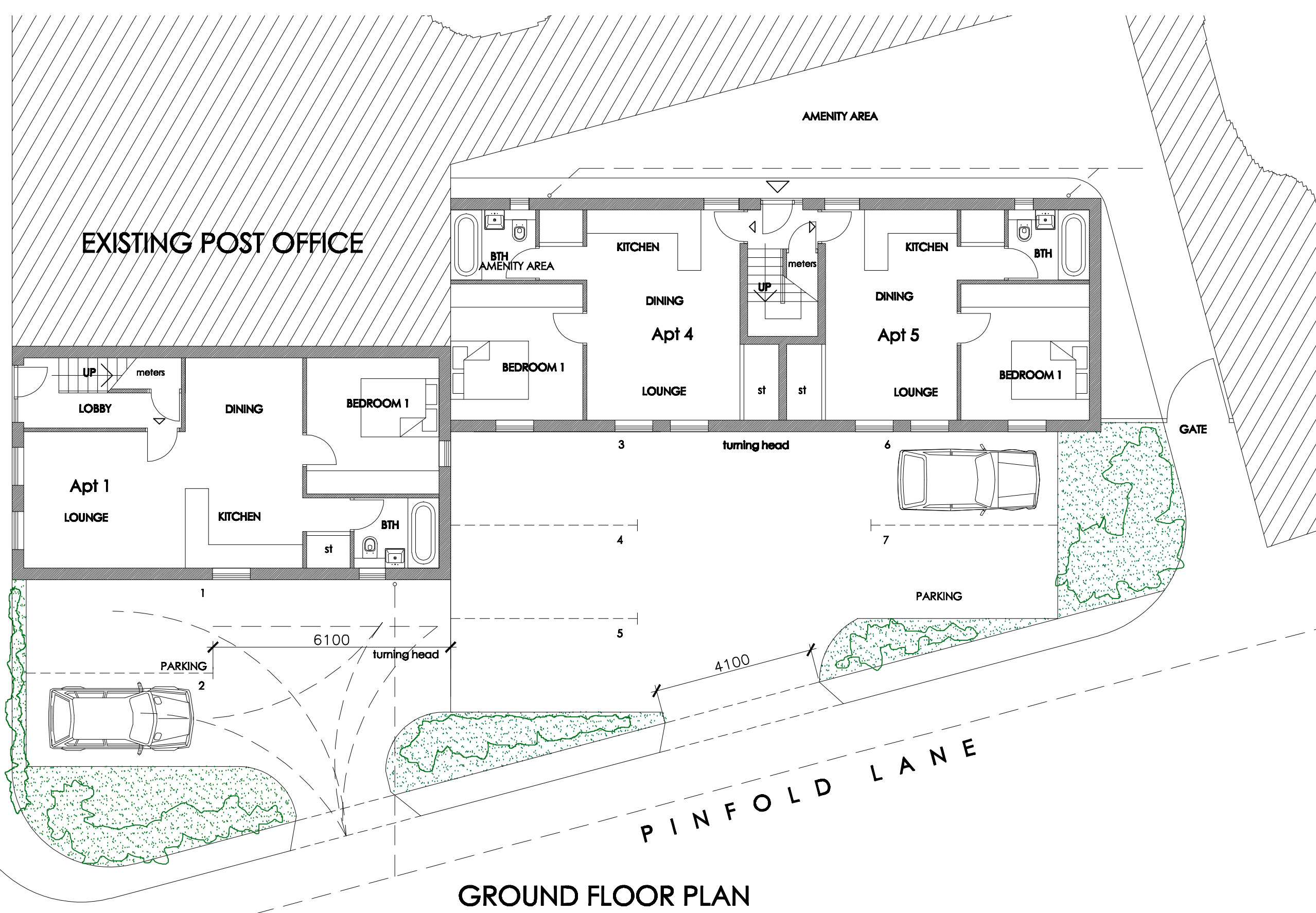
REAR ELEVATION - WEST



PINFOLD LANE ELEVATION - NORTH



SOUTH ELEVATION



GROUND FLOOR PLAN

HIGH STREET

PINFOLD LANE

AMENDED DRAWING

RECEIVED
 07.11.2017
 DEVELOPMENT MANAGEMENT

White Rose architectural ltd

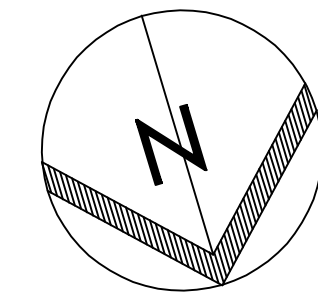
Highthill House - Claro Road - Harrogate - North Yorkshire HG1 4DS
 T:01423 313079

Project
 proposed apartments
 High Street / Pinfold Lane
 Carlton
 Goolie
 DN14 9LY

Title
 plans & elevations
 PROPOSED

Scale	Date	Job No	Dwg No	Rev
1:100	20.02.2017	2017.005	002	D

PLEASE REFER TO DRAWING NO. 001 FOR DETAILS OF EXISTING





Report Reference Number: 2017/0272/FUL (8/29/195H/PA)

Agenda Item No: 6.1

To: Planning Committee
Date: 6 December 2017
Author: Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/0272/FUL	PARISH:	Carlton Parish Council
APPLICANT:	Carlton Acquisitions Ltd	VALID DATE:	10 May 2017
		EXPIRY DATE:	8 December 2017
PROPOSAL:	Proposed erection of apartments on a brownfield site		
LOCATION:	Carlton Supermarket and Post Office High Street Carlton North Yorkshire DN14 9LY		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as there are more than a total of ten objections to the proposal.

1.0 INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is presently underused, unsurfaced land at the junction with the Carlton High Street and Pinfold Lane on the west side of High Street, almost opposite the Forester's Arms. Carlton Supermarket and Post Office, and its associated first floor flat, abut the application site to the south. The site has been used for some years as unofficial parking for customers to the supermarket. Public parking is also available opposite at the Forester's and outside Frying Nemo.
- 1.2 The site is within Carlton's settlement development limits; Carlton is without a Conservation Area and there are no listed buildings in the vicinity of or affected by the site which is the site of the former Wheatsheaf Inn Public House. There is residential development north of Pinfold Lane on the High Street and also in The Tudors, a small more modern cul-de-sac serviced off Pinfold Lane beyond the application site frontage.

- 1.3 The open site has an area of 430 sq. m and is accessed from Pinfold Lane, which is one way east to west from the High Street. The near 35m long open frontage does not have a defined footway or dropped kerbs such that vehicles use the roughly, mixed surface area for intermittent parking. The north side of Pinfold Lane has a pedestrian footway. There is single-yellow-line parking restrictions on both sides of the High Street here (limited parking outside of the hours 8am to 8pm Monday to Saturday); there are no parking restrictions on Pinfold Lane.

The Proposal

- 1.4 The application seeks full planning permission for the erection of nine, one bed apartments in a two storey extension to the terrace fronting the High Street, against the supermarket, and with a rear projection over three floors with roof space to its rear. Parking spaces for 7 vehicles (9 apartments) were initially proposed but the revised scheme now proposes one space per apartment in line with Highway Authority requests and with two defined access points off Pinfold Lane with sufficient space to enable cars to turn within the site and thus leave the site in forward gear.
- 1.5 The scheme has been the subject of negotiations and re-consultation following revisions to lower the height of the rear projection in order to reduce prominence from High Street/ Pinfold Lane and a number of revisions have been achieved to rearrange the proposed parking spaces and form defined access points off Pinfold Lane such that the area is more likely to be used safely.

Relevant Planning History

- 1.6 There are no recent applications or approvals that are considered to be relevant to the determination of this application.
- 1.7 A permission granted in 2003 for a 2.5m wall, security gates and temporary use of the site as a car park does not appear to have been implemented (CO/2003/1374) and permission was given in 1997 for four detached house on this site, similarly not implemented (CO/1997/0465).

2.0 CONSULTATION AND PUBLICITY

- 2.1 **Carlton Parish Council** – Replied to the first consultation with no objections but asked that consideration is given to the villagers’ concerns about impacts on parking for customers to the supermarket and the likelihood of increased parking on the High Street restricting traffic flow and affecting pedestrians crossing the road.
- 2.2 Upon re-consultation on the revised scheme, the reply was with no objections but with the same requests as before and with the addition of concerns over an increase in parking on Pinfold Lane.
- 2.3 **NYCC Highways** – Initially the Highway Authority replied that one parking space per apartment should be provided and concern was expressed over the initial parking layout that would lead to vehicles reversing out into the one way flow of traffic.

- 2.4 Upon re-consultation on the revisions the Authority replied with no objections subject to conditions relating to construction of the site access points, closure of the existing access, and provision of visibility splays and implementation of the parking layout.
- 2.5 **Yorkshire Water** – Commented that there should be separate foul and surface water systems and there should be a surface water drainage condition and that it would prefer sustainable systems of discharge with the applicant demonstrating why disposal via infiltration or into watercourse is not practicable.
- 2.6 **The Shire Group of IDBs** Replied with a standard response requesting that any surface water system has adequate capacity for the discharges.
- 2.7 **Natural England** – Replied with no comments to make on the application and referred to their Standing Advice.
- 2.8 **Neighbour Comments** – Including the re-consultation on the revisions, fifteen letters of objection and three in support have been received. The concerns raised may be summarised as follows:
- There are nine apartments but only seven parking spaces so not enough parking for residents; and will not compensate for loss of present parking
 - This brownfield site is short term parking for shop customers and when they use it as an overflow and there will be problems with where they park. There are three peak times during the day when it is full and when people then stop illegally on the front such that the parking restrictions on High St are often ignored and delay the flow of traffic. Although vacant; it is used for parking
 - Still concerned over revisions; amendments do not address issues, the area at the junction is still a problem; parked vehicles will block the footway (photos submitted to show it happening now) and when delivering. The Council should enforce the parking and the developer provides a pedestrian crossing. The parking layout changes will not ensure safe entry and egress
 - The parking opposite is often full and particularly after 4pm so where will the cars go other than on the narrow, one way Lane that will cause chaos
 - The space nearest to the junction will be a hazard and a danger as vehicles reverse out where there is poor visibility on a busy route to the housing to the west; there is no footway on this side of the Lane so it will be a danger to pedestrians
 - The site is too small with inadequate parking and Carlton doesn't need one bed flats and there is no research to support this proposal which has stepped access so is unsuitable for the elderly
 - It may restrict servicing of adjacent properties
 - No objection to housing but just not the current application
 - Lack of parking will affect shop viability
 - Comments on the accuracy of plans and aesthetically the building will detract from the High St; flats will not fit in, other buildings are mock Tudor, Victorian or old cottages. Height is out of character and loss of privacy to houses on north side of the Lane
 - Living opposite the site this promises nothing other than additional problems
 - No bin storage/ collection areas are shown
 - Comments about disruption and footway diversions during building

2.9 In support it is stated that

- Adding budget housing is fundamental to the development and sustainability of the community; this will create more affordable accommodation bringing in younger owners and will assist local businesses to thrive with an alternative customer base
- There are waiting list for similar flats in Snaith and Carlton doesn't have anything similar
- It's a good location and will improve a derelict site that is an eyesore
- There is adequate parking over the road and most people chose to park there since it is properly surfaced
- Maybe if there is a shortfall of parking, provide seven flats for seven spaces

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

3.1 The application site is located within development limits of a Designated Service Village (DSV) where there is some scope for additional residential development. The site is located within Flood Zone 1.

Selby District Core Strategy Local Plan

3.2 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 -Management of Residential development in settlements
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality.

Selby District Local Plan

3.3 The relevant Selby District Local Plan (SDLP) policies are:

- ENV1 – Control of Development
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.4 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

3.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Impact on Highway Safety
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Affordable Housing

The Principle of the Development

4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

4.3 Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

4.4 Policy SP2 says that the DSVs, including Carlton have some scope for additional residential subject to meeting the requirements of SP4.

4.5 Policy SP4 says that for non-allocated sites within settlement development limits, development would be acceptable in principle for the redevelopment of previously developed land subject to the protection of local amenity and the preservation and enhancement of local character.

4.6 Thus, subject to satisfying normal planning consideration, the development of this site is acceptable in principle and is supported by development plan Policies SP1, SP2 and SP4.

Impact on Highway Safety

4.7 The present use of the site is for uncontrolled, unregulated parking which although having room to turn, the indiscriminate access and egress where there is no clear footway or segregation between vehicles and pedestrians is not conducive to highway or pedestrian safety.

- 4.8 The application site, it is understood is not under the same control as the supermarket so it is difficult to resist this application on the grounds that it would result in the loss of customer parking, since that could be withdrawn at any time.
- 4.9 This application would result in the provision of a footway on this south side of Pinfold Lane where currently there is a wide uncontrolled frontage, together with two defined crossing points with radii to highway authority standards to service the two small parking areas for the apartments. The on-site provision for the apartments (1:1) has the agreement of the highway authority and the layout also enables a small area at the rear as amenity space which is access controlled from the frontage to give some private and secure space, bin storage and also to the flat above the supermarket.
- 4.10 Any displacement of the present customer or other parking on the site is unfortunate but is not within the control of this authority since there is no relationship with the existing shop and it may be withdrawn/ controlled at any time since it is essentially fly parking without the permission of the land owner.
- 4.11 The highway authority has requested conditions to ensure the implementation of the access and parking facilities. Subject to such conditions there are no highway authority objections and the application accords with SDLP Policies ENV1, T1 and T2 which, respectively, seek that proposals are well related to the network; that roads have capacity and can safely serve the development and there will be no detriment to highway safety.

Design and Impact on the Character and Appearance of the Area

- 4.12 The addition to the terrace on the High Street frontage would be to the same height and general design as existing with white upvc window furniture. The facades would be in a multi brick construction under a concrete interlocking pantile roof with two small flush roof lights on the front slope. The projection to the rear has been reduced from three storeys to two with accommodation in the roof assisted by two flat roof dormers. The gabled end to the front terrace, which includes windows, and to the rear projection is in keeping with the area. Although the dormers would have flat roofs, this is a better solution than three floors in impact and visual terms.
- 4.13 The extension to the terrace at the front continues the lines and proportions on the High St frontage and the off shoot at the rear is set back into the site with parking in the foreground served from the two dedicated access points such that, the visual impact is not to be out of keeping or over dominant. The punctuation by windows and Juliette balconies with headers above all openings will significantly assist the design so that there are no overly dominant expanses of brickwork.
- 4.14 This would be an enhancement of the character of the area as envisaged by Policy SP4.
- 4.15 Policy SP15 states that development should contribute towards reducing carbon emissions where necessary or appropriate. There is maybe an opportunity to seek solar technology on the south facing roof slope but given the otherwise north facing orientation of the scheme on a comparatively small site it is considered that its ability to contribute towards reducing carbon emissions, or scope to be resilient to the effects of climate change is so limited that it would not be necessary and, or

appropriate to require the proposals to meet the requirements of criteria of SP15 (B) of the Core Strategy. Therefore having had regard to Policy SP15 (B) it is considered that the proposal is acceptable.

- 4.16 Policies SP18 and 19 are to do with sustaining the quality and local distinctiveness of the environment and achieving high quality design through recognition of identity and context with a scheme's surroundings.
- 4.17 This is a scheme designed to fit on a previously developed cleared site which will see improvements to road and pedestrian safety; address an appearance that does not contribute to the area and provide one bedroom apartments in a design that will be in keeping with the existing character of its neighbours and wider surrounds.
- 4.18 Thus it is considered that this application would comply with development plan policies SP1, SP4, SP15, SP18 and SP19 and SDLP Policy ENV1.

Impact on Residential Amenity

- 4.19 The properties at Chestnut Croft across Pinfold Lane on the High Street and in The Tudors off Pinfold Lane also to the north are all, respectively in excess of 20m from the north facing facade of the proposed rear off shoot. In addition the extent and maturity of the vegetation on the north side of Pinfold Lane and in intervening gardens means that there will not be any overlooking or loss of privacy issues in that direction.
- 4.20 There are no parking restrictions on Pinfold Lane but the narrowness in the junction with High Street means that responsible motorists are unlikely to seek to park kerbside until they are further into the Lane and where there is a wider footway past the entrance to The Tudors. The provision of a further footway on this south side of the Lane and more controlled parking will be a benefit to their amenities since there will be greater separation between vehicles and pedestrians and the provision of a kerbed footway here will also make it unlikely that there will be indiscriminate parking.
- 4.21 Finally, the improvement of the area with some limited planting and boundary treatments will be of benefit to the general amenities of the area, in accordance with SDLP Policy ENV1 and those listed Core Strategy policies.

Affordable Housing

- 4.22 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for a commuted sum. It is therefore considered that having had regard to Policy SP 9 of the Core Strategy and PPG on balance the application is acceptable without a contribution for affordable housing.

Legal Issues

4.23 Planning Acts

This application has been determined in accordance with the relevant planning acts.

4.24 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

4.25 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

4.26 Financial issues are not material to the determination of this application.

5.0 CONCLUSION

5.1 The application seeks planning permission for the erection of nine one bed apartments in a development that both fronts the High Street and provides a rear projection onto a presently vacant, poorly surfaced area used for uncontrolled parking.

5.2 The principle of development on previously developed land is acceptable within the development limits of a DSV.

5.3 The design and layout has been the subject of a number of revisions to reduce the height and impact of the rear projection and there is now 1:1 parking provision in line with the highway authority recommendations, serviced off defined crossovers.

5.4 In design, layout and appearance, this will be an improvement of the area and which will be in keeping with the prevailing character. There are no outstanding objections from statutory consultees and there are no significant impacts upon residential amenity.

5.5 Although there is an issue of displaced parking for customers who use the adjacent supermarket/Post office, this site is not linked to those facilities and there is no ability to require it to be kept available. There is available public parking across the High Street which although across the road, some representations say that it is preferable since it is surfaced and accessible.

5.6 Overall, having assessed the proposal against the relevant policies, it is considered it is acceptable in terms of its design and impact on the character and appearance of the area, impact on residential amenity and impact on highway safety.

6.0 RECOMMENDATION

6.1 This application is recommended to be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

2017.005 003 Location Plan
2017.005.004 Red Line Block Plan
2017.005.002 Rev D Proposed Plans and Elevations

Reason: For the avoidance of doubt.

03. No development shall commence above damp proof course level until samples of all extremal facing materials to be used in the development and to include details of the surfacing of the parking areas have been submitted to and approved by the local planning authority.

Reason: In the interests of visual amenity and in order to comply with Policies ENV1 of the Selby District Local Plan and SP4, SP15, SP18 and SP19 of the Selby District Core Strategy Local Plan.

04. The development hereby approved shall not be first occupied until a scheme for the provision of surface water drainage works has been implemented in accordance with details that have first been submitted to and approved by the local planning authority.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP15 of the Selby District Core Strategy Local Plan.

05. The development hereby approved shall not be first occupied until the two new highways crossovers as shown on approved Dwg No 2017.005 002 Rev D have been constructed and made available for use on the site.

Reason: In accordance with the details of the application and to ensure for the safe and satisfactory access and egress to the site to accord with Selby District Local Plan Policies ENV1, T1 and T2.

06. The development hereby approved shall not be first occupied until the parking and turning areas as shown on approved Dwg No 2017.005 002 Rev D have been laid out and made available for use. These facilities shall thereafter always be kept available for such use so long as the accommodation is occupied.

Reason: In accordance with the details of the application and to ensure for the safe and satisfactory on-site parking, access and egress to the site to accord with Selby District Local Plan Policies ENV1, T1 and T2.

07. No development shall commence until details of facilities to establish a site compound for:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

have been submitted to and approved by the local, planning authority. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Selby District Local Plan Policies ENV1, T1 and T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

08. No development above damp proof course level shall commence until details of a landscaping scheme to address the planted areas and the rear amenity area have been submitted to and approved by the local planning authority. The scheme shall include the number, species, stock size and heights on planting and positions of all trees, shrubs, bushes and treatment of the rear amenity area. Such scheme as approved in writing by the local planning authority shall be carried out in its entirety within the next available planting season following the substantial completion of the development and all trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good.

Reason: In order to ensure that the site is developed in accordance with the approved drawings in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

09. Details of the means of site enclosure shall be submitted to and agreed in writing by the Local Planning Authority. The means of enclosure shall be constructed in accordance with the approved details prior to the first occupation and thereafter shall be maintained as such.

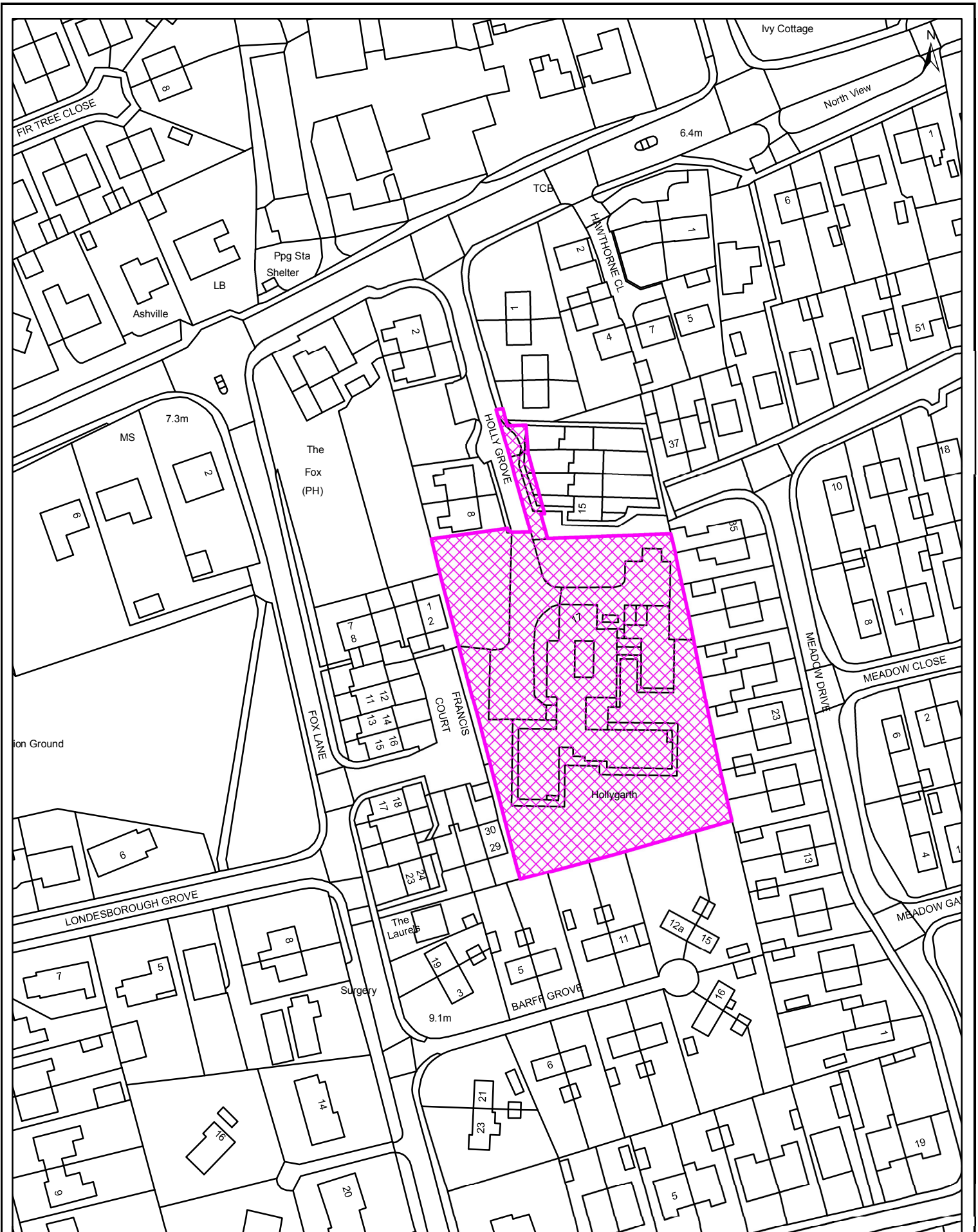
Reason: In the interests of amenity and road safety and in order to comply with Policies ENV, T1 and T2 of the Selby District Local Plan.

10. The development hereby approved shall not be first occupied until a bin storage area has been provided in accordance with details that have previously been submitted to and approved by the local planning authority. All bins associated with the development shall be stored in this facility other than on the days of presentation for collection.

Reason: In order to ensure for the satisfactory provision of such facilities in the interests of the amenities of the area and to comply with Selby District Local Plan Policy ENV1.

Contact Officer: Paul Edwards, Principal Planning Officer

Appendices: None

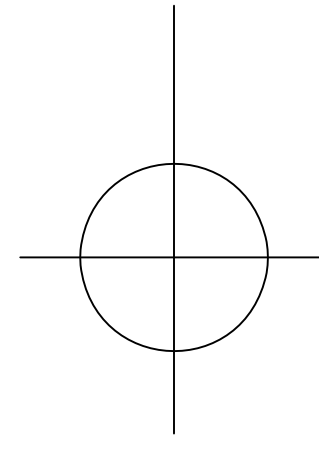


APPLICATION SITE

Hollygarth, 17 Holly Grove, Thorpe Willoughby
2017/0820/FULM

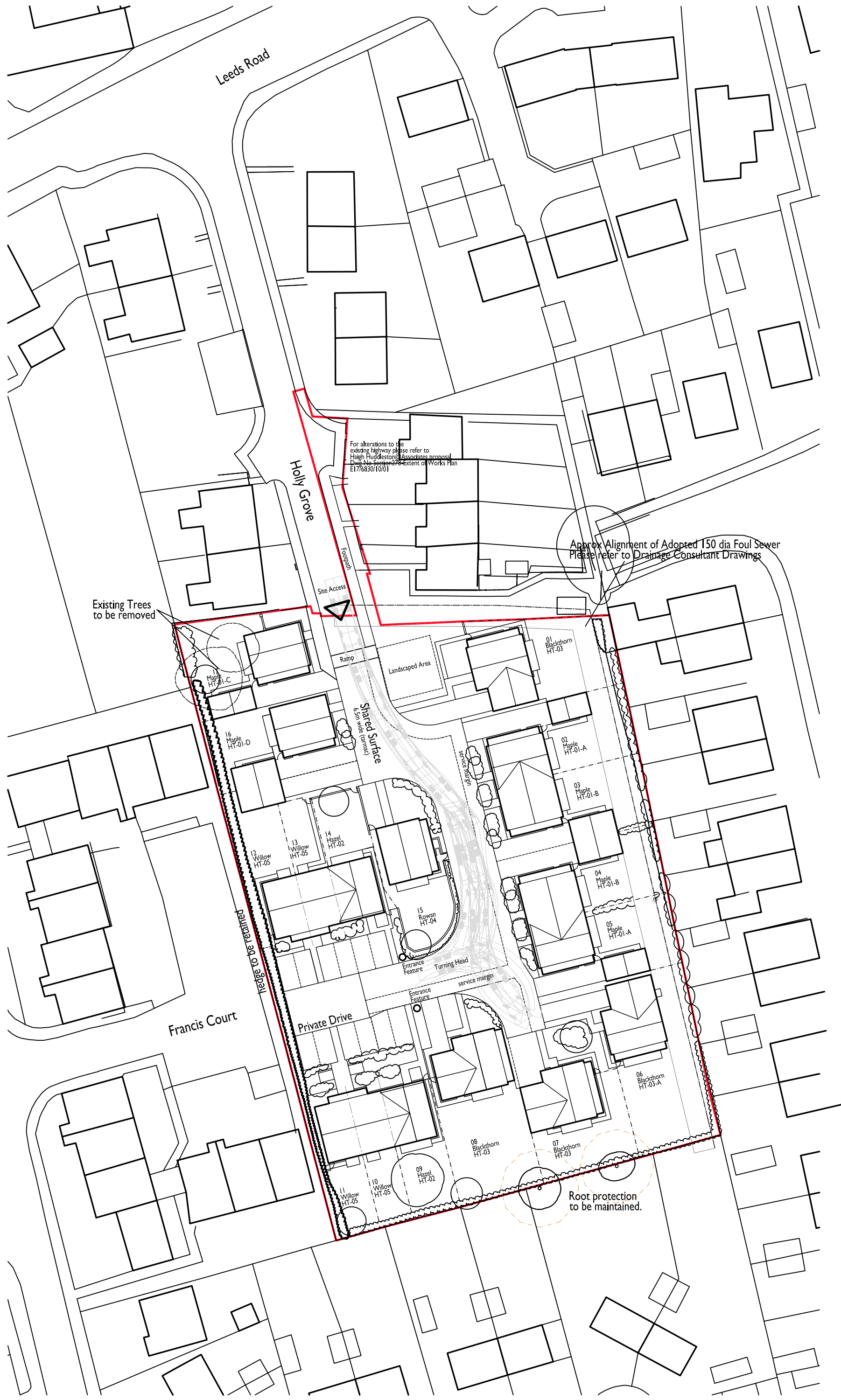
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For Landscape Design please refer to drawing number P-4065-2DG-0100-014 Detailed Landscape Proposals (Spawforths)
 For Drainage and Highways Proposal refer to High Huddleston & Associates documentation.

AMENDED DRAWING



- Revision | A Drawn | MB Reviewed | DJ Date | 10-04-2017
Layout revised further to the pre-application comments and client's comments.
- Revision | B Drawn | MB Reviewed | DJ Date | 13-04-2017
Development of Site Plan.
- Revision | C Drawn | MB Reviewed | DJ Date | 13-04-2017
Site plan revised to accommodate the increased footprint of detached dwellings. The road width increased to 6.5 meters as per highways advise.
- Revision | D Drawn | MB Reviewed | DJ Date | 16-06-2017
Site plan updated to reflect the redesign of the houses. Schedule of accommodation updated.
- Revision | E Drawn | MB Reviewed | DJ Date | 20-06-2017
Schedule of accommodation ammended.
- Revision | F Drawn | MB Reviewed | DJ Date | 20-06-2017
Layout ammended in line with the drainage proposal.
- Revision | G Drawn | MB Reviewed | DJ Date | 07-07-2017
Layout updated with consultants information.
- Revision | H Drawn | MB Reviewed | DJ Date | 27-07-2017
Application boundary ammended to include off site highways improvements.
- Revision | J Drawn | MB Reviewed | DJ Date | 22-09-2017
Unit 16 and 17 shown as a semidetached units.
The houses location ammended to allow for hedge retention.
- Revision | K Drawn | MB Reviewed | DJ Date | 10-10-2017
Layout revised to case office comments.
- Revision | L Drawn | MB Reviewed | DJ Date | 12-10-2017
Layout revised to case office comments, entrance feature to private drive added, front garden bin store for unit 11 and 10 added to minimise the impact on the eastern boundary hedge.
- Revision | M Drawn | MB Reviewed | DJ Date | 17-10-2017
Application boundary ammended. Paths in the rear gardens added.

planners | urbanists | architects



Junction 41 Business Court, Thorpe Road, East Ardsley, Leeds, West Yorkshire WF3 2AB
 T: 01924 873873 F: 01924 870777 www.spawforths.co.uk mail@spawforths.co.uk

Client Name
 North Yorkshire Development LTD

Project No. 4065 Project Title
 Holly Grove, Thorpe Willoughby

Drawn By	Reviewed By	Scale	Discipline	Date
MB	DJ	500@A2	ARCH	Jan 2017

Drawing No.	Drawing Title	Revision
0000-02-001	Proposed Site Plan	M

File Path

Important notice:
 Do not scale off this drawing. Critical dimensions should be checked on site prior to works commencing. Dimensional conflicts should be brought to the company's attention as soon as they become apparent. Failure to do so could render the contractor liable for subsequent losses. Copyright in this drawing and any work executed from this drawing remains the property of Spawforths.

ACCOMMODATION SCHEDULE							
Site Name: Holly Grove, Thorpe Willoughby							Date: 2017/ 06/30
Drawing No 4065							
HOUSE TYPE	Beds	NUMBER	SQ.FEET	TOTAL SQ FEET	SQ. METRES	TOTAL SQ METRES	%
Willow	2	4	740	2960	68.75	274.99	23.5%
Hazel	3	2	930	1860	86.40	172.80	11.8%
Maple	3	6	980	5880	91.04	546.27	35.3%
Blackthorn	4	4	1215	4860	112.88	451.51	23.5%
Rowan	4	1	1335	1335	124.02	124.02	5.9%
TOTALS:		17		16895		1570	100%
Area Gross:			0.483 Hectares				

AMENDED DRAWING

RECEIVED
 26 October 2017
 DEVELOPMENT MANAGEMENT

To: Planning Committee
Date: 6 December 2017
Author: Andrew Martin (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0820/FULM	PARISH:	Thorpe Willoughby Parish Council
APPLICANT:	North Yorkshire Development Ltd	VALID DATE: EXPIRY DATE:	24 August 2017 23 November 2017
PROPOSAL:	Proposed demolition of former care home and construction of 17 residential units and highway improvements to the existing access		
LOCATION:	Hollygarth 17 Holly Grove Thorpe Willoughby Selby North Yorkshire YO8 9LY		
RECOMMENDATION	APPROVE subject to: (1) a unilateral undertaking to secure: (a) £46K as a contribution towards the off-site provision of affordable housing; and (b) financial contribution of £65 per dwelling towards waste & recycling; and (2) conditions:		

This application has been brought before Planning Committee due to it being proposed on land owned by North Yorkshire County Council.

1.0 INTRODUCTION AND BACKGROUND

Site and context

- 1.1. Hollygarth was formerly used as a care home and at the time of writing this report the original buildings are in the process of being demolished. The site extends to 0.49 hectares completely contained within the development limits of Thorpe Willoughby.
- 1.2. The site is accessed from Leeds Road (the A63) through the existing residential cul-de-sac of Holly Grove to the north.

- 1.3. The site is completely surrounded by established development, Holly Grove to the north, Meadow Drive to the east, Barff Grove to the south and Francis Court to the west. The north-west corner of the site abuts the car park and beer garden of the Fox public house, where an informal pedestrian short cut has been formed.

The proposal

- 1.4. This is a full application proposing 17 dwellings in a cul-de-sac extension of Holly Grove. All of the dwellings bar one are two-storeys in height; the exception is Unit 15 – facing the entrance to the site – which is two-and-a-half storeys. The following mix of unit sizes is proposed:

House Type	Bedrooms	Number
Willow	2	4
Hazel	3	2
Maple	3	6
Blackthorn	4	4
Rowan	4	1
Total		17

- 1.5. These are arranged to create seven detached units, four semi-detached units and six terraced units. The proposed density of the site is 35.35 dwellings per hectare.
- 1.6. There are a number of trees and hedges within and adjoining the site. The condition and amenity value of these is assessed in the *Arboricultural Report and Impact Assessment* which accompanies this application.
- 1.7. A new footpath link will be provided to the eastern channel line of Holly Grove to provide connectivity from the site to Leeds Road. The section of existing footpath and turning head that is outside of the new footpath alignment will be made into a grassed verge.

Relevant Planning History

- 1.8. There is no history relevant to the current application.

2.0 CONSULTATION AND PUBLICITY

The application has twice been advertised by site notice, advertisement in the local newspaper and neighbour notification, once when the application was first registered and again when the layout was subsequently amended.

2.1. Thorpe Willoughby Parish Council

No objections, but concerns were expressed for the public safety of elderly residents living in the Holly Grove bungalows when it was reported [that] a site lorry had [driven] over a front garden (several times) due to a parked vehicle on the roadway.

2.2. Principal archaeologist, North Yorkshire County Council

No objection subject to conditions.

2.3. Yorkshire Water

Conditions recommended.

2.4. Local highway authority

No objection subject to conditions.

2.5. Environmental Health

No objection subject to a condition requiring a construction management plan.

2.6. Local education authority

Under our standard methodology for calculating additional pupil places, this development would generate less than 4 primary aged pupils and it is therefore advised that there would not be any fundamental school capacity issues arising from this development.

2.7. Flood Risk Management, North Yorkshire County Council

Conditions recommended.

2.8. Three letters of objection have been received. These raise the following concerns:

- Why are these houses needed?
- The development is positioned very close to existing properties in Francis Court;
- There is a discrepancy between the site layout and the landscaping proposals, the former suggesting that a length of the existing hawthorn hedge on the boundary with Francis Court is to be removed.
- The inclusion of a three storey property is inappropriate.
- The noise of traffic and busy family life will adversely impact upon the amenity of the retirement accommodation of Francis Court;
- The site should be redeveloped with development of a similar nature to Francis Court. Not enough bungalows are being built.
- Not only is there going to be disruption to the existing properties of Holly Grove during construction of the site, but they will still suffer disruption and inconvenience to their daily life after completion of the site.
- What restrictions would be put into place to control the noise and dust generated by the demolition and construction, due to the close proximity to the site of Francis Court?
- Will there be sufficient capacity in the education system?

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

3.1. The site lies within the development limits of Thorpe Willoughby.

3.2. The site is within Flood zone 1 which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.3. The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

3.4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.5. The relevant Core Strategy and saved Policies are:

- SP2 Spatial Development Strategy
- SP4 Management of Residential Development in Settlements
- SP8 Housing Mix
- SP15 Sustainable Development and Climate Change
- SP16 Improving Resource Efficiency.
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality.

Selby District Local Plan

3.6. The relevant Selby District Local Plan Policies are:

- ENV1 - Control of Development
- ENV2 - Environmental Pollution and Contaminated Land
- ENV18 - applications to fell or to carry out other works to trees subject to tree preservation orders
- RT2 - provide recreation open space at the rate of 60 square metres per dwelling
- T1 - Development in Relation to Highway
- T2 - Access to Roads
- VP1 – Parking standards.

4.0 APPRAISAL

4.1. The main issues to be taken into account when assessing this application are:

- Principle of development
- Market housing;
- Affordable housing;
- Access;
- Parking;
- Character of the area;
- Residential amenity ;
- Trees, hedgerows and landscaping;
- Community infrastructure;
 - Community Infrastructure Levy (CIL);
 - Recreation open space;
 - Education;
- Ecology;
- Land contamination;
- Energy efficiency;
- Waste.

Principle of development

4.2. Policy SP2 of the Core Strategy establishes the Spatial Development Strategy for the District and sets out that *“The majority of new development will be directed to the towns and more sustainable villages ...”* Selby, as the principal town, will be the main focus for development. The next largest settlements, Tadcaster and Sherburn in Elmet are identified as Local Service Centres, still with significant potential for growth, and then there are Designated Service Villages, including Thorpe Willoughby, with scope for additional residential and small-scale employment growth to support rural sustainability and in the case of (amongst others) Thorpe Willoughby the potential to complement growth in Selby. This hierarchical approach to growth, focusing development in locations and at a scale that reflects the capacity of existing or planned infrastructure, remains entirely consistent with the principles of sustainability established in the National Planning Policy Framework. In this case the proposal is within the development boundary of the village and, furthermore, comprises previously developed land. In that context there is a strong presumption in favour of the principle of development.

Market housing

4.3. Core Strategy policy SP8 states that *“All proposals for housing must contribute to the creation of mixed communities by ensuring that the types and sizes of dwellings provided reflect the demand and profile of households evidenced from the most recent strategic housing market assessment and robust housing needs surveys whilst having regard to the existing mix of housing in the locality.”*

- 4.4. In this case the market element of the proposal compares as follows with the expectations of the Draft Selby District Council Strategic Housing Market Assessment (2015) (SHMA):

Unit Size	SHMA (%)	Proposed (% / no.)
1 Bedroom	6.1	0 / 0
2 Bedroom	35.6	24 / 4
3 Bedroom	46.4	47 / 8
4+ Bedroom	11.8	29 / 5

- 4.5. This is not a precise match, but given the size of the site and the character of surrounding area it is considered acceptable in the circumstances.

Affordable housing

- 4.6. The application was submitted with a viability appraisal which indicated that certain abnormal costs left the scheme unable to make any contribution towards the provision of affordable housing or any other financial contributions that might ordinarily be sought. The extra costs in this case were mainly associated with the need to undertake a carefully controlled demolition of the existing buildings to deal with the presence of asbestos.
- 4.7. The applicant's viability appraisal has been independently and rigorously scrutinised and all parties have agreed that in addition to: (1) the obligatory CIL contribution (£55K in this case); and (2) the normal contribution of £65 per dwelling for waste and recycling, the scheme can afford a contribution of £46K towards affordable housing, which the applicants are offering as a commuted sum.
- 4.8. Ordinarily on a scheme of this size the expectation of Core Strategy policy SP9 is for on-site provision of affordable housing; the policy states that *"commuted sums will not normally be accepted [on larger sites] unless there are clear benefits to the community or delivering a balanced housing market by re-locating all or part of the affordable housing contribution."*
- 4.9. In this case, based upon the figures in the two appraisals, £46K could probably translate into a single 2-bedroom intermediate / shared ownership unit being provided within the scheme. However, the applicants question the sense of that, arguing that it would be very inefficient and costly for a housing provider to maintain a single unit in such circumstances. Were the scheme viable enough to provide a greater number of affordable units on site, then the housing provider would benefit from the associated economies of scale in terms of maintenance, management etc. But that advantage would be lost when dealing with a single dwelling. That may not be a justification that accords precisely with the circumstances listed in Policy SP9, but it is a material consideration that, exceptionally in this case, weighs in favour of accepting a commuted sum.

Access

- 4.10. The site has easy vehicular access to the A63 (Leeds Road) via a long-established junction with good visibility. A new footpath link will be provided in the grass verge to the eastern side of Holly Grove to provide connectivity for residents of the proposed

scheme back to Leeds Road. The existing short turning head to the north of the application site on the east side of Holly Grove will be returned to a grassed verge.

- 4.11. The local highway authority raises no objection to the development, subject to a number of conditions.
- 4.12. It is important to note that residents will also have the option of good public transport links with regular bus services to Leeds and Selby.
- 4.13. Pedestrian access will also be via the link to Leeds Road. At the moment an informal link has been created from the north-west corner of the site into the car park of The Fox public house, providing a short cut to the pub and other amenities further west. However, this would be extinguished by the proposals.
- 4.14. On plan there would also appear to be the obvious potential to create a pedestrian link westwards through Francis Court; there is no physical constraint to such a connection, other than the need to breach the hawthorn hedge on the boundary. However, the applicants are not willing to pursue this. They make the point that the parking courtyard to Francis Court is private, not adopted, which raises the potential for protracted negotiations, which in all likelihood they believe would be unsuccessful. The applicants are also unenthusiastic about the prospect of taking a public right of way across the unadopted parking courtyard at the head of the current proposal. This lost opportunity is considered regrettable, but not fatal to the proposal.
- 4.15. Overall, in terms of access, the proposal is judged to be compliant with the objectives of Core Strategy policy SP19 and Local Plan policies ENV1(2), T1 and T2.

Parking

- 4.16. The applicant's Design & Access Statement confirms that dedicated parking will be provided at the rate of three parking spaces for every three- and four-bedroom house (including one 6m x 3m garage) and two spaces for every two-bedroom house. This accords precisely with the "rural areas" standard in Local Plan policy VP1 (Appendix 4).

Character of the area

- 4.17. The Local Plan describes the form and character of Thorpe Willoughby as comprising:

'...principally modern estate development, the main thoroughfare being Fox Lane. There is no perceivable village centre and recent development very much reflects the character of the village which is suburban in nature.'

That comment dates from 2005 and, if anything, more recent developments have only reinforced the predominantly suburban character of the village.

- 4.18. The application site is a former residential care home, comprising a collection of now vacant single- and two-storey buildings. Surrounding development is also predominantly residential and includes a mix of mainly two-storey detached and semi-detached properties to the south and east (Meadow Drive and Barff Grove),

two-storey flats to the west (Francis Court) and single- and two-storey semi-detached and terraced dwellings to the north (Holly Grove). The beer garden to the Fox public house, which fronts Leeds Road, abuts the north-west of the site. Existing dwellings tend to be set back from the road behind open front gardens and with the exception of Francis Court all have in-curtilage parking.

- 4.19. The mix of dwellings in the proposed scheme very much reflects this established character, offering a mix of seven detached, four semi-detached and six terraced properties, the latter arranged as two terraces of three properties. All of the dwellings are two-storeys in height, with the exception of Unit 15 which is two-and-a-half storeys. The site only has a single point of access and so the proposal has inevitably taken on the form of a cul-de-sac, albeit with a sinuous configuration which adds visual interest. Unit 15 (the single two-and-a-half storey unit within the scheme) provides a focal point when entering the site from Holly Grove and the eye is then led through a succession of turns and additional focal points before terminating in a turning head linked to a private parking courtyard situated between the two terraces that face each other in the south-west corner of the site.
- 4.20. The layout has been amended since first submitted, essentially to improve the amenity of the units within the scheme, but also to protect the hawthorn hedge on the western boundary – more of which below.
- 4.21. The scheme employs variants of five different house types, providing a mix of two, three and four bedroom properties. Materials are to be drawn from a palette of brick, render and concrete roof tiles, which is typical of the local area.
- 4.22. Having regard to local and the context of the site's surroundings the character of the development proposed is judged consistent with the objectives of Core Strategy policies SP4 and SP19 and Local Plan policy ENV1.

Residential amenity

- 4.23. The application site has an established residential use, albeit that it was last used for a care home with a distinctive institutional character. The 17 dwellings proposed by this application adopt a configuration more typical of the surrounding area and relationships between properties within the development itself have all been carefully considered to maximise amenity within the space available.
- 4.24. For existing properties surrounding the site the development will come closer to the intervening boundaries, which will appear as a significant change for some, but, again, the various relationships have all been carefully considered. For the most part back-to-back distances maintain a distance of at least 21m, which is the generally accepted minimum in these circumstances. Where proposed dwellings come appreciably closer to a common boundary the designs have been configured to ensure that there are no windows to habitable rooms overlooking existing properties. The one exception to this is Unit 7 where the rear windows face south over a relatively shallow back garden (7m). However, the overall distance to the closest neighbours (the semi-detached 12a and 15 Barff Grove) are obliquely angled relative to the application site and the intervening distance is never less than 25m. Furthermore, there are two evergreen trees on the neighbours' side of the boundary which will help mitigate any potential for overlooking.

- 4.25. There is always the potential for the standards of amenity established in the proposals as they currently stand to be compromised by subsequent alterations when the properties are occupied, and that could be used as an argument to remove certain permitted development rights. However, the NPPF is clear that “...*planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so*”, which is not considered to be the case here.
- 4.26. Overall, the application proposes a density of development greater than that established by the former care home, but the relationships between properties, both within and adjoining the site, are judged to be: (a) in accordance with the general principles that govern such relationships and (b) characteristic of the wider area. As such the proposal is judged to be in accordance with Local Plan policy ENV1.

Trees, hedgerows and landscaping

- 4.27. The *Arboricultural Report and Impact Assessment* which accompanies this application identifies a number of trees and hedgerows within and adjoining the site. Many of these have already been removed in conjunction with ongoing site clearance. However, three significant features remain: a well-established hawthorn hedge on the boundary with Francis Court; and two silver birch trees to the west of the site entrance.
- 4.28. The hawthorn hedge is a significant feature, which is particularly striking when seen from Francis Court where it forms a backdrop to the car park. Its retention would be highly desirable, a point acknowledged by the applicant, and the latest amendments to the scheme have shifted the two terraces at the southern end of the site eastwards, reducing encroachment on the hedge. It is being recommended that conditions are attached to any consent to ensure that: (a) the hedge is protected during the construction period; and (b) that, thereafter, it is managed in a manner that maximises its potential for long term retention.
- 4.29. The two birch trees are prominent features adjoining the site entrance. They are conspicuous in the approach to the site along Holly Grove and they can also be seen in views from Fox Lane, particularly across the car park to The Fox public house. They are identified in the *Arboricultural Report* as being Category B specimens, being in good condition, having moderate amenity value and a life expectancy of greater than 40 years. Their retention within the scheme would be highly desirable. However, they have been shown for removal from the start. On the latest site plan they appear in the back garden of Unit 17 where their retention would clearly be impracticable given their proximity to the house.
- 4.30. On the face of it an obvious solution would be to relocate the proposed “Landscaped Area” to the west of the site access and incorporate the trees into what could be an attractive amenity. However, this too would be impracticable given that the “Landscaped Area” is principally a large highway soakaway, the subsurface features of which would compromise the root systems. The only workable solution would be to either retain the trees in a more traditional area of open space or in a much larger garden, but the consequences in each case would be to lose a unit. And that is ultimately the choice – retain the trees and lose a unit, or accept their loss as a consequence of maintaining the scheme at 17 dwellings. Given the NPPF’s

exhortation to “*boost significantly the supply of housing*” it is considered that the planning balance in this case favours the latter.

4.31. Other landscaping of the site will be governed by the *Detailed Landscape Proposals* submitted as part of this application.

Community infrastructure

Community Infrastructure Levy

4.32. The site lies within the “Moderate value area” for the purposes of calculating CIL, which establishes a figure of £35 per sq. m. for market housing – although not affordable housing. In this case, on the basis of the current accommodation schedule, that would equate to a contribution of just under £55K.

Recreation open space

4.33. Local Plan policy RT2 states that “*Proposals for new residential development comprising 5 or more dwellings will be required to provide recreation open space at the rate of 60 square metres per dwelling ...*” And for proposals of between 10 and 50 dwellings, as in this case, there are four options available for meeting this requirement subject to negotiation and the existing level of provision in the locality:

- *Provide open space within the site;*
- *Provide the open space within the locality;*
- *Provide the open space elsewhere;*
- *Where it is not practical or not deemed desirable for Developers to make provision within the site the District Council may accept a financial contribution to enable provision to be made elsewhere;*

4.34. The submitted scheme provides a modest area of open space to the east of the site entrance (the “*Landscaped Area*”), measuring approximately 140 sq. m. – considerably short of the 1,020 sq. m. (17 x 60 sq. m.) required by policy RT2. However, it is not considered desirable to increase on-site provision in this case for two reasons: (1) it would not be conveniently accessible to the community as a whole and would therefore be of limited wider benefit; and (2) the site is located reasonably conveniently to the existing village green west of Fox Lane, which provides an extensive area of open space and a good range of children’s play equipment. Enhancements to this area, if needed, could be funded from the CIL contribution.

Education

4.35. One of the third party representations received in response to the publicity of this application asks whether, even with the two extra classrooms being built at Thorpe Willoughby primary school, there will be adequate capacity to cater for the cumulative demand from recent developments within the village. This is a valid question; one of the objectives of the Core Strategy is:

‘Protecting and enhancing the existing range of community facilities and infrastructure and ensuring additional provision is made to meet changing requirements and to support new development.’

4.36. Furthermore, Core Strategy policy SP2, which establishes the spatial development strategy for the District, is clear that whilst the majority of new development will be directed to the towns and more sustainable villages, which includes Thorpe Willoughby, this will depend upon, amongst other things, any infrastructure constraints. A proportion of all CIL payments is already directed towards “*Primary and Secondary School Education*”, but that may not always be enough to resolve fundamental capacity issues. However, in this case North Yorkshire County Council has confirmed:

‘Under our standard methodology for calculating additional pupil places, this development would generate less than 4 primary aged pupils and I can therefore advise that there would not be any fundamental school capacity issues arising from this development.’

Ecology

4.37. The *Preliminary Ecological Appraisal (PEA) Survey Report* submitted with this application concludes that:

‘Due to the current limited ecological value of the site, the development is considered to have a low ecological impact on protected species; bats being the potential exception.’

4.38. The follow up *Bat Emergence Survey* (Brooks Ecological, May 2017) concludes:

‘Dedicated surveys have confirmed the likely absence of roosting bats from the building.’

4.39. Natural England has not responded to the consultation on this application, but given the conclusions of the reports quoted above it is reasonable to assume that there is no ecological constraint to development of this site. The proposal is therefore judged consistent with the relevant parts of Core Strategy policy SP18 and Local Plan policy ENV1.

Land contamination

4.40. This application is accompanied by a *Phase 1 Geo-environmental Report* prepared by Haigh Huddleston & Associates. This concludes:

‘The site was not developed until the 1970s when the current building on site was constructed and only residential development to the site boundaries. We therefore believe the risk of contamination to the site to be very low.’

It also further recommends that “...a Stage II Ground Investigation is undertaken following the demolition of the existing buildings to determine the underlying strata and foundations for the new development to be specified.”

4.41. This report has been independently reviewed by the Senior Contaminated Land Officer at North Yorkshire County Council and she concludes as follows:

'I am pleased to confirm that the reports are acceptable – they provide a good overview of the site's history, its setting and its potential to be affected by contamination. The soil sampling results did not identify any contamination, but elevated ground gas levels and a small area of tipped material were detected. Additional ground gas monitoring and an associated risk assessment is needed before a remediation scheme can be finalised.'

Conditions are recommended to address these outstanding concerns.

Energy efficiency

- 4.42. There are two related Core Strategy policies that deal with sustainability, climate change and improving resource efficiency – policies SP15 and SP16. Policy SP15 concentrates on practical design and layout measures, whilst SP16 is more ambitious, requiring all new developments of 10 dwellings or more to provide a minimum of 10% of predicted energy consumption from renewable, low carbon or decentralised energy sources.
- 4.43. The applicant's Design and Access Statement makes no reference as to how these policy requirements will be met. It is recommended that the issue is resolved through the imposition of a planning condition.

Waste

- 4.44. The Council's Developer Contributions Supplementary Planning Document (March 2007) expects a financial contribution of £65 per dwelling towards "Waste and Recycling Facilities". This has been agreed by the applicant and will be addressed through the proposed unilateral undertaking.

Legal Issues

- 4.45. Planning Acts:

This application has been considered in accordance with the relevant planning acts.

- 4.46. Human Rights Act 1998:

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

- 4.47. Equality Act 2010:

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

- 4.48. The applicant's viability assessment has been independently scrutinised and the lower than normal contribution towards affordable housing proposed in this case is considered to be justified by the abnormal costs bearing upon the development.

5.0 CONCLUSION

- 5.1. Hollygarth is situated within the development limits of a Designated Service Village and represents previously developed land. As such there is a strong presumption in favour of it being redeveloped. In this case 17 dwellings are proposed in a form which reflects the predominant grain and character of established development in the area. Levels of residential amenity within and surrounding the site are also broadly characteristic of the locality.
- 5.2. The scheme is acceptable to the local highway authority and outstanding issues in respect of drainage, land contamination and energy efficiency can all be satisfactorily addressed through conditions.
- 5.3. The loss of the two silver birch trees adjoining the site entrance is regrettable, but their retention would result in the loss of a unit. However, modifications to the scheme should now safeguard the significant hawthorn hedge on the western boundary.
- 5.4. It is accepted that the level of affordable housing ordinarily required from a development of this scale is unachievable because of the abnormal costs associated (principally) with the removal of asbestos from the site. However, the scheme can still afford a contribution of £46K and whilst this could be translated into one unit of on-site accommodation the impracticalities of subsequently maintaining a single unit in such circumstances justifies, exceptionally, taking a commuted sum towards other projects that can help meet housing need in Thorpe Willoughby.

6.0 RECOMMENDATION

- 6.1. APPROVE subject to: (1) a unilateral undertaking to secure: (a) £46K as a contribution towards the off-site provision of affordable housing; and (b) financial contribution of £65 per dwelling towards waste & recycling; and (2) conditions:

1. The development for which permission is hereby granted shall be begun within a period of 3 years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

Approved plans

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
 - Site Location Plan, NY17003/A/1000 Version C1
 - P-4065-3DG-0000-02-001-revM- Proposed Site Plan
 - 0100 – 0104 Revision F Detailed Landscape Proposals

- P-4065-3DG-0100-12-001-Blackthorn-HT-03 General Arrangement-Planning
- P-4065-3DG-0100-18-001-Blackthorn-HT-03-A General Arrangement-Planning
- P-4065-3DG-0100-16-001-rev-A-Maple-HT-01-A General Arrangement-Planning
- P-4065-3DG-0100-13-001-rev-A-Maple-HT-01-B General Arrangement-Planning
- P-4065-3DG-0100-19-001-rev-A-Maple-HT-01-C General Arrangement-Planning
- P-4065-3DG-0100-20-001-rev-Maple-HT-01-D General Arrangement-Planning
- P-4065-3DG-0100-15-001-rev-Willow-HT-05 General Arrangement-Planning
- P-4065-3DG-0100-17-001-rev-Hazel-HT-02 General Arrangement-Planning
- P-4065-3DG-0100-14-001-rev-Rowan-HT-04 General Arrangement-Planning
- P-4065-3DG-0100-030-001 Double Garage
- P-4065-3DG-0100-031-001 Single Garage

Reason: To ensure that no departure is made from the details approved and that the whole of the development is carried out, in order to ensure the development accords with Selby District Local Plan Policy ENV1.

Materials

3. Prior to commencement of work above foundation level, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby approved shall be submitted to and approved in writing by the local planning authority, and only the approved materials shall be utilised thereafter.

Reason: In the interests of visual amenity and in order to comply with policy ENV1 of the Selby District Local Plan.

Levels

4. No development shall commence until details of the finished floor levels of each of the 17 dwellings hereby approved, relative to ordnance datum, has been submitted to, and approved in writing by, the local planning authority. Thereafter, unless agreed otherwise in writing by the local planning authority, the development shall be completed in accordance with the agreed levels.

Reason: In the interests of amenity having regard to policies SP19 of the Selby District Core Strategy Local Plan and policy ENV1 of the Selby District Local Plan.

Landscaping

5. No work on the construction of the dwellings hereby approved shall commence until measures for the protection of the hawthorn hedge on the

western boundary of the site during the course of construction have been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Thereafter, unless agreed otherwise in writing by the local planning authority, the agreed measures shall be retained for the entire duration of the construction process. Reason: To retain the hawthorn hedge on the western boundary in the interests of visual amenity and in accordance with Local Plan policy ENV1.

6. Unless agreed otherwise in writing by the local planning authority, none of the dwellings hereby approved shall be first occupied until the hawthorn hedge on the western boundary of the site has been subjected to management in accordance with a Hedge Management Plan that shall first have been submitted to, and approved in writing by, the local planning authority. The Hedge Management Plan shall contain management proposals for a period of not less than five years and, thereafter, the hedge shall be managed in accordance with such proposals as are agreed.

Reason: To retain the hawthorn hedge on the western boundary in the interests of visual amenity and in accordance with Local Plan policy ENV1.

7. Unless agreed otherwise in writing by the local planning authority, the Detailed Landscape Proposals shown on drawing number 0100 – 0104 Revision F shall be implemented before the expiry of the planting season November to March coincident with or immediately following (whichever is the earlier) the occupation of the last of the 17 houses hereby approved. Thereafter, any trees, plants or shrubs which die or are otherwise removed within a period of five years shall be replaced on a like-for-like basis.

Reason: To retain the hedge in the interests of visual amenity and in accordance with Local Plan policy ENV1.

Highways

8. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works or the depositing of material on the site, until the following drawings and details have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:
 - a. Detailed engineering drawings to a scale of not less than 1:500 and based upon an accurate survey showing:
 - the proposed highway layout including the highway boundary
 - dimensions of any carriageway, cycleway, footway, and verges
 - visibility splays
 - the proposed buildings and site layout, including levels
 - accesses and driveways
 - drainage and sewerage system
 - lining and signing
 - traffic calming measures
 - all types of surfacing (including tactiles), kerbing and edging.

- b. Longitudinal sections to a scale of not less than 1:500 horizontal and not less than 1:50 vertical along the centre line of each proposed road showing:
- the existing ground level
 - the proposed road channel and centre line levels
 - full details of surface water drainage proposals.
- c. Full highway construction details including:
- typical highway cross-sections to scale of not less than 1:50 showing a specification for all the types of construction proposed for carriageways, cycleways and footways/footpaths
 - when requested, cross sections at regular intervals along the proposed roads showing the existing and proposed ground levels
 - kerb and edging construction details
 - typical drainage construction details.
- d. Details of the method and means of surface water disposal.
- e. Details of all proposed street lighting.
- f. Drawings for the proposed new roads and footways/footpaths giving all relevant dimensions for their setting out including reference dimensions to existing features.
- g. Full working drawings for any structures which affect or form part of the highway network.
- h. A programme for completing the works.

The development shall only be carried out in full compliance with the approved drawings and details unless agreed otherwise in writing by the Local Planning Authority with the Local Planning Authority in consultation with the Highway Authority.

Reason: In accordance with Local Plan policy ENV1 and to secure an appropriate highway constructed to an adoptable standard in the interests of highway safety and the amenity and convenience of highway users.

INFORMATIVE

In imposing condition number above it is recommended that before a detailed planning submission is made a draft layout is produced for discussion between the applicant, the Local Planning Authority and the Highway Authority in order to avoid abortive work. The agreed drawings must be approved in writing by the Local Planning Authority for the purpose of discharging this condition.

9. No dwelling to which this planning permission relates shall be occupied until the carriageway and any footway/footpath from which it gains access is constructed to basecourse macadam level and/or block paved and kerbed and connected to the existing highway network with street lighting installed and in operation. The completion of all road works, including any phasing, shall be in accordance with a programme approved in writing with the Local Planning Authority in consultation with the Highway Authority before the first dwelling of the development is occupied.

Reason: In accordance with Local Plan policy ENV1 and to ensure safe and appropriate access and egress to the dwellings, in the interests of highway safety and the convenience of prospective residents.

10. There shall be no access or egress by any vehicles between the highway and the application site until full details of any measures required to prevent surface water from non-highway areas discharging on to the existing or proposed highway together with a programme for their implementation have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The works shall be implemented in accordance with the approved details and programme.

Reason: In accordance Local Plan policy ENV1 and in the interests of highway safety.

11. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works until:
 - a. The details of the following off site required highway improvement works, works listed below have been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority:
 - Provision of footway linking proposed site with Holly Grove as per drawing number 0000-02-001.
 - A programme for the completion of the proposed works has been submitted to and approved writing by the Local Planning Authority in consultation with the Local Highway Authority.

Reason: In accordance with Local Plan policy ENV1 and to ensure that the details are satisfactory in the interests of the safety and convenience of highway users.

12. No development for any phase of the development shall take place until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Local Highway Authority. The approved Statement shall be adhered to throughout the construction period for the phase. The statement shall provide for the following in respect of the phase:
 - a. the parking of vehicles of site operatives and visitors
 - b. loading and unloading of plant and materials
 - c. storage of plant and materials used in constructing the development
 - d. erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
 - e. wheel washing facilities
 - f. measures to control the emission of noise, dust dirt and other airborne pollutants, vibration, smoke, and odour from demolition and construction work

- g. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In accordance with Local Plan policy ENV1 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

Surface water

- 13.No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

Drainage

- 14.The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage.

- 15.No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.

- 16.No development shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design should demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years

rainfall event, to include for climate change and urban creep, will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development.

The scheme to be submitted shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in North Yorkshire County Council SuDS Design Guidance (or any subsequent update or replacement for that document).

Reason: To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

Land contamination

17. Prior to commencement of development, gas monitoring and a risk assessment shall be carried out by a competent person to assess ground gas generation and migration. A written report of the findings must be submitted and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from landfill gas to the future users of the land and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

19. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and 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.

20. In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

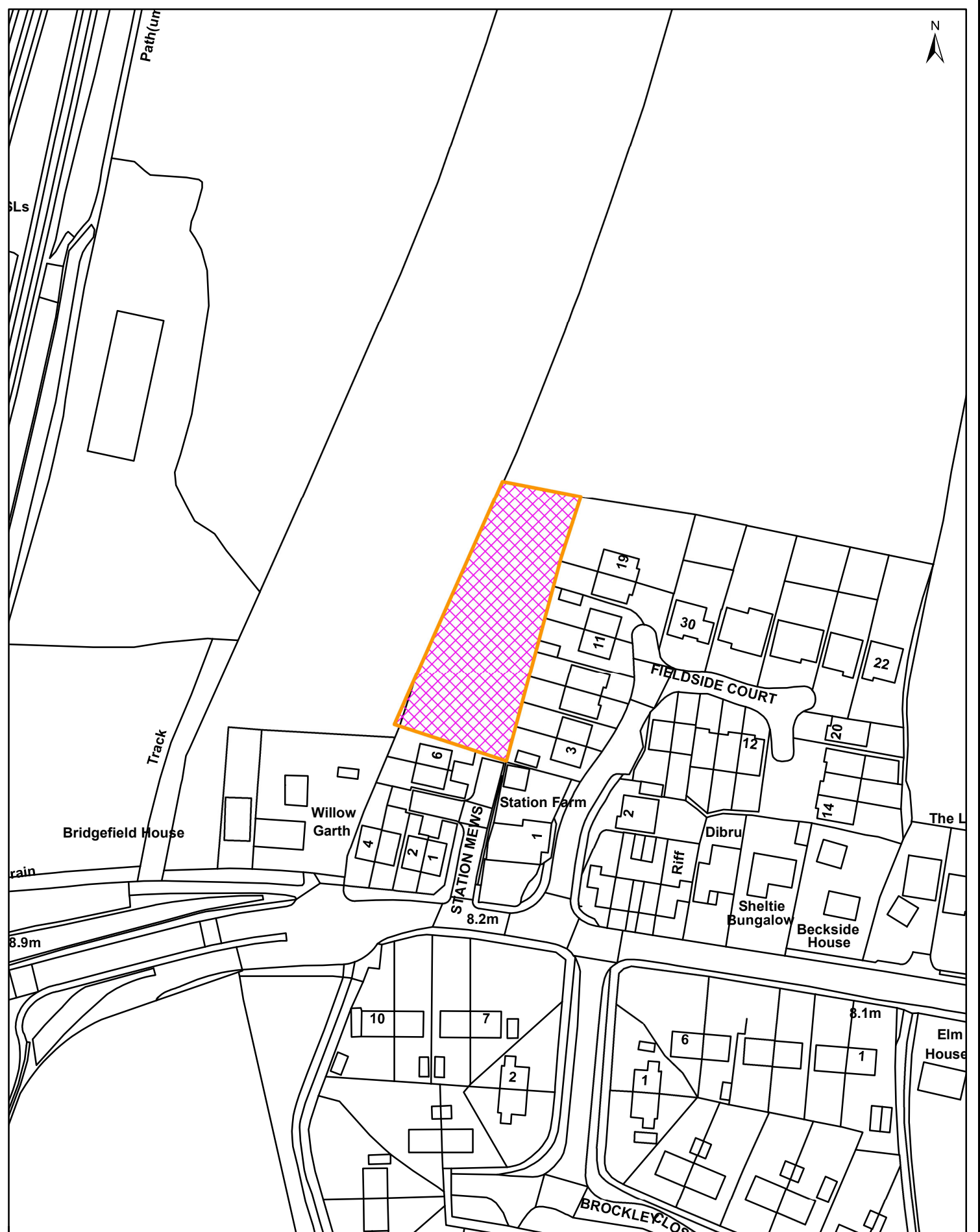
Energy efficiency

21. None of the dwellings hereby approved shall be first occupied until a scheme to ensure that at least 10% of the energy supply to the dwellings comes from decentralised and renewable or low carbon energy sources has been implemented in accordance with details that shall first have been submitted to, and approved in writing by, the local planning authority. Unless agreed otherwise in writing by the local planning authority the agreed scheme shall be retained as operational for the lifetime of the development.

Reason: To ensure that the development meets the expectations of policies SP15 and SP16 of the Selby District Core Strategy in respect of sustainability, climate change and improving resource efficiency.

Contact Officer: Andrew Martin, Principal Planning Officer

Appendices: None

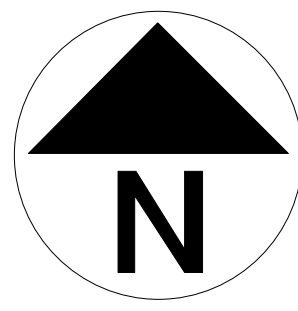


APPLICATION SITE

Station Mews, Church Fenton
2017/0443/REM

1:1,250





Revisions
 0 08/11/17 CS Plot 5 position adjusted.



**AMENDED
DRAWING**

Willow
Garth

FIELDSIDE CT

Riff

1 Site Layout Plan
Scale: 1:200

KMRE group	Approval
project	Church Fenton Phase 2
drawing title	Site Layout Plan
drawing number	3304 (1)002 0
1:200	drawn/checked date
@A1	CO / SG 06/02/2017



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To: Planning Committee
Date: 6 December 2017
Author: Mr Keith Thompson (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0443/REM 8/62/282A/PA	PARISH:	Church Fenton Parish Council
APPLICANT:	KMRE Group	VALID DATE: EXPIRY DATE:	17 May 2017 12 July 2017
PROPOSAL:	Reserved matters application relating to appearance, landscaping, layout and scale of 5 No dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved)		
LOCATION:	Land Adj To Station Mews Church Fenton Selby North Yorkshire		
RECCOMENDATION:	APPROVE		

This application has been brought before Planning Committee due to there being more than 10 objections to the proposal.

The application was deferred at the November planning meeting to re-consult on amended plans and publicity on these plans expires on these plans on 23 November 2017. The Committee will be updated on any comments received on the re-consultation at the meeting as the Consultation will not be completed in advance of the deadlines for the completion of this Report. Amended plans were submitted by the applicant to improve the separation distance between the gable wall of Plot 5 and the rear of 17 Fieldside Court to 12.5 metres.

1. INTRODUCTION AND BACKGROUND

Site and Context

1.1 The application site comprises a rectangular shaped parcel of grassed field that lies adjacent to houses and is outside the development limits of Church Fenton.

1.2 The eastern perimeter has a timber panel fence circa 1.7m high and a hedge, the northern and western perimeters have a post and rail fence some 1.2m high and the southern boundary has a timber panel fence 1.6m high.

1.3 Church Fenton Railway Station lies a short walk from the site to the west.

1.3.1 Vehicular access to the site would be taken off Station Road via Station Mews.

The proposal

1.2 The application is submitted for Reserved Matters relating to appearance, landscaping, layout and scale of 5 no dwellings of approval 2016/0505/OUT outline application for the erection of 5 new dwelling houses with access (all other matters reserved).

Relevant Planning History

1.3.1 Application Reference 2016/0505/OUT was permitted 08.09.2016, which granted outline planning permission for the erection of 5 new dwellings on the site. This was an outline consent with access agreed and all other matters reserved. The Outline consent includes a series of conditions on contaminated land, surface water drainage, waste/recycling provision, highway works and piled development and included indicative plans showing that the site could be developed for 5 units.

2.0 CONSULTATION AND PUBLICITY

The application was advertised in the local press as a departure from the Development Plan, neighbour notification letters were sent and a site notice was erected.

Amended plans have been received for plot 5 which has resulted in the separation distance between the gable wall of plot 5 dwelling and no. 17 Fieldside Court measuring 12.5m. The publicity on these plans expires on 23 November.

There have been objections from 16 addresses citing the following concerns:

- Principle of development;
- Overlooking of houses on Station Mews and Fieldside Court;
- Affect light to houses in Fieldside Court;
- Consultation has not been wide enough;
- Overdevelopment of the site;
- Out of character with the village;
- Houses would affect views from the existing properties;
- Contaminated land report has not reviewed rumours of previous contamination of the site;
- Surface water run off concerns;
- Cause noise pollution, dirt and dust issues;
- Insufficient parking provision; and
- Flood risk concerns.

2.1 NYCC Highways

No objection and no conditions recommended, although there are highways conditions on the outline consent pertaining to access design and the outline consent agreed the access point.

2.2 Yorkshire Water

No comments received on the application.

2.3 Selby Area Internal Drainage Board

No objection (A surface water condition is on the Outline permission).

2.4 Church Fenton Parish Council

Initial comments on the scheme noted an "Objection" to the development on the basis of the following grounds:

- Overdevelopment,
- Loss of amenity to residents in Fieldside Court,
- Parking a problem,
- Out of character.

3.0 **SITE CONSTRAINTS AND POLICY CONTEXT**

Constraints

3.1 The application site lies outside the defined boundary of Church Fenton with access to the site taken through Station Mews from Station Road. The site is located adjacent to the defined village development boundary.

3.2 The site is within Flood Zone 1 which is a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.

3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by

the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.5 The relevant Core Strategy Policies are:

SP18	Protecting and Enhancing the Environment
SP19	Design Quality

Selby District Local Plan

3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1 Control of Development

Other Documents

Church Fenton Village Design Statement February 2012.

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

1. Principle of development
2. Scale, Layout and External Appearance
3. Landscaping
4. Impact on Residential Amenity

Principle of Development

4.2 Objections have been received with regards to the location of the development and being located outside defined development limits. The application site was subject to an outline approval for the development of 5 dwelling with all matters except access reserved granted in September 2016 under Application Reference 2016/0505/OUT. Therefore, the principle of development and the access approach for the development has been established through the outline permission and only the reserved matters noted in the description of development can be considered at this stage by Members.

Scale, Layout and External Appearance

4.3 The application has been submitted with scale, layout and external appearance being sought for approval. Plot 5 would be two storey unit, with the remaining plots

being 3 storeys units. Within the 3 storey units the ground floors would include living and dining spaces and integral garage space. The first and second floors (for plots 1-4) would occupy four bedrooms and bathrooms

- 4.4 The houses would be constructed using red brick walls and grey tile roof and there would be on-site parking to the front of each property and garden space to the front and enclosed garden to the rear.
- 4.5 The site lies adjacent to a group of houses on Station Mews to the south which contains three pairs of semi-detached houses two storey high. There is a larger housing estate located to the east of the site which comprises semi-detached, detached and a terrace of houses. The houses immediately adjacent to the site on Fieldside Court include two storey and three storey semi-detached houses. The submitted cross section plans indicate that the proposed height of the three storey plots would not be taller than these three storey houses (nos. 7, 9, 17 and 19).
- 4.6 The Church Fenton Village Design Statement refers to the Fieldside Court development and describes the development of the houses and density. It is considered that it would be appropriate in this case to accept a design that relates to the immediate setting rather than impose the style of houses on Main Street which were each developed one at a time and using a mix of materials. The houses surrounding the site are post 2000 and the proposed design, scale and appearance of the houses proposed in this scheme would not conflict with the design of development of houses nearby.
- 4.7 It would be reasonable and necessary to seek to see samples of materials prior to commencement of development and this can be secured by condition.
- 4.8 Objections received refer to the lack of parking spaces on the site and for each plot. These comments are noted, but each plot indicates an integral parking space through provision of a garage and two off street parking spaces for each house providing a total of three parking spaces for each plot. This is considered sufficient for a four bedroom dwelling. Car parking dimensional requirements are 4.8m x 2.4m and the hardstanding for each dwelling would permit two spaces using these dimensions.
- 4.9 Given the mixed character of the area and the noted context it is considered, that the proposed scale, layout and external appearance of the dwellings would be sympathetic to the locality where similar scale and external appearance of house are evident. There would be adequate space about the dwellings for future occupiers to enjoy.
- 4.10 As such subject to the agreement of the materials the scale, layout and external appearance of the proposed development is considered to be acceptable in accordance with Policy SP19 of the Core Strategy Local Plan, Policy ENV 1 (4) of the Local Plan and the advice contained within the NPPF which seeks good quality design in new development.

Landscaping

- 4.11 The landscaping plan indicates soft landscaping to each property with grassland to the front and to the rear. There is an existing hedgerow along part of the eastern

perimeter of the site that butts the rear gardens of houses on Fieldside Court and a hedge next to plot 5.

- 4.12 In terms of views from the countryside to the north west of the site the boundary treatment proposed includes a 1.8m high vertical timber fencing which mirrors the type of fencing on the perimeter of the adjacent estate at Station Mews. A hedge is also proposed to be planted on Plot 3 northern boundary to provide an enclosure to the rear garden. The principle of this type of landscaping would be acceptable and the species and size of planting and its lifespan can be secured by condition.
- 4.13 Taking into account the above policies it is concluded that the proposal is considered acceptable and is in accordance with Policy ENV1 (1) of the Selby District Local Plan and Policy SP19 of the Selby District Core Strategy Local Plan and national planning policy guidance as set out in the NPPF.

Impact on Residential Amenity

- 4.14 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the sheer size, scale and massing of the development proposed.
- 4.15 The application is submitted for the development of the site for 5 dwellings. There would be 4 units that are three storey and a two storey house at Plot 5.
- 4.16 The site layout plan indicates that the separation distances from the row of houses on plots 1-3 would be circa 21m from the front elevation of the houses to the rear elevation of the houses on Fieldside Court directly facing them.
- 4.17 The boundary treatment which includes hedging and fencing at the rear of the houses at Fieldside Court would offer screening of the rear gardens and the separation distance is considered an acceptable distance to ensure no adverse overlooking, overshadowing or oppressive from these houses.
- 4.18 The house on Plot 5 has been reduced in scale to a two storey house as a result of discussions during the life of the application. This would be set off the red line boundary by circa 2m. The separation distance from the gable wall of the house to the rear elevation of the adjacent house at 17 Fieldside Court would be circa 12.5m which is considered an acceptable separation distance for this type of relationship.
- 4.19 Plots 1, 2 and 3 would have a first floor balcony which is open on two sides. The balcony to Plot 3 would have side views towards Plot 4 and it would be necessary to seek a privacy screen on the side elevation to protect privacy of the first floor bedroom window. This can be secured by condition.
- 4.20 Plots 1 and 2 balconies would overlook of gardens to the new dwellings, with plot 2 facing the rear garden of plot 1, and plot1 facing the adjacent rear garden of the house on Station Mews (no. 6). For the same reason above, it would be reasonable to impose a condition to secure a privacy screen to the side of these balconies to prevent overlooking between the new dwellings.

- 4.21 An objection refers to noise, dust and dirt being an issue as a result of the development. The Outline approval has a construction method statement condition attached which includes a requirement for the developer submitting measures to control the emission of dust and dirt during construction. It is considered that any noise disturbance from the construction of the dwellings can be managed under separate Environmental Health legislation should it be considered to raise a nuisance.
- 4.22 As such, subject to conditions on the outline consent and proposed conditions for this reserved matters stage, it is considered that the proposed layout of the dwellings would result in a development which would provide a good standard of amenity for occupiers of the dwellings and not adversely impact on residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Other Matters

- 4.23 Objections refer to the principle of development that has already been established through the Outline Consent, and thus the principle of development cannot be revisited in this application.
- 4.24 It is considered that a right to a countryside view is not a material consideration in determining this application.
- 4.25 Objections that refer to access, flood risk, contamination and drainage have been resolved in the Outline application with conditions where appropriate attached to that permission. These are matters not for consideration in this application.
- 4.26 The application was advertised by site and press notice and neighbour notification letter of properties whose land touches the application site. It is considered that this depth of publicity was adequate to notified local residents of this application.
- 4.27 An objection received disputes the position of the boundary hedge on the eastern perimeter of the site that butts Fieldside Court gardens and claims that the existing hedge is not included within the site ownership. The agent confirmed that the survey shows that the hedge is on the applicant's side of the existing timber fence. No evidence has been received to the contrary.

Legal Issues

- 5.1 Planning Acts
This application has been determined in accordance with the relevant planning acts.
- 5.2 Human Rights Act 1998
It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 5.3 Equality Act 2010
This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the

conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

5.4 Financial issues are not material to the determination of this application.

6.0 CONCLUSION

6.1 The application site was subject to an outline approval with access agreed and other matters reserved in 2016 (reference 2016/0505/OUT). Therefore the principle of development and the access has been established through the outline permission and only the reserved matters noted here can be considered at this stage.

6.1.1 The reserved matters details for the appearance, scale, layout and landscaping details are considered to be acceptable. The details ensure that the proposal would not result in a significant or detrimental impact on the residential amenity of surrounding properties or on the character or appearance of the area.

6.1.2 The proposed development is therefore considered to be acceptable having had regard to Policies ENV1, T1 and T2 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy and the advice contained with the NPPF.

7.0 RECOMMENDATION

7.1 The application is recommended to be APPROVED subject to the following conditions:

01. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Site Location Plan 3304(1) 001
- Site Layout plan 3304 (1) 002 REV O
- Site Sections 3304(1) 005 REV A
- Type A plans 3304(2) 001 REV J
- Type C plans 3304(2) 003 REV A
- Landscaping plan 3304(1) 006 REV B

Reason

For the avoidance of doubt

02. Prior to the commencement of development, details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. Development shall not commence until a scheme detailing species and size of planting to be carried out on the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity.

04. The development shall not be brought into use until a scheme for privacy screening to the balconies of plots 1, 2 and 3 has been submitted to and approved in writing by the Local Planning Authority. The approved screen shall be maintained for the lifetime of the development.

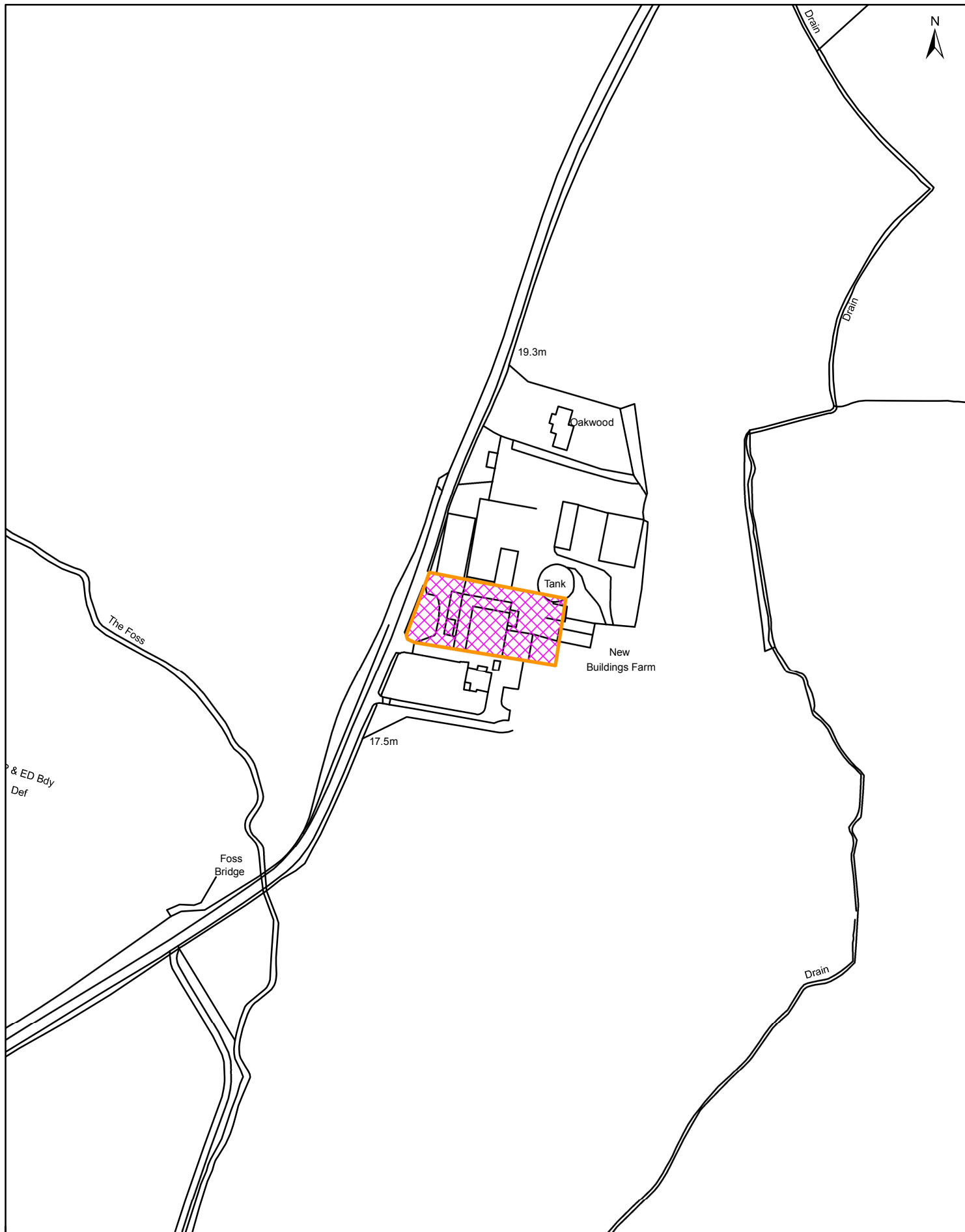
Reason:

In the interests of amenity in accordance with Policy ENV1 of Selby District Local Plan.

Contact Officer: Keith Thompson, Senior Planning Officer

Appendices: None

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APPLICATION SITE

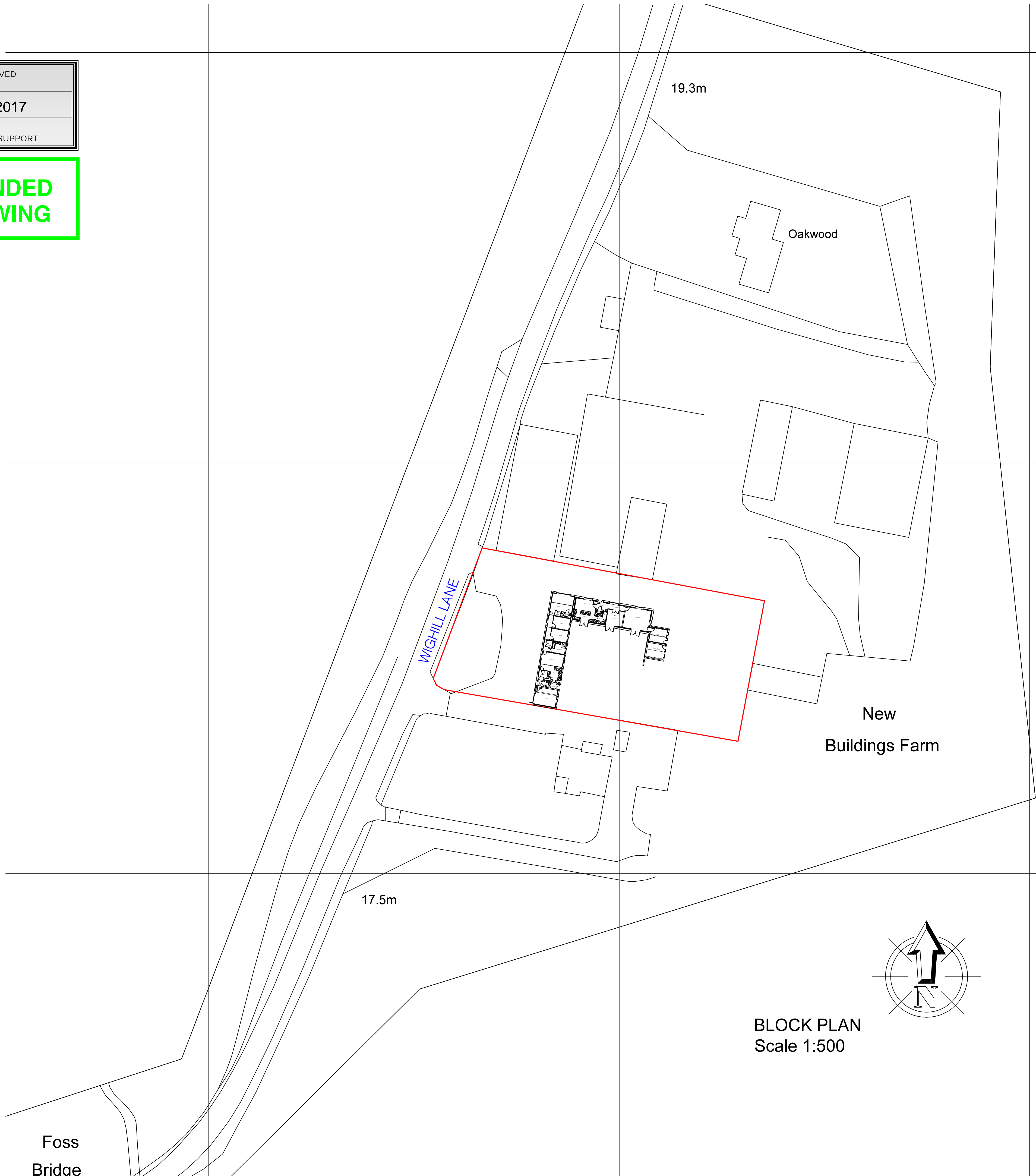
Oakwood, Main Street, Hemingbrough
2017/0706/FUL

1:2,500



RECEIVED
 17/10/2017
 BUSINESS SUPPORT

**AMENDED
 DRAWING**



BLOCK PLAN
 Scale 1:500



LOCATION PLAN
 Scale 1:1250

A 21.08.17 Garages omitted.

RIBA # [symbol]

BrierleyGroom
 Chartered Architects

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 Registered England
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client	MR & MRS RICHARDSON	
project	OAKWOOD BARNS HEALAUGH TADCASTER YORK	
drawing	BLOCK PLAN & LOCATION PLAN	
date	MAY 2017	status PLANNING
scale	AS NOTED @ A1	revision A
number	R075.01.04	

To: Planning Committee
Date: 6 December 2017
Author: Diane Wilson (Planning Officer)
Lead Officer: Ruth Hardingham (Development Manager)

APPLICATION NUMBER:	2017/0706/FUL	PARISH:	Healaugh Parish Council
APPLICANT:	Mr & Mrs Richardson	VALID DATE: EXPIRY DATE:	13 July 2017 7 September 2017
PROPOSAL:	Proposed conversion of existing disused agricultural buildings to form two residential dwellings with associated garaging		
LOCATION:	Oakwood Main Street Healaugh Tadcaster Leeds LS24 8DB		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The site lies within an area of open countryside outside the defined development limits of Healaugh. The farmstead is accessed via Main Street, with arable agricultural fields to the north south east and west. There are established boundary treatments which form in the way of hedgerows to the east of the site.

The Proposal

- 1.2. This application seeks full planning permission for the conversion and alteration to an existing barns and the removal of a fold yard to form 2 dwellings. The barn

conversions are attached to one another. Plot 1 would benefit from 3 bedrooms, bathroom, dining room, and kitchen/utility room, and a reception room with off street parking provision. Plot 2 would benefit from a study room, garden store, dining/kitchen, two reception rooms, 4 bedrooms and bathrooms, along with off street parking provision. The proposed materials would consist of timber doors, and windows, natural clay pantile roof and matching facing brickwork. It is proposed the vehicular access into the site would be taken from Main Street. This is an existing access and would serve both conversions.

Relevant Planning History

- 1.3. 2015/0123/FUL (REF - 31.03.2015) Section 73 application for the removal of condition 2 (Occupation) of approval CO/1999/108 (8/82/15B/PA) Proposed erection of a new four bedroomed detached agricultural workers dwelling.
- 1.4 CO/2003/0512 (PER - 20.06.2003) Alterations and extensions to provide double garage with store/W.C. and dayroom and installation of two dormer windows to the rear elevation at

2.0 CONSULTATION AND PUBLICITY

The application was advertised as a departure from the Development Plan by site notice, neighbour notification and advertisement in the local newspaper. The application was advertised as a departure but through an assessment of policy it is not considered to be a departure from the development plan.

2.1 NYCC Highways Canal Rd

No objections subject to conditions.

2.2 Yorkshire Water Services

No comments received during the statutory consultation period given.

2.3 Ainsty Internal Drainage Board

It is noted that the application indicates that the surface water from the development is to be disposed of via a soakaway. However the Proposed Underground Drainage Statement refers to the use of either a soakaway, or, a new connection and discharge into The Foss to the south of the site. The Board welcomes Soakaways as an approach to surface water disposal. If an existing soakaway facility was to be used the Board would suggest the Local Authority seek confirmation of its location and that the system is working effectively and also to have evidence that it is capable of handling the additional volume of water that will be generated by the site.

If the testing of either an existing or a newly created soakaway proves unsatisfactory then the applicant will need to reconsider their drainage strategy. It appears that, in this eventuality, the applicant is proposing discharge into The Foss, a Board maintained asset south of the site as such a separate permission is required from the Internal Drainage Board for any works to be undertaken owned by them.

2.4 Parish Council

No objections.

2.5 Contaminated Land Consultants

Conditions are recommended.

2.6 NYCC Bat Group

No objection to the proposed development provided that works are carried out in accordance with the Method Statement that is included in the ecologists' report.

2.7 Natural England

Based upon the information provided there is no objection given the proposal is unlikely to affect any statutory protected species or landscapes.

2.8 Yorkshire Wildlife Trust

No comments received during the statutory consultation period given.

2.9 Environmental Health

It is understood that the agricultural buildings to the north of the proposed development are owned by the applicant; furthermore the applicant has indicated that the agricultural buildings would be used solely for agricultural storage in the future. In view of the above it is recommended that should the application be approved that such consent is subject to a suitably worded condition or agreement that restricts the future use of the agricultural buildings so as to prevent the proposed development being negatively impacted by the future use of the agricultural buildings. No objection to the proposed foul disposal subject to an informative being attached for the applicant to seek approval from building control and the applicant seeks consent from the Environment Agency.

2.10 Neighbour comments

The application was advertised as a departure from the local plan by site notice, neighbour notification letter and advertisement in the local newspaper as resulting in the following objections being received:

- Only one neighbour has been notified of the application not the adjacent land owner therefore this represents an unreasonable and inadequate level of neighbour notification for such an application.
- The site lies on route between two settlements which are protected for their heritage interest and the proposal would affect the character and appearance of these heritage assets.
- No heritage statement has been submitted and no consideration taken with regard to various heritage assets and the application does not access the context of these features nor the contribution to their setting.
- With no heritage statement submitted it is impossible to appreciate the reason

- for their protection or fully assess the contribution that the application makes.
- There is a potential for the surrounding agricultural uses to impact negatively up on the quiet enjoyment of the proposed residential properties.
- No evidence has been provided the buildings are not needed either for their own agricultural activities or for the wider rural employment contrary to H12 of the Selby District Local Plan.
- The Council consider it is able to demonstrate a 5 year housing land supply therefore paragraph 49 is not engaged.
- Through advertising this application as a departure the Council has identified the proposal as being contrary to the proposal does not meet the Councils strategy for the delivery of sustainable development within the district.
- The proposal will afford views from Healaugh Conservation Area and the context of the surrounding areas need to be taken into consideration such as the physical actively and the movement that would result from the occupation and use of these dwellings.
- The additional domestic feature would have an impact on the agricultural farming landscape and would result in causing serve urbanising and harmful effect on the surrounding area.
- The boundary treatments proposed are not considered to be acceptable addition or appropriate for a rural farm location nor appropriate for a domestic curtilage within the open countryside.
- The dilution of the rural setting would have a negative effect on the surrounding heritage assets therefore reference should be made to the setting of any listed building and the need to identify any effect that the scheme may have on the heritage assets.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located on the outside the defined development limits of Healaugh and therefore is set within the open countryside. There are no protected trees which surround the site.
- 3.2 The site is within Flood zone 1 which is a low probability of flooding.
- 3.3 The site is constrained by contaminated land.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with

the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making. The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

3.5 Selby District Core Strategy Local Plan

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

3.6 Selby District Local Plan

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
H12:	Conversion to Residential Use in the Countryside
T1:	Development in Relation to the Highway Network
T2:	Access to Roads

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

- Principle of development
- Design and Impact on the Character of the Area
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Impact on Highways
- Residential Amenity
- Impact on Nature Conservation and Protected Species

- Affordable Housing
- Land Contamination
- Other Matters.

Principle of Development

- 4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework and sets out how this will be undertaken". Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF and should be afforded significant weight.
- 4.3 Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.
- 4.4 However, proposals for the reuse of buildings for residential use must also comply with Policy H12 "Conversion to Residential Use in the Countryside" of the Local Plan.
- 4.5 The neighbour comments received state that weight should be attached to the preference for the reuse of buildings within the open countryside for employment purposes over residential uses. They state that the requirement to demonstrate that the agricultural buildings proposed to be reused are not needed and or are unsuited to employment use remains within the adopted frame work. Furthermore the add that there has been no attempt made to test the market or make enquires with local land agents for the possible continued use of the property for agricultural storage. These comments received are noted in Policy H12 "Conversion to Residential Use in the Countryside" of the Local Plan allows for conversion into residential development.
- 4.6 The proposals for the reuse of buildings for residential use must also comply with Criterion (1) of Policy H12 which allows proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality" these comments have been identified by the neighbour and are duly noted.
- 4.7 However the approaches taken by Policy SP2A(c) and Paragraph 55 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. Therefore notwithstanding the comments made in relation to the buildings not being advertised for agricultural purposes prior to the submission of this application. It is considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.

- 4.8 Notwithstanding the above, Criterion (3) and (4) of Policy H12 require that “the building is structurally sound and capable of re-use without substantial rebuilding” and “the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension”.
- 4.9 The submitted Design and Access Statement sets out the proposed use of the buildings would be structurally sound and capable of reuse without substantial rebuilding. A structural report has been submitted as part of this application, having read the contents of the structural report and undertaken a site visit it is considered that overall the buildings are capable of being converted. Officers consider that on the basis of a site inspection and the structural report it is considered that the barns are capable of reuse without substantial re-building. Given the proposed re-use of these buildings would generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension. The proposals would comply with Criterion (3) and (4) of Policy H12 of the Local Plan. The proposal should therefore be approved unless material considerations indicate otherwise.
- 4.10 Paragraph 55 of the NPPF states that:
- 'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:
- the essential need for a rural worker to live permanently at or near their place of work; or;
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
 - the exceptional quality or innovative nature of the design of the dwelling'
- 4.11 Neighbour comments have been received with regard to sustainability of the site. The Design and Access Statement has made some reference to the Councils position of the 5 year housing land supply and that the Councils advertisement of the application being a departure from the local plan further emphasises that this proposal does not meet the Councils strategy for the delivery of sustainable. These comments are noted, however in this respect, the 5 year land supply is not considered to be relevant to this application given the Council's Core Strategy and Local Plan have policies for the conversion of disused farm buildings outside development limits. Therefore it is considered the proposal would enhance and can maintain the vitality of rural communities and would re-use a redundant or disused building, leading to an enhancement of the immediate setting. The proposal is therefore considered to be in compliance with paragraph 55 of the NPPF.
- 4.12 The proposal would bring back into use redundant farm buildings. Having regard to the above information, it is considered that the proposals are acceptable in regards to the principle of development in this location. The application site is for residential development and as such in respect of local and national policies the proposal would be in accordance with H12 of the Selby District Local Plan, SP1, SP2 and SP19 of the Core Strategy and Paragraph 55 of the NPPF.

Design and Impact on the Character of the Area

- 4.13 The application site comprises brick built agricultural buildings. Included within this site lies a fold yard which would be removed as part of this proposal. The agricultural buildings constructed are from brick walls, and the roofs are constructed from a mixture of asbestos sheets or pantile. The application seeks planning permission for the conversion existing agricultural buildings to dwellings and the creation of off street parking provision.
- 4.14 The submitted layout plan demonstrates that the converted buildings would be separated by a close boarded fence, and a metal fence. The boundary treatments would ensure separate amenity space is achieved. As such the proposed boundary treatments would result in creating substantial size plots for each of the properties. With regard to the boundary treatments these are to be clarified with the agent to ensure that the proposed boundary treatments are appropriate to the rural character of the area. A condition can be attached to this permission requiring details to be submitted for approval. An established hedgerow bounds the east of the site along Main Street and this should be retained by way of condition. Overall, the proposal is considered to be acceptable however additional landscaping is required and therefore it is considered prudent to attach a condition for a landscaping to be submitted and approved in writing in order to improve the visual amenity of the area. A further condition shall be attached to ensure that the proposed boundary treatments are erected prior to the occupation of the dwellings. Overall the proposals are considered to be acceptable and are not considered to detract from the overall character and appearance of the area.
- 4.15 The vehicular access to the converted buildings would come from the existing vehicular access off Main Street. Hardstanding areas for off street parking provision would be available for each building. The original submission included car ports to be erected and additional openings to be introduced to the outbuildings. Through negotiations with the agents it was accepted that the additional openings were required to facilitate the conversion of these buildings. Therefore the car ports were not considered to be an essential element to the proposal and as such have been removed from the scheme.
- 4.16 Subject to the aforementioned conditions, it is therefore considered that the proposals are acceptable and would not have a significant or detrimental impact on the character and appearance of the area or the surrounding countryside. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) and H12 (5) of the Selby District Local Plan, Policies SP18 and SP19 of Core Strategy and the advice contained within the NPPF.

Flood Risk, Drainage, Climate Change and Energy Efficiency

- 4.17 The proposal would consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.18 The application site is located in Flood Zone 1 which is a low probability of flooding and the size of the site being less than 1 hectare negates the requirement for a flood risk assessment. The application form states that foul sewage would be disposed of via a septic tank with surface water disposed of via soakaways.

- 4.19 Yorkshire Water were consulted and at the time of writing this report no response has been received, should a response come forward then this shall be submitted via the officer update note for members. The Ainsley Internal Drainage Board have sent a standard response requesting conditions for the proposed means of surface water disposal and have noted that there may be a requirement for the surface water to be dispersed the river Foss, a Board maintained asset to the south of the site. The Drainage Board notes that separate permission is sought from the Drainage Board should the applicant pursue this course of action. The applicant shall be notified of this via an informative.
- 4.20 As mentioned above there may be a requirement for new surface water systems to be introduced to the site. Therefore it is considered prudent to attach a condition for any new soakaways to be approved in writing by the Local Planning Authority. Environmental Health have been consulted as part of this application and they have no objections subject to an informative with regard to the septic tank to be used for foul drainage would be subject to building regulation approval and consultation with the Environment Agency may be required.
- 4.21 Subject to conditions being imposed for surface water and foul drainage, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

Impact on Highways

- 4.22 The site would use an existing access into the site via Main Street. The converted barns would provide off street parking provision and areas of hard standing would be included within the proposal.
- 4.23 Having consulted NYCC Highways they have reviewed the proposal and assessed the application with respect to the impacts on the highway. The Highway Officer have raised no objections subject to condition for a construction management plan. The condition is noted however it is considered unnecessary for development of this scale and type of development. As such the proposal would create adequate parking provision and this would ensure highway safety and the general amenity of the area would be retained.
- 4.24 Given the above it is therefore considered that the scheme would be acceptable and in accordance with Policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impacts on the highway network subject to conditions.

Residential Amenity

- 4.25 The proposal involves the conversion of agricultural farm buildings. The site is located adjacent to Oakwood Farm House, the farm house is a considerable distance away from the proposal and therefore it is considered that the proposed development would not create any adverse impacts in terms of overlooking, overshadowing or oppression to the neighbouring property Oakwood Farmhouse.

- 4.26 However it is noted that there are some farm buildings located in close proximity to the site. Having sort clarification from the agent it is considered that these buildings to the north and east of the site would not be used for agricultural purposes. The layout plan identifies a building to the south of the site, and having checked the use of this building it has been confirmed by the agent that this is a residential property. The Environmental Health department have been consulted and have raised no objections to the proposal in terms of noise and odour. However a condition is attached which restricts the future use of the neighbouring agricultural buildings to the north and east of the site in order to prevent the proposed development from being negatively impacted by the future use of the agricultural buildings.
- 4.27 Having regard to the above, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF

Impact on Nature Conservation and Protected Species

- 4.28 With respect to the nature conservation of the area it is noted that the site is not a protected site for nature conservation nor is it known to support any protected species, or any species or habitat of conservation importance, however an Ecology survey has been submitted with the application.
- 4.29 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.30 The Ecology/Bat report confirms that the buildings on site support dispersed small and solitary non breeding bats. The report states that the site has been previously scoped in October 2016. The previous survey found evidence of bats within the areas of the barns surveyed on site. The current report goes on further to state that there were two solitary roosts of common Pipistrelle bats on each emergence survey these are not considered to be breeding roosts. The report concludes that these roosts contain only solitary or low numbers of bats which suggests that these are most likely to be male bats which usually roost individually during the summer months and away from the main breeding colony.
- 4.31 The site itself consists of derelict agricultural buildings. It is acknowledged that a European Protected Species Mitigation licence would be required prior to the commencement of the site. This licence would be sought following the approval of this permission. A detailed method statement has accompanied the Bat survey along with mitigation measures. These mitigation measures and method statements shall be secured by way of condition to ensure the proposal would meet the licensing test.
- 4.32 Therefore it is considered that with conditions imposed the proposal would not harm any acknowledged nature conservation interests and therefore would accord with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF with respect to nature conservation subject to conditions.

Affordable Housing

- 4.33 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for a commuted sum. It is therefore considered that having had regard to Policy SP 9 of the Core Strategy and PPG on balance the application is acceptable without a contribution for affordable housing.

Land Contamination

- 4.34 The application is accompanied by a Contamination Screening Assessment Form which sets out that there is no past or existing contamination issues associated with the site. The report has been assessed by the Council's Contamination Consultant who have raised no objections subject to conditions these would include the investigation of land contamination, remediation scheme, verification of remedial works and reporting any unexpected contamination. Given the application is for a conversion it is considered to attach a condition for unexpected contamination only as the other conditions suggested are not considered to be necessary.
- 4.35 The proposals, subject to the attached conditions are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Other Matters

Publicity

- 4.36 Neighbour comments have been made in relation to the method in which this application has been advertised. The comments are noted and for clarification purposes regard has been given to Criteria 1 of H12 of the Selby District Local Plan as identified earlier in this report the application would be contrary to criteria 1 of H12. However weight has been given to policy SP 2 (c) and paragraph 55 of the NPPF. In terms of notification to neighbours a site notice has been erected and a neighbour notification letter was sent to adjoining neighbour which bound the application site area. There were no other neighbouring properties which bound this site other than the applicant who resides at Oakwood. Therefore there is no requirement for land owners to be notified.

Impact on Heritage Assets

- 4.37 Neighbour comments have been received in relation to the impact the proposal would have on heritage assets and the designated conservation area Healaugh. The application site is located outside of Healaugh and Wighill and is set in open countryside. There are no listed buildings which bound the application site area or are visible from public view. As such with reference to the harm noted by the neighbour letter and with reference to 'setting' it is considered that given the application site is located approximately 1.7 miles from Healaugh and 1.3 miles from Wighill and neither village can be seen from public view the proposed development is considered to create less than substantial harm.

Legal Issues

- 4.37 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.38 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 4.39 Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

- 4.40 Financial issues are not material to the determination of this application.

5.0 CONCLUSION

- 5.1 The application seeks planning permission for the conversion of disused agricultural buildings. The application site is located outside the defined development limits and is therefore located within the open countryside.
- 5.2 Relevant policies in respect of the principle of this proposal include Policy SP2 "Spatial Development Strategy" of the Core Strategy. The principle of the proposed development is considered to be acceptable having regard to Policy SP2A(c) of the Core Strategy Local Plan given the proposal re-uses an existing buildings in the countryside.
- 5.3 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species and land contamination.
- 5.4 Criterion 1 of Policy H12 of the Local Plan allows proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use of that there is no demand for buildings for those purposes in the immediate locality". However, the approaches taken by Policy SP2A(c) and Paragraph 55 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.

6.0 RECOMMENDATION

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Floor Plans Proposed	Drawing No R075.01.01Rev A	Dated 21/08/2017
Site Plan Proposed	Drawing No R075.01.02 Rev C	Dated 12/10/2017
Elevations Proposed	Drawing No R075.01.03 Rev B	Dated 12/09/2017
Block Plan / Location Plan	Drawing No R075.01.04 Rev B	Dated 21/11/2017
Topographical	Drawing No 2006-001	Dated 23/07/2017
Existing Elevations	Drawing No 2006-002	Dated 04/07/2017
Existing Floor Plans	Drawing No 2006-003	Dated 04/07/2017

Reason:

For the avoidance of doubt.

02. The materials to be used in the construction of the external surfaces of the development hereby permitted be as stated on the application form submitted to the local planning authority submitted on the 23rd June 2017.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

03. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

04. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

05. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

06. The development hereby permitted shall be carried out in accordance with recommendations contained within the Bat Survey received by the Local Planning Authority on 23rd June 2017.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

07. 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.

08. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected without the prior written consent of the Local Planning Authority other than the boundary details agreed as part this development.

Reason:

In order to retain the character of the site in the interest of visual amenity, having had regard to Policy ENV1

09. Prior to the occupation of the dwellings hereby permitted the boundary treatments submitted on plan reference R075.01.02 Rev C shall be erected and shall be implanted in accordance with the approved scheme.

Reason:

In the interests of residential amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

10. The existing hedgerow as identified on drawing number R075.01.02 Rev C shall be retained and remain so for the life time of the development.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

11. No buildings on land to the north and east of the application site as shown on Plan Reference R075.01.02 Rev C dated 12th October 2017 are to be used for animals, or livestock or agricultural purposes which would give rise to noise and odour nuisance.

Reason: In accordance with policy ENV1 and in the interest of the amenity of occupants of the scheme hereby approved.

INFORMATIVE:

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

INFORMATIVE:

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

INFORMATIVE:

The applicant has indicated that foul drainage is to be disposed of via package treatment plant. It is advised that the installation of the new found drainage system would require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.

INFORMATIVE:

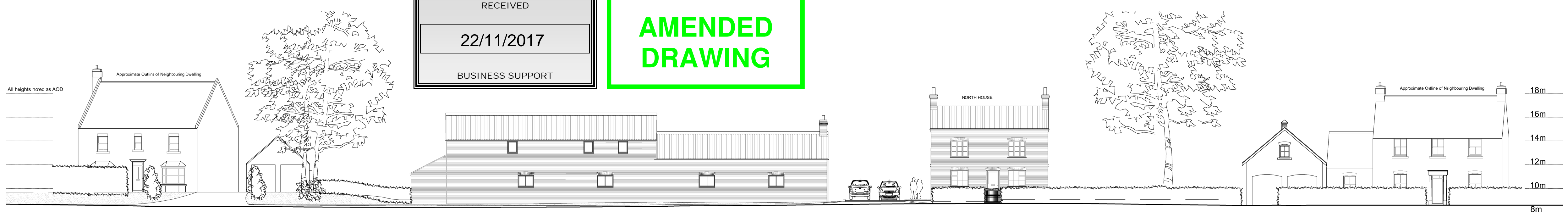
The applicant should be aware that a licence is required with regard to European Protected Species Mitigation. The licence would be need to be secured prior the development of the site. The licence would be sought following the approval of this permission.

Contact Officer: Diane Wilson, Planning Officer

Appendices: None

RECEIVED
22/11/2017
BUSINESS SUPPORT

AMENDED
DRAWING



Contextual Elevation A Scale 1:200



Elevation B Scale 1:200

PLEASE NOTE:
Do not scale any measurements from this drawing for construction purposes. All dimensions for fabrication and manufacture must be checked on site. Scheduling of items must be checked & cross referenced with all information available to avoid mistakes when ordering. Any drawing discrepancies must be reported immediately. This drawing is protected by copyright and must not be copied or reproduced without the written consent of The Planning & Design Associates.

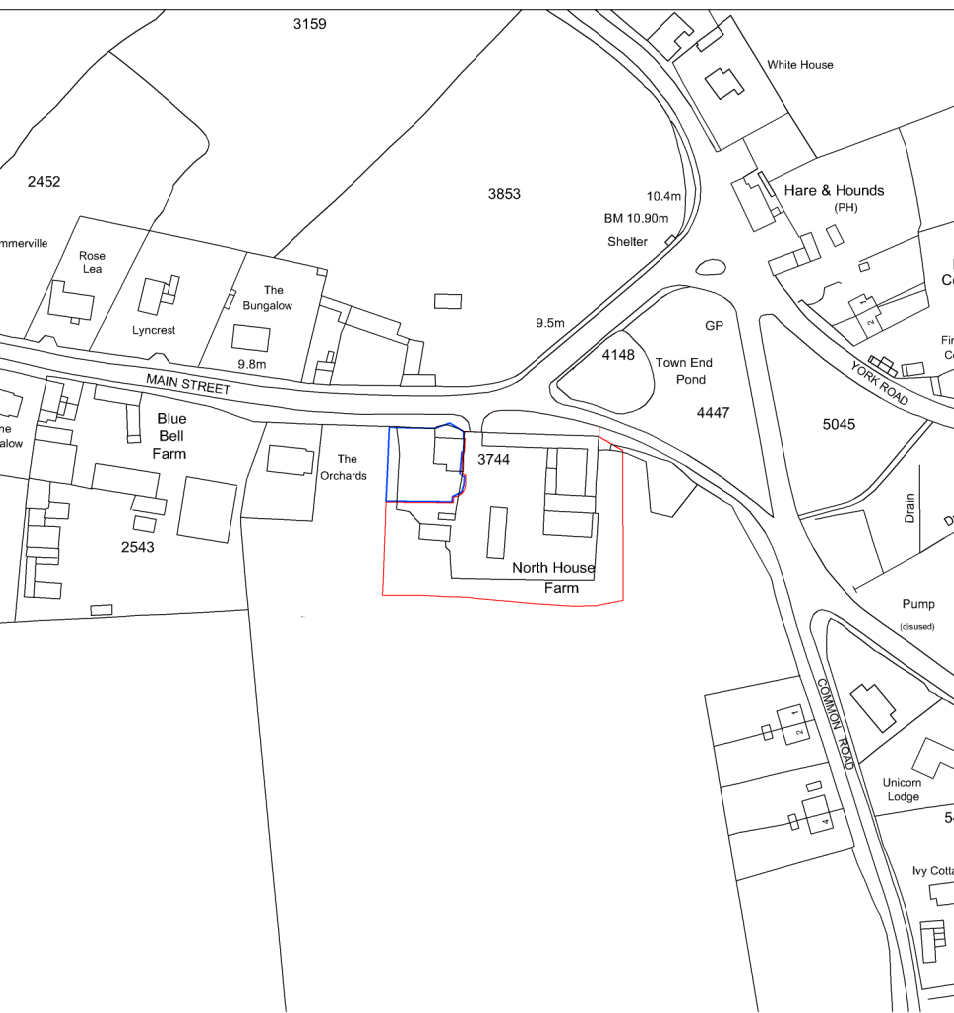
WARNING TO BUYERS/PURCHASERS
PROPERTY MISDESCRIPTIONS ACT 1991
Buyers are warned that this is a working drawing and is not intended to be treated as descriptive material describing, in relation to any particular property or development, any of the specified matters prescribed by order made under the above act. The contents of this drawing may be subject to change at any time and alterations and variations can occur during the progress of the works without revision of the drawing. Consequently the layout, form, content and dimensions of the finished construction may differ materially from those shown. Nor do the contents of this drawing constitute a contract, part of a contract or a warranty.

THE PARTY WALL ACT 1996
The Party Wall Act does not affect any requirement for Planning Permission or Building Regulation Approval for any work undertaken. Likewise, having Planning Permission and/or Building Regulation Approval does not negate the requirements under the Party Wall Act. The Party Wall Act 1996 gives you rights and responsibilities whichever side of the 'wall' you are on i.e. whether you are planning/doing work on a relevant structure or if your neighbour is.

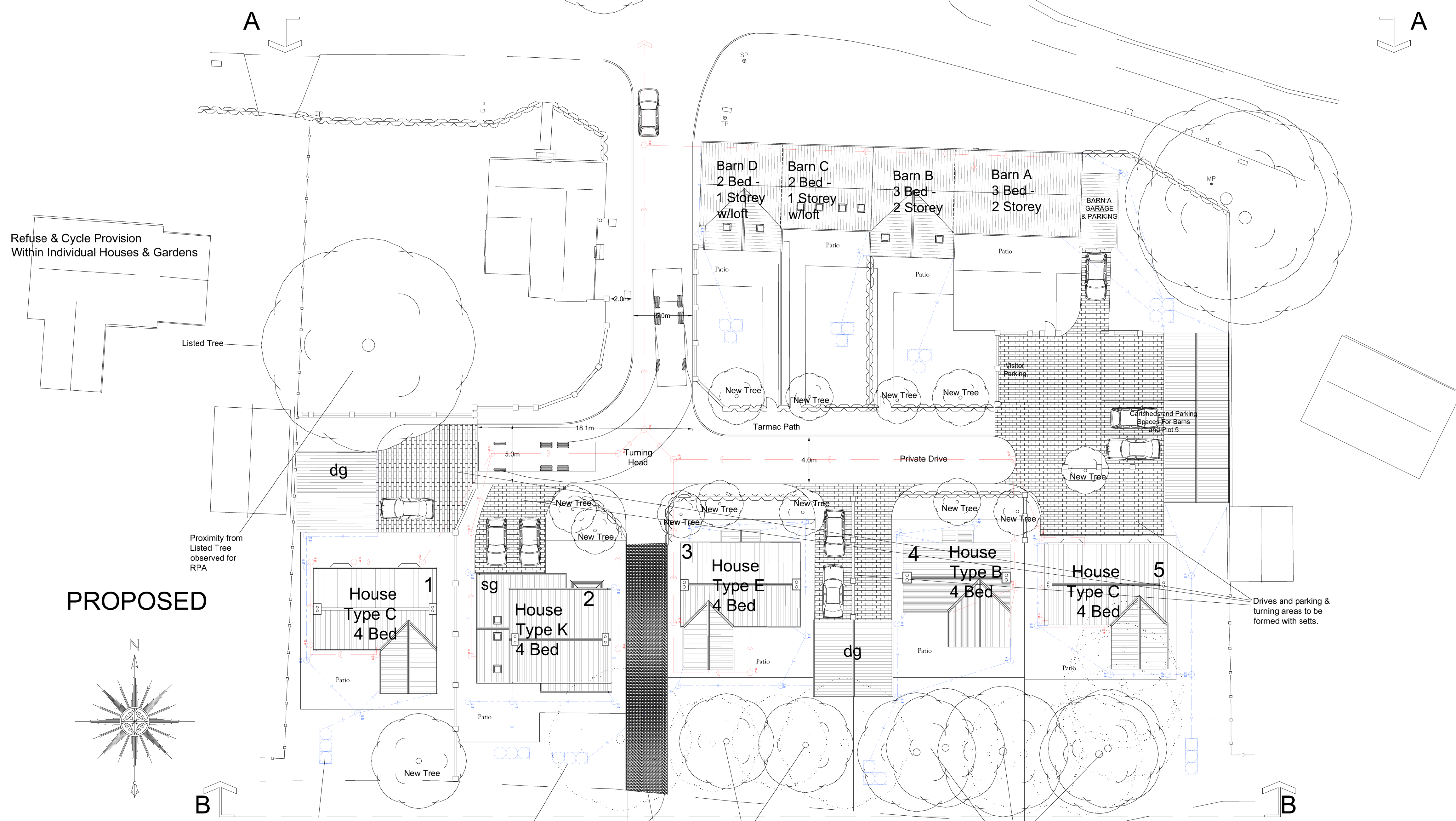
The Party Wall Act comes into effect if someone is planning to do work on a relevant structure, for the purposes of the Act 'party wall' does not just mean the wall between two semi-detached properties, it covers:

- * A wall forming part of only one building but which is on the boundary line between two (or more) properties.
- * A wall which is common to two (or more) properties, this includes where someone built a wall and a neighbour subsequently built something butting up to it.
- * A garden wall, where the wall is astride the boundary line (or butts up against it) and is used to separate the properties but is not part of any building.
- * Floors and ceilings of flats etc.
- * Excavation near to a neighbouring property.

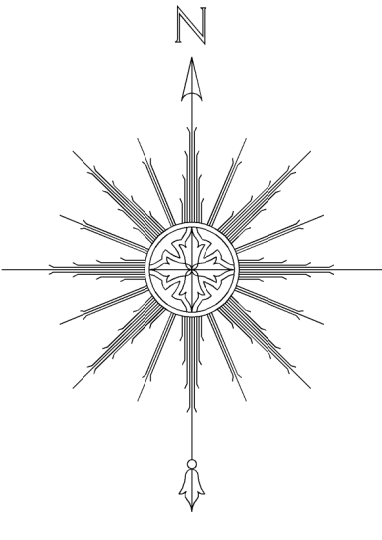
As with all work affecting neighbours, it is always better to reach a friendly agreement rather than resort to any law. Even where the work requires a notice to be served, it is better to informally discuss the intended work, consider the neighbours comments, and amend your plans (if appropriate) before serving the notice. If there is any doubt please consult planning & design associates or a party wall surveyor.



Location Plan Scale 1:2500



PROPOSED



SITE PLAN
Scale 1:200

Surface Water Drainage Option - Soakaways provisionally 3.0 m x 1.0 m x 0.5 m deep. Min 5 m from buildings with 0.5 m cover. Subject to percolation test and to be designed by specialist. For alternative surface water drainage arrangements, see Planning Statement

Surface Water Drainage Soakaways for Plot 3 to be sited on Plot 2 if hatched tree is to remain. Otherwise soakaways to be located where the tree was.

Access to paddock via gravel drive with 2m high close board fence either side

Existing Trees (Trees shown dotted are to be removed)

Existing Trees (Trees shown dotted are to be removed)

The Planning & Design Associates
PLANNING..ARCHITECTURE..INTERIORS..LANDSCAPE
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Client	Mrs R.C Forbes Adam		
Project	Proposed Residential Development North House Farm, Main Street, Skipwith, Selby YO8 5SP		
Drawing	Application Site Plan: Proposed Site & Location Plan & Contextual Elevation & Rear Elevation		
Date	September 2017	Drawn	PAN
Scale	1:200, 1:2500 @A1	Rev.	F
Status	PLANNING		
Drwg. No.	CFA/447/01/002		



Report Reference Number: 2016/1170/FUL (8/11/47B/PA)

Agenda Item No: 6.5

To: Planning Committee
Date: 6 December 2017
Author: Paul Edwards (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/1170/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Mrs R C Forbes Adam	VALID DATE: EXPIRY DATE:	3 October 2016 8 December 2017
PROPOSAL:	Proposed erection of 9 dwellings and garages following demolition of existing farm buildings (revised description)		
LOCATION:	North House Farm Main Street Skipwith Selby North Yorkshire YO8 5SQ		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee since there are more than a total of ten objections to the proposal.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is the land and buildings that formed the farmstead of North House Farm on the south side of but fronting Main Street. The site faces the village green and village pond (Town End Pond) towards the eastern end of the village at the York Road/ Blackwood Road junctions formed by the village green.
- 1.2 The site area is approximately 0.40 hectares and includes the distinctive frontage range of brick cart sheds and buildings in single and two storeys under a pantile roof behind a wide grass verge; the total site frontage (excluding the farmhouse) is approximately 51m. There is an open pole barn towards the centre of the site and more modern steel or fibre clad and steel framed barns and buildings towards the eastern boundary. The vacant farmhouse (10 Main Street) and immediate curtilage

to the west of the access to the site are outside of the application site. The southern boundary of the site is defined by open agricultural land beyond a partial line of silver birch trees of varying qualities. The residential neighbour to the east is Holly Tree House and beyond the farmhouse to the west is another frontage residential property (Prospect House). Further to the west (~70m) there is development in depth formed by the redevelopment of the former Blue Bell Farm (Blue Bell Farm Court).

- 1.3 The site is entirely within Skipwith's settlement development limits and the open land north of Main Street is an allocated Strategic Countryside Gap. Skipwith is without a Conservation Area and all of Skipwith's listed buildings are distant such that there are no effects upon them. A Tree Preservation Order (TPO) protecting some of the line of birch trees on the southern boundary came into effect on a temporary basis in April 2017 but was not renewed. A further revised Order was issued on 27 November (No.4 2017).
- 1.4 The north western boundary of the Skipwith Common National Nature Reserve, SSSI and SAC is some 100m away to the south east across Blackwood Road. All of this area is within Flood Zone 1.
The Proposal
- 1.5 The application seeks planning permission for redevelopment following removal of all of the buildings within the site and the construction of nine dwellings. The layout is in the form of five detached houses to the back of the site and, along the site frontage; the scheme has changed through negotiations to propose a barn block containing four dwellings.
- 1.6 Negotiated revisions and taking account of the views of the Parish Council now propose for a reconstruction of the barn to replicate that which it replaces to provide this frontage terrace of four. Access would be via the existing access from Main Street adjacent to the vacant farmhouse which will serve all parking and turning areas and either integral garages, detached garages or, along the eastern boundary linked, open covered spaces in the form of cartsheds.
- 1.7 The application is accompanied by:
 - Combined Planning Statement/ Design & Access Statement and Flood Risk and Drainage Strategy
 - Contamination Report
 - Structural Report
 - Ecological Report
 - Arboricultural Report in response to the TPO.

Relevant Planning History

- 1.8 There is no history of previous applications or approvals on this site.
- 1.9 Of relevance elsewhere in Skipwith is the appeal decision which allowed the Blue Bell Farm redevelopment, and referred to by the applicant (8/11/59PA). Although that decision was in a different policy context in 2000 before the SDLP and the NPPF, it is relevant in that the Inspector allowed development in depth to the extent

of development limits and on a site that is not dissimilar in size to the current application site.

- 1.10 It is also relevant to remind Committee that there is an undetermined full application for the redevelopment of Red House Farm on the north side of Main Street to the west, for nine dwellings (2017/1052).

2.0 CONSULTATION AND PUBLICITY

- 2.1 **Skipwith Parish Council** – Objected to the scheme as originally submitted on the grounds that:

- More effort should be given to retaining the frontage range/ or rebuilt using reclaimed bricks and tiles since they provide a key historic aspect of the village
- Development appears to extend south beyond the development limits currently marked by trees and needs checking
- Question suitability of foul drainage system to serve the development and problems with the Westfield pumping station
- Inadequate provision for parking on site and access for refuse vehicles for example
- Appropriateness of proposed materials, most properties are red
- The front entrance doors will encourage cars to park on the front, grassed verge
- Presence of adders not mentioned in ecological report.

- 2.2 In representations submitted in November 2016, the Parish expressed concern over more properties in the light of the approval for 14 at Park Farm; the village is not a Designated Service Village, it is small with no infrastructure and no service facilities, repeated concern about loss of frontage barn range and impact on the village green; support the comments of the neighbours at Holly Tree House.

- 2.3 In July 2017 the Parish responded to further changes in that the revisions had made very little impact upon their November 2016 comments; density of the site cannot accommodate the expected vehicles; no attempt has been made to retain the streetscene with the units along the front to replace the barn; concern over the creation of paddocks beyond the site and beyond development limits; accepts that redevelopment of redundant farmsteads will take place but concern that a further scheme along Main Street is about to come forward.

- 2.4 The Parish's latest comments are from October 2017 where it appreciates the work to secure the rebuild at the frontage through the deletion of the five detached plots and that the applicant has been open to alternative views. The Council however still has genuine concerns over:

- Development in a secondary village with no facilities, the cumulative impact of previous approvals and current applications could be for some ninety properties
- The elevations of the barn at the front do not show the roof lines of the properties behind
- Concern remains over the front accesses out of the barn onto the wide grass verge which will attract parking
- The access road abuts the side access door to the retained farmhouse
- Remain concerned about paddocks at the rear which could lead to pressure for further development

- Support the comments of Mr & Mrs Hale at Holly Tree House to the east.
- 2.5 **NYCC Highways** – the Highway Authority commented that there appeared to be insufficient space for refuse vehicle turning and requested swept paths; insufficient on site turning for cars and that a minimum of three car parking spaces is required for the 4 plus bed houses. The most recent revisions have been sent to the Highway Authority for comment.
- 2.6 **Yorkshire Water** - has replied with no objections to the proposals for foul going to the public foul sewer and for surface to be addressed via soakaways across the site.
- 2.7 **The Ouse and Derwent Internal Drainage Board** – has replied that the Board welcomes SuDS and soakaways but requests evidence that a SuDS strategy will work and any new soakaway be constructed in accordance with the BRE digest and then suggests four conditions on any approval. The later amendments do not alter their views.
- 2.8 **The County Education Authority** – has replied that no shortfall of school places would arise so no contributions are sought.
- 2.9 **The County Principal Archaeologist** – advises that the existing buildings and hardstandings will have reduced the archaeological potential of the site and thus has no objections or further comments to make.
- 2.10 **The North Yorkshire Bat Group** - had no objection but suggest the mitigations proposed be the subject of conditions.
- 2.11 **The Council's Tree Consultant** – recommended a Tree Preservation Order be served on the birch trees and made suggestions about moving some footprints away from the trees.
- 2.12 **Natural England** – refer to the proximity to Skipwith Common SSSI to the Skipwith Common SAC and Natura 2000 sites. No objections are offered but advice is given in respect of the Habitats Regulations and protected species.
- 2.13 **Environmental Health** – has replied with no objections.
- 2.14 **Consultant contaminated land specialist** – requests that the Council's five standard conditions to do with contamination are imposed on any consent
- 2.15 **Neighbour Comments** – the initial publicity of the scheme as submitted in October 2016 (for 8) was followed by publicity of the revisions in both July 2017 and October 2017 (for 9).
- 2.16 In total fourteen letters of objection may be summarised as:
- The site extends beyond the settlement development limits; it is a Departure from the development plan and thus conflicts with Policy SP4. Part is outside farmstead limits and this encroachment will make it even more intrusive from neighbours

- Loss of the iconic and historic barns which are set around the pond and which give the village its identity, effects upon the wide grass verge; the replacement dwellings do not continue this aesthetic and it is not accepted that conversion is not viable or the structural report is a barrier to conversion
- Does not comply with the Village Design Statement for Skipwith which refers to all the characteristics of what is considered to be a low density settlement with a strong feeling of openness
- Inadequate number of car parking spaces, inadequate access width of a private drive for service vehicles
- Design and layout is not in keeping, it is urban in nature
- The revised 'barn' proposal, although welcome in principle had too many windows with doors straight out onto the grass verge at the front, should replicate the existing as far as possible and carefully control materials
- Now that the Borough has a five year supply, it will allow the Council to take a more critical view regarding this application's size and quality in a secondary village. If approved this would be the third in the village allowing double depth outside of development limits, level of growth would be excessive
- Plots 1 & 2 will overlook the rear garden and property at Prospect House, garage is too close to existing garage
- Proximity of Plot 5 to Holly Tree House, completely over bearing, overshadowing, overlooking from a landing window, reduce sunlight and make their PV panels useless and effects upon/noise from air sourced heat pump, 'touching garages', no access to maintain gutters, foundations effect.
- Inaccuracies on the plans not faithfully showing neighbours, plot numbers and types or the numbers of trees. The contextual elevation of the properties behind the frontage is missing; if they were it would look considerably different and more appropriate for an urban situation- the gaps in the frontage would be shown differently. A gap should be created on the eastern side
- Effect upon barn owls in the existing buildings and the possibility of great created newts in the village pond
- Loss of a significant number of trees without an arboricultural report and no planting proposals to soften the impact of this high density development; effects on the protected beech behind the farm house
- Question the effectiveness of drainage and that the road often has standing water, query over adequacy of soakaways that will just add to standing water
- Noise from building and subsequent noise from increased occupancy and extra traffic
- Conflicts with Green Belt policy
- Need to withdraw permitted development rights on any consent.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The application site is located within the defined settlement development limits of Skipwith. The concerns that the site is partially outside of limits have been investigated but in terms of the size of the site, the current plotted location of features and buildings on the site and the way in which the perimeter 'lines up' with other property boundaries, it is concluded that the application site is wholly within development limits. In terms of the extent of the farmstead, the farm house building and its curtilage are clearly contiguous with the farm yard which it was a part of and

there is no case to support that the application site extends beyond the land of the farmstead.

- 3.2 Skipwith is not within or washed over by the Green Belt and is a Secondary Village with defined development limits in the Core Strategy settlement hierarchy.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.

Selby District Core Strategy Local Plan

3.4 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP5 – Scale and Distribution of Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

3.5 The relevant Selby District Local Plan Policies are:

- SG1 – Strategic Countryside Gaps
- ENV1 – Control of Development
- T1 – Development in Relation to the Highway Network
- T2- Access to Roads

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.6 The NPPF introduces a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.7 In addition, the Skipwith Village Design Statement (VDS) was adopted by the Council in 2009 as a Supplementary Planning Document.

4.0 APPRAISAL

4.1 The main issues to be taken into account when assessing this application are:

- The Principle of the Development
- Design Changes and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Trees, Nature Conservation and Protected Species
- Flood Risk and Drainage
- Affordable Housing

The Principle of the Development

- 4.2 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.
- 4.3 Policy SP1 is therefore consistent with the guidance in the NPPF.
- 4.4 Policy SP2 of the Core Strategy would support limited amounts of residential development within secondary villages where it will enhance or maintain vitality and conform, as relevant, with Policy SP4.
- 4.5 Policy SP4 is the principal policy which particularly addresses farmstead redevelopment. It would support, in secondary villages, the "conversion/redevelopment of farmsteads". Subs b) to the Policy continues that such redevelopment will be treated on merit according to principles that give priority to sympathetic conversion; sympathetic redevelopment of farmyards and open areas may be acceptable where this improves appearance and the proposals relate sensitively to the existing form and character of the village. In all cases local amenity would be protected; local character is to be preserved and enhanced and to comply with normal planning considerations including any Village Design Statements.
- 4.6 Thus the first part of SP4 establishes the principle of the redevelopment of farmsteads subject to criteria.

Design Changes and Impact on the Character and Appearance of the Area

- 4.7 The pole barn and range of agricultural barns and buildings along the eastern boundary are not fit for or worthy of retention or conversion due to their age, mixed materials and natures of construction. The Structural Report submitted to support the application confines itself to the frontage range.
- 4.8 The Engineer's conclusions are that the range is not suitable for conversion or repair. This is due to a list of deficiencies, many of which are visible from outside inspection and include that there are inadequate load bearing foundations. In consideration of the report it seems that there would appear to be a possibility that once the dilapidated roof and its timbers are removed the existing spreading, fractured and damaged walls may collapse. It is your officer's conclusion that the building is not capable of retention.

- 4.9 The scheme evolved through two detached houses on the frontage with a detached double garage and with four detached at the rear. The next revision was a terrace of five houses at the front and with five detached at the rear. The most recent revisions are from September 2017 and then with some further minor changes in late November. That is the scheme that is now in front of Committee and the frontage 'range' is now a rebuild of the existing building to seek to reflect the present near blank presence to the village green with the appearance of a single and two storey agricultural building. Previous doorways direct onto the front grass verge and conflicts with footways and doors into the retained farm house and side footways have been removed. The other elevational changes both front and rear would provide a strong element of visual continuity with what is there at the present. Materials, brick (in an English Garden Wall bond to reflect existing) and mortar bond will be important but subject to controlling these by conditions on any approval, the replacement frontage building will be a positive enhancement in the streetscene.
- 4.10 Although this is partially at odds with the VDS since this building would not provide generous plots or large detached houses on the frontage with front entrance doors on this elevation, these are proposed at the rear and a principal concern from representations has been to retain this front agricultural range. The policy guidance at SP4 may support redevelopment and this scheme demonstrates that it can be redevelopment of high quality which will relate sensitively to the existing character and form of the site and settlement.
- 4.11 The extent of the farmstead instinctively leads to development in depth and given the development at Blue Bell Farm and the 2015 Committee approval for fourteen further west beyond Blue Bell Farm at Park Farm (2014/0894), it is not possible to resist development with depth up to settlement development limits of farmsteads unless the design criteria in SP4 are not addressed.
- 4.12 Local Plan Policy SG1 – Strategic Countryside Gaps (SCG) is intended to prevent coalescence between settlements. This scheme faces but will not affect the open character of Skipwith's SCG.
- 4.13 In conclusion on this issue, the revisions that have been negotiated and with the input from other parties have led to the retention of the visual presence of the appearance of an agricultural type building on the frontage whilst allowing more modern interpretations to its rear (principal) elevation. The detached properties beyond provide both a range of house types and seek to adhere to the VDS where possible. The revised scheme as now presented is in accordance with relevant design guidance and policy.

Impact on Residential Amenity

- 4.14 The two immediate neighbours are Prospect House to the west and Holly Tree House to the east. Each has made detailed representations and some changes have been sought and some achieved to seek to address those concerns.
- 4.15 The existing farm house is empty and is outside of this application site. The changes to the alignment of the entrance road and the separations between its rear elevation and Plots 1 & 2 are sufficient to not lead to overlooking opportunities or other difficulties. There is also the intervening protected beech tree in the farm house's garden which has some screening properties.

- 4.16 The relationship with Prospect House is such that proposed Plot 1 is some 22m away from the rear of the property and there is the House's intervening double garage. Any views in that direction will be oblique and will not harm amenity. The relationship of the proposed garage to the existing in terms of access for maintenance is a separate matter since access to the existing garage across third party land is reliant on that third party land owner's consent.
- 4.17 To the east and Holly Tree House, the layout in this vicinity has been revised a number of times to achieve a better layout, achieve greater separation from the trees, replace brick built garaging with an extended cart shed feature and to give some relief to that neighbouring property. There is an east facing landing window in the gable elevation of Plot 5 which is some 20m from the rear elevation of the neighbour. The latest revision has taken a garage off the common boundary and brought this plot slightly forward so that the intervening neighbour's garage might have a greater shielding effect. In view of the distance and that it is not a principal habitable room window this is not an unusual relationship and is not a reason to resist this plot or the application.
- 4.18 The overall general amenities of the area are not harmed now that the frontage has been resolved in that there are no specific effects upon particular neighbours other than those identified.
- 4.19 Policy SP15 seeks to ensure that development contributes toward reducing carbon emissions and are resilient to the effect of climate change. Sustainable drainage systems, layout and tree planting are all measures identified in this policy that are present in this scheme. Therefore having had regard to Policy SP15 it is considered that the proposal is acceptable.
- 4.20 The amended scheme complies with SDLP Policy ENV1, and Core Strategy Policies SP4, SP15, SP18 and SP19.

Impact on Highway Safety

- 4.21 The most recent layout is the subject of consultation with the Highway Authority and these revisions include swept paths to show that a rigid service vehicle can turn within the site. The traffic associated with this development is likely to be of a significantly lower weight than the previous farm yard use and the Authority has not raised any comments or concerns over the principle of the use of the existing access. Visibility in both directions is good given the set back of both the existing/ to-be-rebuilt barn and the farm house to the west, each behind wide highway verges. It is likely that standard conditions will be requested relating to provision of parking, turning spaces and site construction compound.
- 4.22 The relevance of saved SDLP Policy T2 is likely to be limited since this scheme will not create a new access and it is also unlikely, given the previous use that overall there will be a material intensification in its use. It is likely to be your officer's view based upon any highway authority response that the scheme complies with Policies ENV1 and T1.

Trees, Nature Conservation and Protected Species

- 4.23 The Group and then specific TPOs to seek to protect the line of birch trees adjacent to the southern boundary was not confirmed before expiry in October 2017. Based upon the revised scheme and the relocation of properties to protect those trees that require retention, a new TPO was issued on 27 November 2017. This has enabled the layout to take account of trees that are worthy of retention and will, with additional planting controlled by condition on any approval, provide the intended softening of the southern part of the scheme viewed across open agricultural land.
- 4.24 The submitted ecological report includes site walkovers, great crested newt (GCN), reptile and bat emergence surveys. There are no water bodies or nationally protected habitats on site. Bat roosts were found in the vacant barns and works will thus require Natural England licenses. The nearest GCN population is 300m away, and no evidence of GCNs was found in the village pond nearest to the site. Works and protection of the identified barn owl nest during and post any development will be required and boxes are proposed as part of the mitigation. Thus redevelopment will lead to loss of two solitary day bat roosts and loss of the barn owl nest site.
- 4.25 Further surveys will be required as part of any bat licence application and this specification and the mitigation recommendations in the ecological report may be controlled by conditions on any approval. The locations of new bat, bird and owl boxes may also be controlled by condition. No significant effects are likely upon the Skipwith Common European Sites so an appropriate assessment is not required under the Habitats Regulations.
- 4.26 Thus the proposed development is acceptable in respect of the preservation and planting of trees, nature conservation and protected species and is therefore in accordance with Policies ENV1 of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Flood Risk, Drainage and Contamination

- 4.27 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.28 The application details show that the redevelopment will lead to an increase in permeable areas. There are no objections from Yorkshire Water on foul water discharge and although the applicant says that there is no evidence of the site flooding and that soakaways and sustainable techniques for surface water should suffice, it is reasonable to impose a condition on any approval should soakaways prove not to be appropriate.
- 4.29 There is no evidence of industrial activities on the site or any evidence of underground fuel tanks or other sources of contamination. The submitted report concludes that the risk is low and it would thus be reasonable to impose an 'unexpected contamination' condition on any approval. The safe removal of existing, historic building materials is controlled by separate legislation as part of demolition/construction.

Affordable Housing

4.30 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for a commuted sum. It is therefore considered that having had regard to Policy SP 9 of the Core Strategy and PPG on balance the application is acceptable without a contribution for affordable housing.

Legal Issues

4.31 Planning Acts

This application has been determined in accordance with the relevant planning acts.

4.32 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

4.33 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

4.40 Financial issues are not material to the determination of this application.

5.0 CONCLUSION

5.1 The application site is a farmstead entirely within settlement development limits and its conversion or redevelopment in a secondary village is acceptable in principle by virtue of Policy SP4 subject to normal development control criteria.

5.2 The sequence of significant negotiated revisions during the life of the application has led to a scheme of a scale and design which will preserve a presence on the Main Street frontage which as far as possible will follow that which exists at the present. It has been demonstrated that the front range is not capable of retention and conversion. Overall the application demonstrates good design which will preserve the character of the area and which has, as far as possible followed the Skipwith Village Design Statement.

5.3 A number of changes have sought to address any impacts on residential amenity and any impacts are now not severe sufficient to justify further changes. The scheme in the village as a whole will provide a good quality of development and not impact on wider amenity.

5.4 There are unlikely to be any highway objections to the final revised scheme and all other matters in respect of preservation and planting of trees, ecology and flood risk/ surface water drainage are capable of being controlled by conditions on any approval.

5.5 Overall and subject to the conditions recommended below it is considered that the application as revised will comply with Plan policies SP1, SP2, SP4, SP5, SP9, SP15, SP18, SP19 and ENV1 and T1 and may be approved.

6.0 RECOMMENDATION

6.1 That this application is approved subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

CFA/447/01/002 Rev F	Application Site Plan
CFA/447/01/003 Rev C	Proposed House Type B
CFA/447/01/004C Rev C	Proposed House Type C
CFA/447/01/005B Rev B	Proposed garages and cart sheds
CFA/447/01/006 Rev A	Proposed House Type E
CFA/447/01/008B Rev B	Proposed House Type K
CFA/447/01/009 Rev B	Proposed Barns

Reason: For the avoidance of doubt.

03. Samples of all materials to be used in the construction of the external surfaces of the development hereby permitted, including details of mortar bond shall be submitted to and approved by the local planning authority prior to the commencement of any development above damp proof course level.

Reason: In the interests of visual amenity and in order to comply with local plan Policies ENV1 and SP19.

04. The brick bond to be used in the frontage range hereby approved to Main Street (Barn A, B, C and D) shall be English Garden Wall bond.

Reason: In order to seek to preserve the character and amenities of the area in accordance with local plan Policies ENV1 and SP19.

05. Prior to the commencement of development on site, chestnut pale fencing of a height of not less than 1.2 m (4ft) shall be erected around the trees or each tree group to the extent of the root protection areas shown to be retained on approved Dwg No CFA/447/01/002 Rev F. Such fencing shall be maintained during the course of the development and no storage of materials, plant or machinery or excavations shall take place within the fenced area.

Reason: In order to ensure for the preservation and planting of trees in accordance with s.197 of the Act, to protect the trees on the site that are the subject of Tree Preservation Order No.4 2017 and in the interests of the amenities of the area in order to comply with saved Policy ENV1 of the Selby District Local Plan.

06. No development shall commence above damp proof course level until a scheme of soft and hard landscaping and tree planting for the site, indicating inter alia the number, species, stock size on planting, heights of planting and positions of all trees and shrubs has been submitted to and approved in writing by the Local Planning Authority. Such scheme as approved shall be carried out in its entirety within the next available planting season following the substantial completion of the development and all trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good.

Reason: In order to ensure that the site is developed in accordance with the approved drawings in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

07. The development hereby approved shall not be first occupied until a scheme for the provision of surface water drainage works has been implemented in accordance with details that have first been submitted to and approved by the local planning authority.

Reason: To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP15 of the Selby District Core Strategy Local Plan.

08. 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.

09. The development hereby approved shall be carried out in accordance with the Mitigation and Compensation Proposals, Method Statement and Ecological Enhancement in Parts 10, 11 and 12 of the MAB Ecological Impact Assessment submitted in support of the application. Details of the timescale and locations for the provisions of bird, bat and owl boxes shall be submitted to and approved by the local planning authority and shall thereafter be implemented in accordance with the approved details prior to the substantial completion of the development.

Reason: In accordance with the details of the application and in order to ensure that measures for biodiversity enhancement and mitigation for any effects upon protected species are carried out in order to comply with local Policies ENV1 and SP18.

10.No development shall commence until details of facilities to establish a site compound for:

- (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway
- (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

have been submitted to and approved by the local, planning authority. The approved areas shall be kept available for their intended use at all times that construction works are in operation.

Reason: In accordance with Selby District Local Plan Policies ENV1, T1 and T2 and to provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.

11.The only access to the site shall be using the proposed site access shown on approved Dwg No CFA/447/01/002 Rev F and it shall be constructed up to base course level for a distance of 20m into the site before the commencement of any of the dwellings above ground level.

Reason: In order to ensure that there is safe and adequate access to the site and that it is provided in a timely manner to assist development in order to protect amenity and highway safety in order to comply with local plan policies ENV1 and T1.

12.The development hereby approved shall not be first occupied until the parking and turning areas as shown on approved Dwg No CFA/447/01/002 Rev F have been laid out and made available for use. These facilities shall thereafter always be kept available for such use so long as the properties are occupied.

Reason: In accordance with the details of the application and to ensure for the safe and satisfactory on-site parking, access and egress to the site to accord with Selby District Local Plan Policies ENV1, T1 and T2.

13. The development hereby approved shall not be first occupied until all boundary treatments to individual plots and to application site boundaries have been implemented in full accordance with the details that have previously been submitted to and approved by the local planning authority.

Reason : In order that the local planning authority may exercise control over matters that are not before it and in the interests of the visual amenities of the area to accord with local plan policies ENV 1 and SP19.

Contact Officer: Paul Edwards
Appendices: None

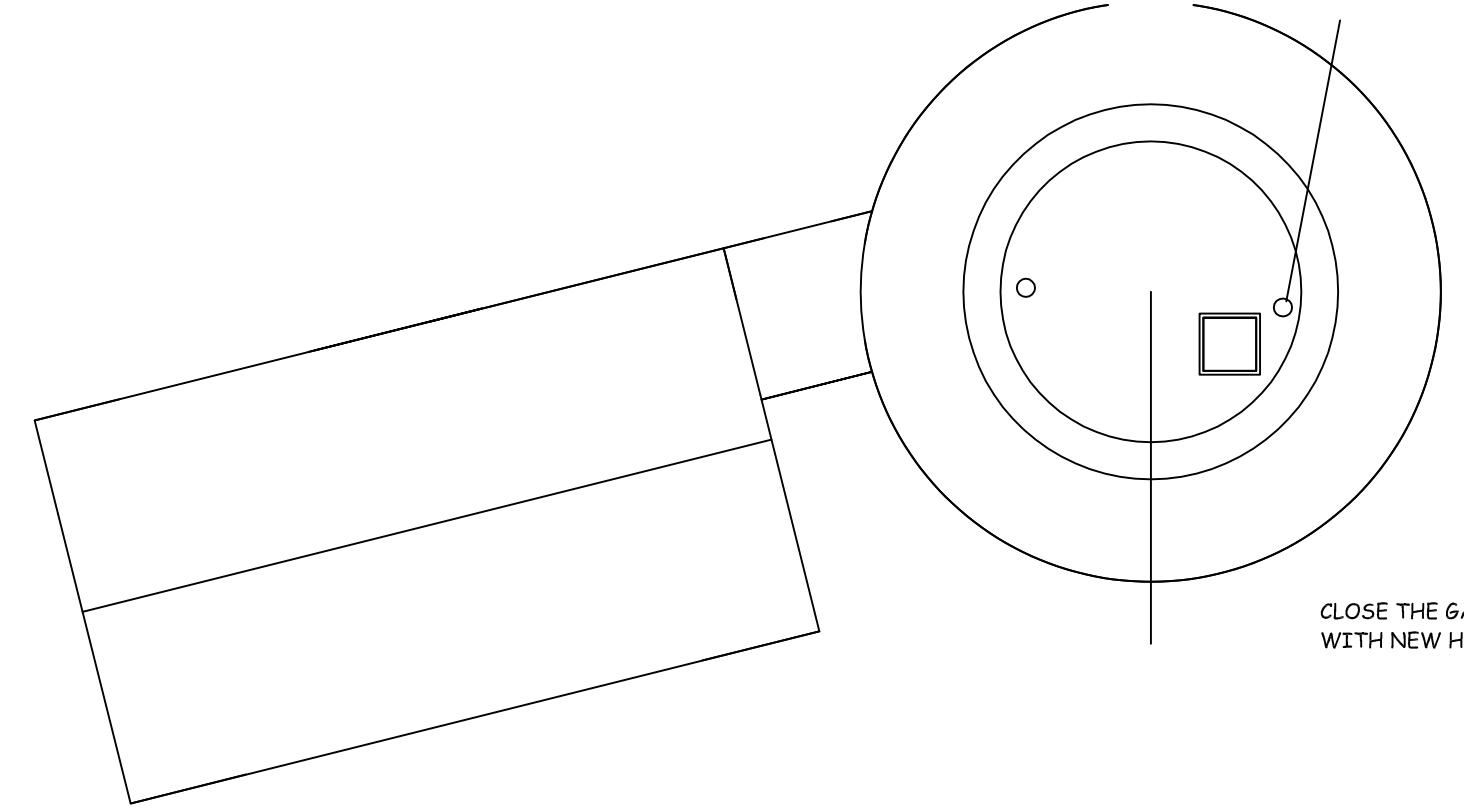


APPLICATION SITE

Item No: 2016/0673/FUL

Address: Windmill, Old Road, Appleton Roebuck

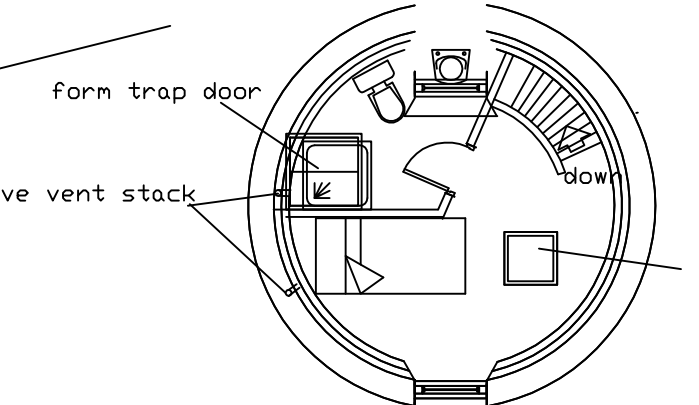
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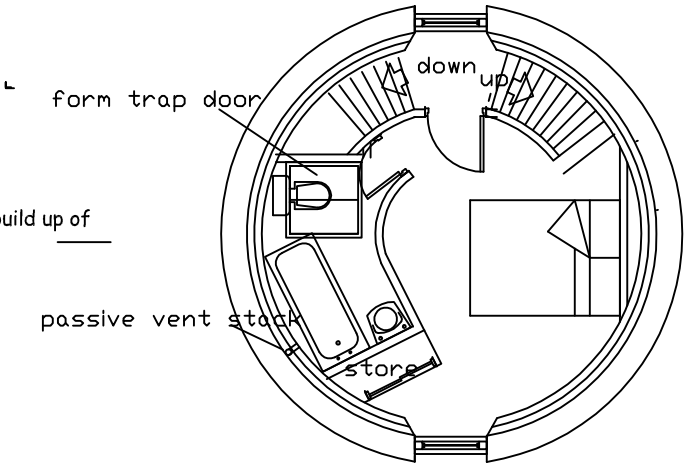
ROOF PLAN

The walls and roof of the glazed link to be offset 18mm from the wall of the windmill.
 Surface water to run down the face of the windmill wall into a drainage channel on the floor of the glazed link.
 This will maintain the integrity of the windmill with no structure being attached to it.
 Cross flow ventilation will be achieved in the link to prevent the build up of heat and condensation with the 18mm air gap at the wall of the mill and with the brick headers being omitted from the wall above the main entrance doors.
 The glazed link will give a visual separation from the mill and the outbuilding and provide an unheated entrance area.
 A French drain will be formed round the external wall of the mill in place of installing a damp proof course to the mill walls, this will have the effect of reducing the water table in this area and ensuring the lower walls to the mill are dry.

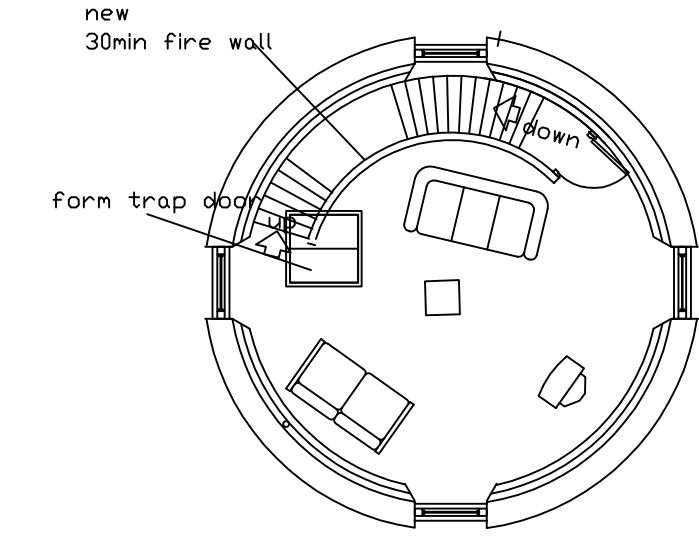
THIRD FLOOR



SECOND FLOOR

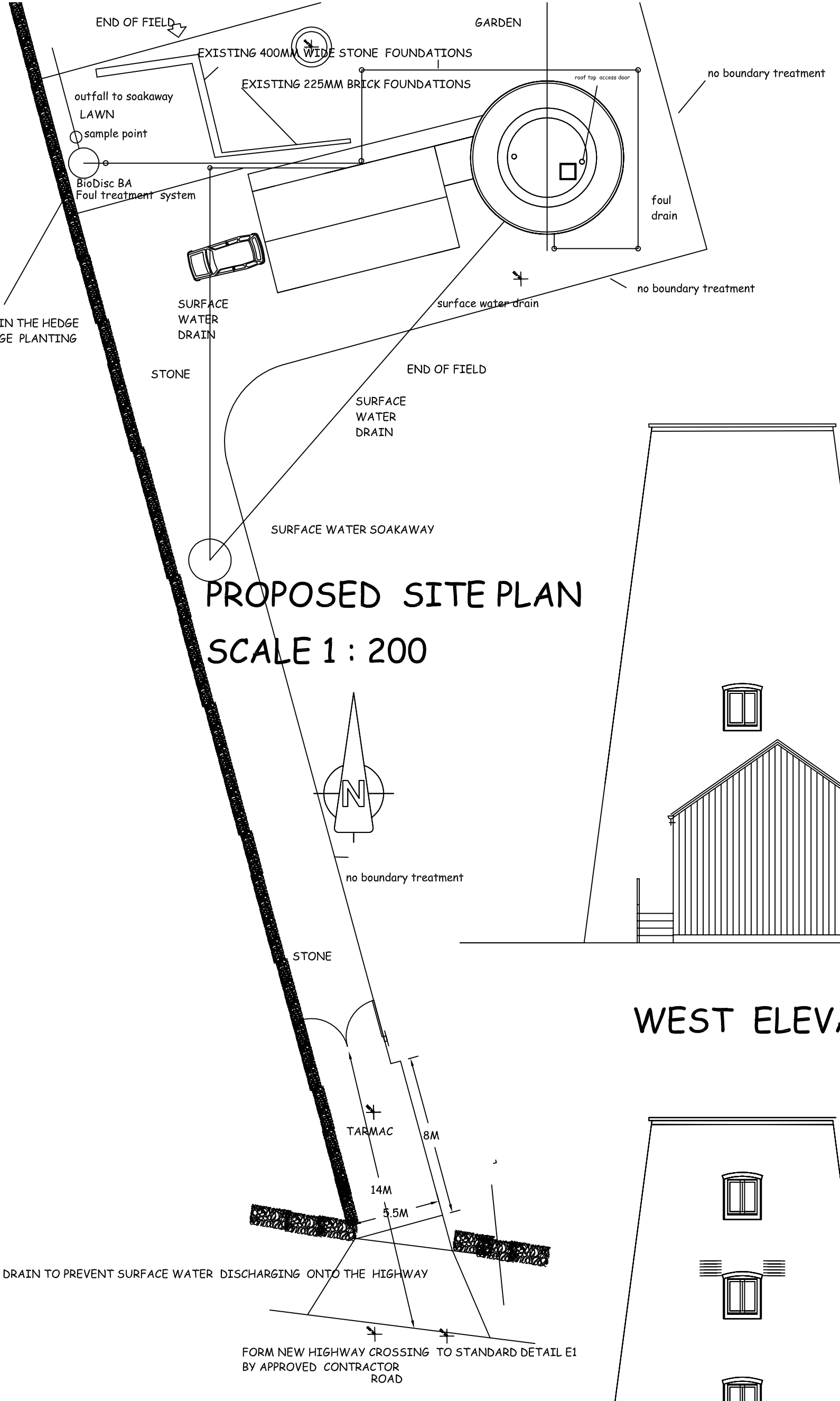


FIRST FLOOR

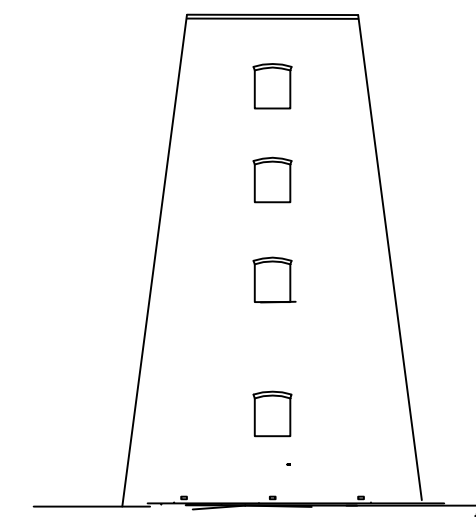


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 25/05/2017
 BUSINESS SUPPORT

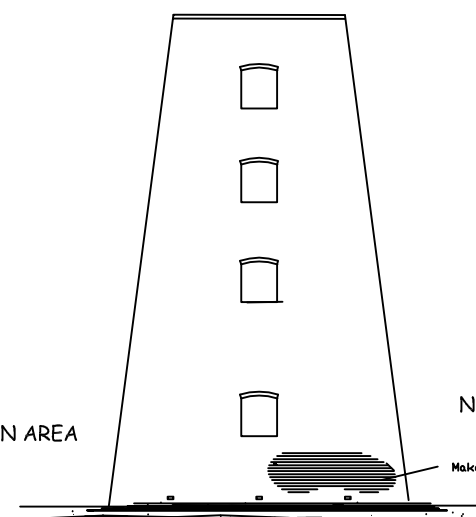
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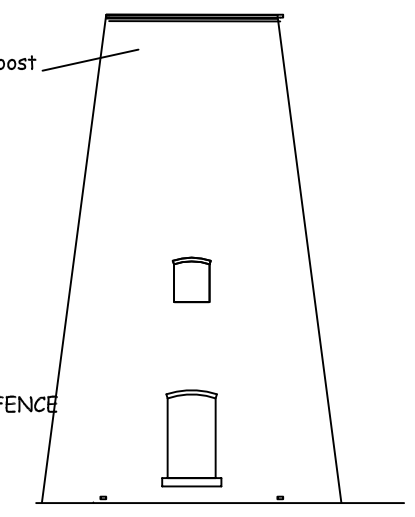
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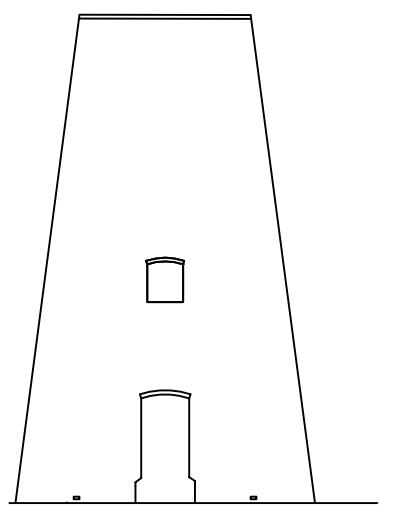
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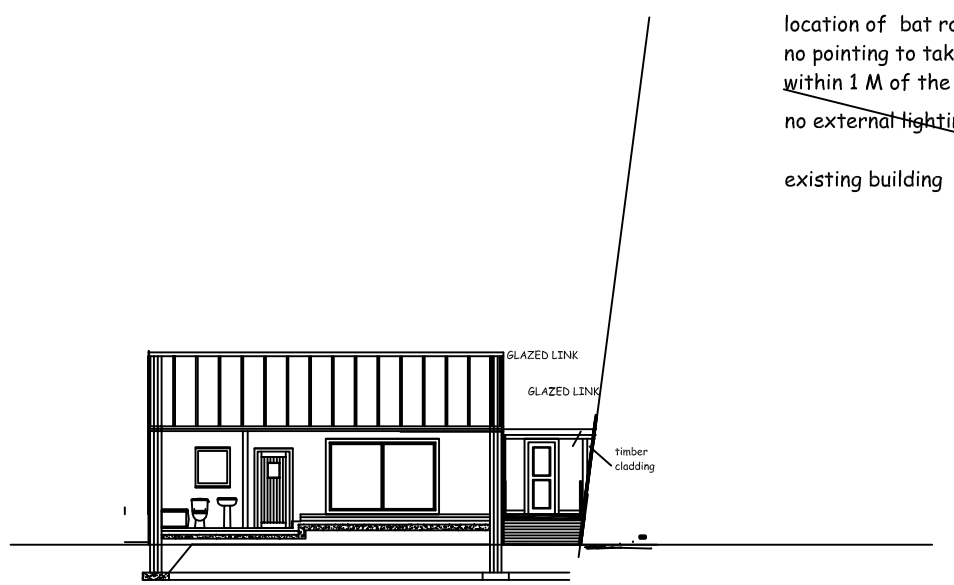


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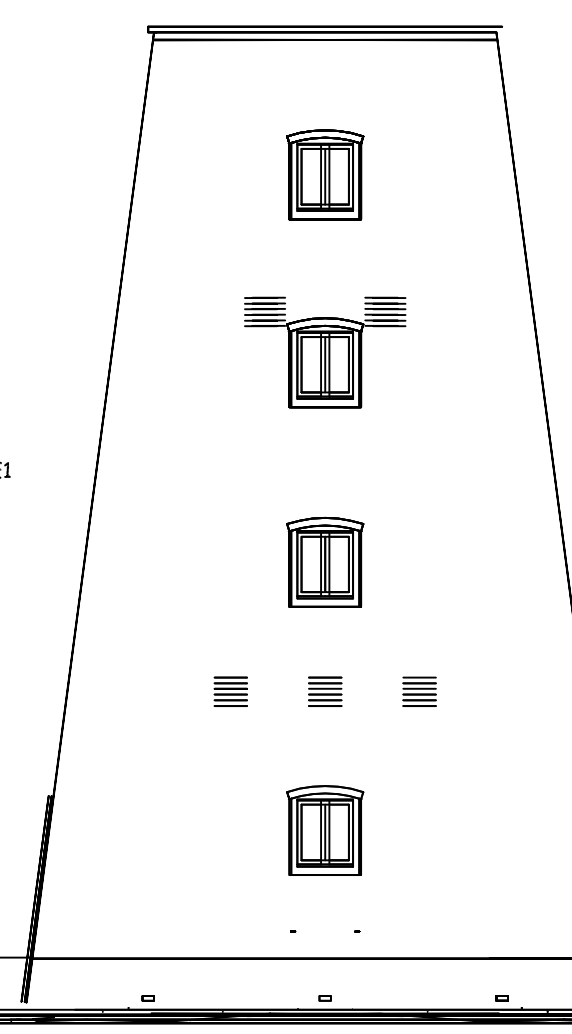


PROPOSED SITE PLAN SCALE 1 : 200

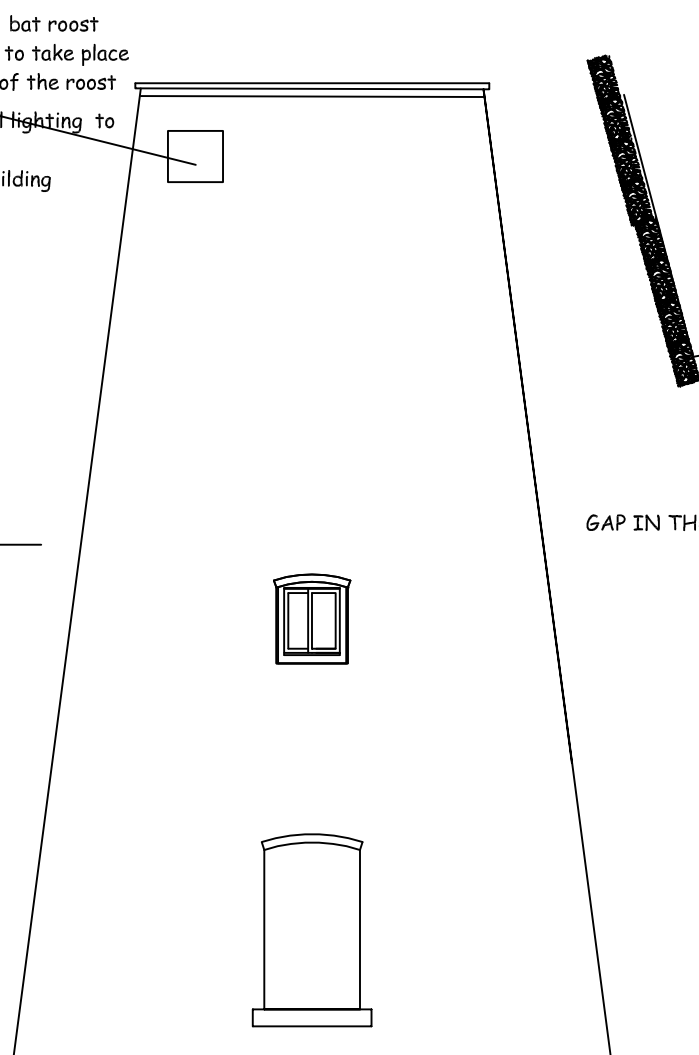
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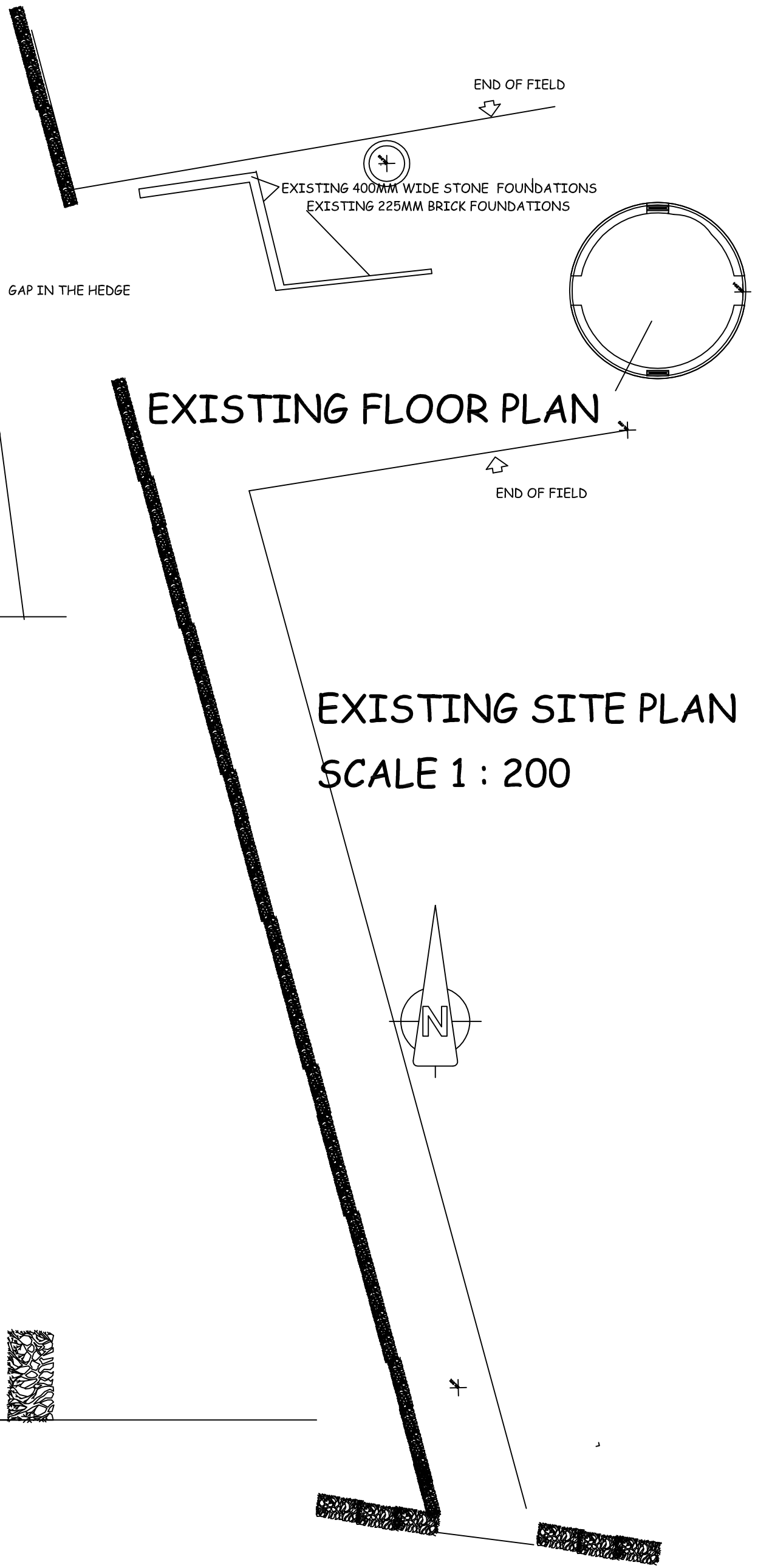
WEST ELEVATION



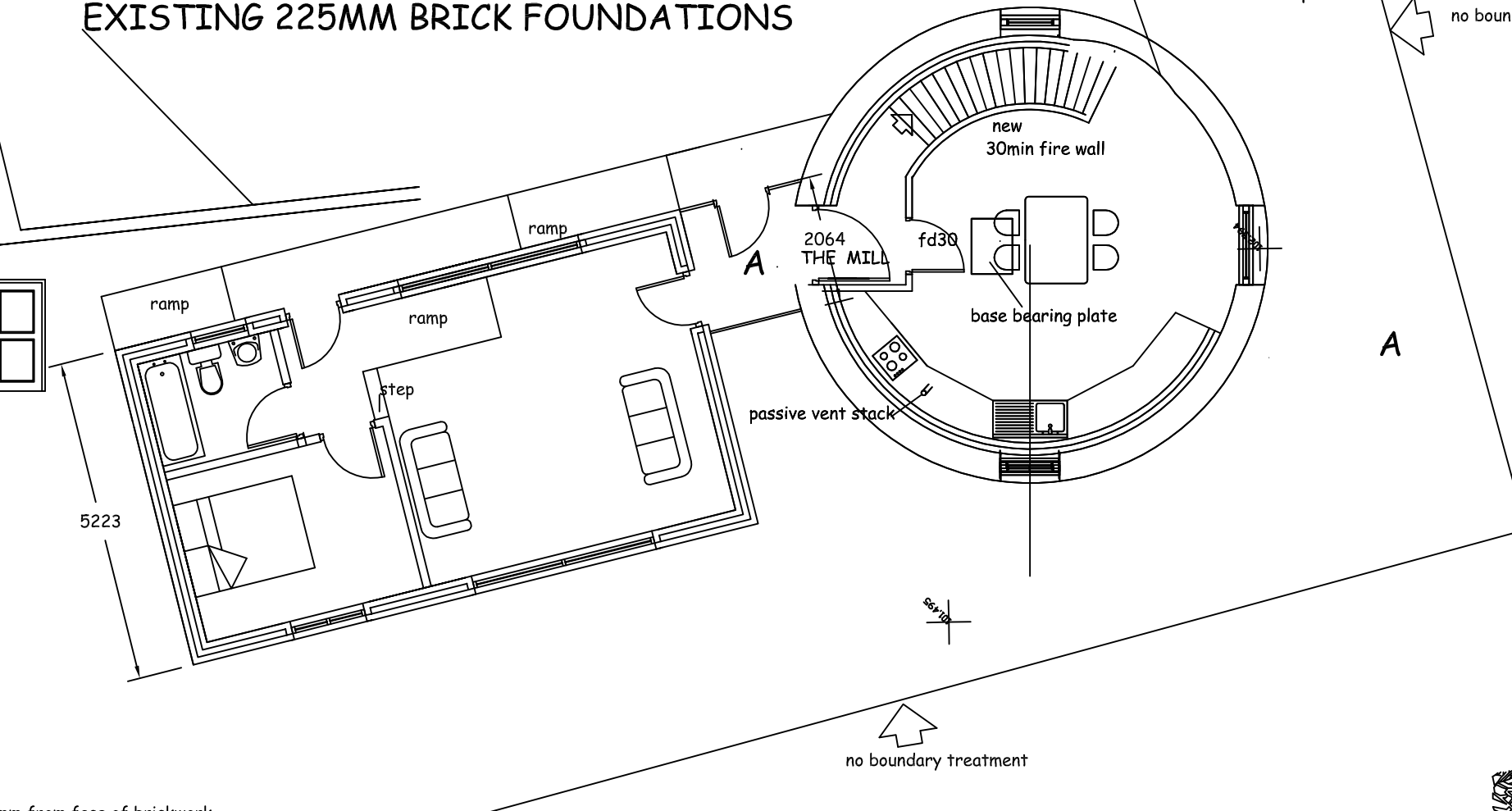
EAST ELEVATION



EXISTING SITE PLAN SCALE 1 : 200



EXISTING 400MM WIDE STONE FOUNDATIONS EXISTING 225MM BRICK FOUNDATIONS



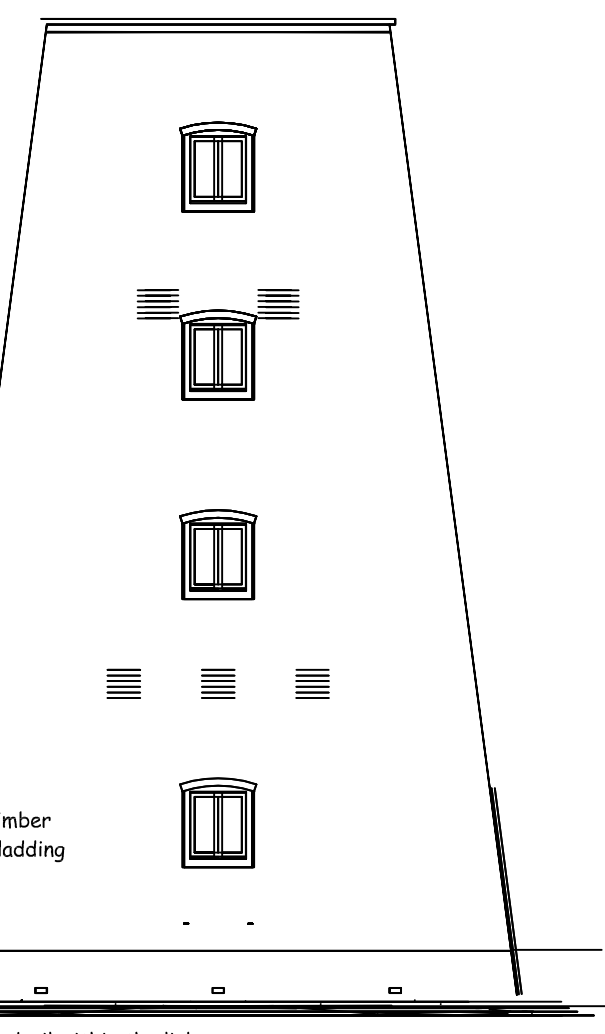
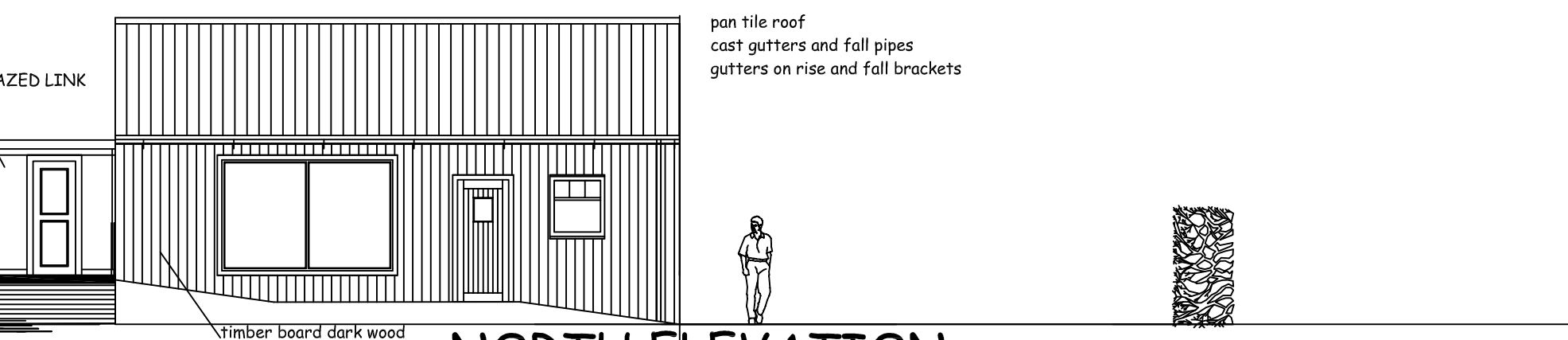
notes to support the addition to the Windmill.

This windmill was designed and used on a commercial scale and foundations have been exposed within the site. The foundations do not show the full extent of the layout of the building as some of the foundations have been removed.
 The mill would require a separate building for the storage of horse drawn carts, the stabling of horses and the storage of corn. The storage of the corn would be set out in separate locations within the outbuilding for each farm as the milling fees would be charged to each farmer and the milling process would be undertaken on an individual basis.
 This outbuilding would be required to store large amounts of corn at the peak of the harvest as the mill would not have storage capacity.
 The building would be of a simple design and probably single storey.
 The location of the exposed foundation indicates that the building was not attached to the windmill.
 The proposed design takes inspiration from practical workings of the mill in the mid 1800's and the location of the foundations exposed.
 In order to connect the new build with the mill a glass structure will maintain the detached appearance of the mill and visually separate the new build from the mill building itself.

SOUTH ELEVATION



NORTH ELEVATION



APPLIED SURVEYING & DESIGN (YORK)Ltd.
 VINE HOUSE 21 MAIN STREET STAMFORD BRIDGE
 TELEPHONE 01759 372779

client:
 MR. & MRS. HW. HOUSEMAN & MR. & MRS JM HOUSEMAN

PROPOSED CONVERSION OF WINDMILL TO FORM A DWELLING WITH EXTENSION
 THE OLD ROAD, APPLETON ROEBUCK

SCALE	1:100	Rev		DRAWING No.	
DATE	May 2016	up dated	20/03/2017		
DRAWN	P.A.	up dated roof plan	25/05/2017	2016/17/501/11	B

To: Planning Committee
Date: 6 December 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/0673/FUL 8/79/167J/PA	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill Old Road Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries.
- 1.3 The windmill is on an elevated position within the site with grassed land surrounding the site and the remains of previous buildings. The windmill itself has openings but no remaining window frames or doors.

The Proposal

- 1.2 This proposal seeks full planning permission for the conversion of the windmill into residential accommodation and the addition of a single storey extension. There

would be significant internal works required to the windmill due to the lack of floors/beams in order to facilitate the conversion and the works are detailed within the supporting documents submitted with the application.

- 1.4 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with English pantiles to the roof and timber doors and windows. It would measure 11.4m in length by 5.2m in depth with a maximum height of 5m to the ridge.
- 1.5 The scheme will provide within the extension a double bedroom with en-suite, and a living room, which is then linked to the main windmill structure. The ground floor of the windmill element will provide a kitchen and dining area. The first floor will provide a living room, the second floor provides a further double bedroom and en-suite and the third floor would provide a single bedroom with en-suite.
- 1.6 The proposed elevations will include the addition of a series of vents to the southern and northern elevations.
- 1.7 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site although a garden area and curtilage is shown on the submitted plans.

Planning History

- 1.5 The following historical applications and appeals are considered to be relevant to the determination of this application:-
 - An application (2016/0675/LBC) for Listed Building Consent for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration and is on the same planning committee agenda.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
 - An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.

- An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
- An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.
- An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (TA/6413) for the conversion of old Windmill into dwelling house, dated 23 May 1973, was refused on the 13th November 1973. This refusal was on the basis that “the site is divorced from the existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of a residential use into an area which is in the main open and undeveloped”.
- An application (TA/4629) for the change of use to a house, dated 6 August 1968 was refused on the 9 September 1968. This refusal was on the basis of:
 - Site outside any area shown allocated for general development purposes in the approved County Development Plan
 - The site is divorced from any existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of residential use into an area which is in the main open and undeveloped.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **NYCC Highways** - No objections subject to several conditions.
- 2.3 **Yorkshire Water** - No response at the time of compilation of this report.
- 2.4 **Ainsty Internal Drainage Board** - No objection to the development in principle and have recommend that two conditions be attached to any planning approval.
- 2.5 **Natural England** - No comments.
- 2.6 **Yorkshire Wildlife Trust** - The surveys by Wold Ecology are thorough and the suggested mitigation should be conditioned a European protected Species Licence may need to be applied for.
- 2.7 **North Yorkshire Bat Group** - No response at the time of compilation of this report.

- 2.8 **Historic England** - The windmill is Grade II listed which means it is a nationally important building of special architectural and historic interest. The statement identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west.
- 2.9 It is considered that incorporating the windmill tower into residential use could provide a means of ensuring the future conservation of this important structure. It would also provide a presence on the site to monitor the condition of the historic fabric on a regular basis. There is therefore do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised. The set of 'principles' at section 5.4 and the Schedule of Works at Appendix 1 is welcomed and conditions should be attached to secure this schedule of work.
- 2.10 The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill. This is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence. The wider site plan indicates that there are no proposals for any ancillary structures such as garages etc and conditions restricting permitted development rights on the site should be attached.
- 2.11 It is considered that the proposals would not cause substantial harm to the significance of the listed building and there are benefits to facilitating a new use for the building which would outweigh any harm that would be caused. It is recommended that this harm is mitigated through the application of appropriately robust conditions to secure the quality of the works both to the tower and the extension. A record should also be made of the tower in its present condition for future reference.
- 2.12 No objection is raised on heritage grounds and considers that the issues and safeguards need to be addressed in order for the application to meet the requirements of the NPPF. The determination should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 2.13 **Conservation Advisor** - The conversion of the windmill into a residential use would provide a beneficial use that would ensure the future conservation of the structure. There are no concerns regarding the principle of the reuse of the windmill. The Heritage Statement contains the information that is required under NPPF 128 and is proportionate to the significance of the heritage asset. It provides enough information to be able to understand the significance of the structure, the proposals and any implications of the development. It also puts this within a legislative and policy context.
- 2.14 The application is supported by a structural survey and shows that with some repairs the building is capable of being re-used with minimal intervention and alteration to the windmill. Consideration has been given to conservation principles and the practice of minimal intervention and a philosophy of repair. The new roof

will be formed below the existing parapet to reduce the visual impact of the proposed works. The existing openings will be retained and reused and new timber windows and doors inserted. Existing machinery will be incorporated into the conversion.

- 2.15 Whilst the present appearance of the site is of the windmill in its solitary form, it did have a building located to the west, albeit detached. Other historic windmills have ancillary buildings located about their bases. Therefore it is not historically inaccurate to have additional buildings associated with windmills. The materials for the extension have been chosen to reflect the agricultural nature of the setting and the existing building. The proposed dark wood reflects the original tar finish to the windmill. The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable. The design is utilitarian and uncomplicated.
- 2.16 Externally, the existing access would be upgraded and car parking for two cars, a small garden area and a small bin storage area would be provided. There would be no garaging, boundary features or ancillary structures. This will retain the open nature of the site and reduce visual clutter associated with domestic properties.

Recommendation

- 2.17 The application has considered the special interest, identified significance and the agrarian setting in considering the acceptability of this application. The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset.
- 2.18 The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application. As harm has been identified the harm should be weighed against the public benefits of the application in accordance with NPPF 134.
- 2.19 The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24. Several conditions are recommended if approval of the application was recommended.
- 2.20 **Environmental Health** - The applicant has indicated that foul drainage is to be disposed of via a package treatment plant. The installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 2.21 **Contaminated Land Consultants (WPA)** - No contaminated land conditions are recommended for this application.

2.22 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.

2.23 The letters of objection raised the following points as summarised:

- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
- The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur;
- The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust and SSCLG (2014);
- Plans have not been provided from public vantage points of which to assess the proposal;
- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape;
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past;
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement;
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car;
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable;
- The creation of boundary treatment would introduce a defined and alien curtilage in the area;
- Associated activity and detailing such as garden planting, outdoor tables chairs etc will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings;
- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed;
- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating

appliances, external lighting equipment, external pipes associated with drains etc;

- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach;
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension;
- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage;
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing;
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site;
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed;
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions;
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway;
- There is reference to removing parts of the hedge, however there is no indication of the level of visibility that this will achieve nor the works likely to be required to the hedge;
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection;
- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway;
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway;
- There has been no assessment of the historic or archaeological significance of this feature of the site;
- The structural survey contradicts the Heritage Statement in respect of the decay of the building;
- The Heritage Statement should be completed by a competent and informed individual;

- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF;
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.24 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling will have a measureable impact on local traffic volumes. Traffic volumes are not great;
- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;
- local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;
- Cyclists use this route extensively;
- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;

- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;
- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 3.5 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22 October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy. In terms of the Appleton Roebuck and Acaster Selby Neighbourhood Plan, then NPPG Neighbourhood Planning paragraph 7 states that:

"An emerging neighbourhood plan may be a material consideration factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what a material consideration is and what weight to give it." (NPPG Neighbourhood Planning para 07)

As such under Section 1 of the Neighbourhood Planning Act 2017 the law as in force from 19 July 2017 states that a neighbourhood development plan forms part of the development plan for the area if it has been approved by referendum. The Appleton Roebuck and Acaster Selby Neighbourhood Plan was examined in summer 2017 and was recommended to proceed to referendum. The Referendum took place on the 23 November 2017 and was supported by the community. In accordance with the Neighbourhood Planning Act it now becomes part of the statutory development plan.

Selby District Core Strategy Local Plan

3.6 The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

Appleton Roebuck and Acaster Selby Neighbourhood Plan

3.7 The relevant Neighbourhood Plan policies are:

Policy WB1	Re-use of Redundant Buildings
Policy DBE2	Respecting Traditional Building Design and Scale
Policy DBE3	Green Infrastructure
Policy DBE4	Drainage and Flood Prevention
Policy EHL1	Maintaining Agricultural Land
Policy ELH 4	Historic Rural Environment.
Policy H1	New Housing Development Design and Scale,
Policy H3	Car Parking
Policy ELH2	Conserving, Restoring and Enhancing Biodiversity

Selby District Local Plan

3.8 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.9 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV24	Alterations to Listed Buildings
T1	Development in Relation to the Highway Network
T2	Access to Roads

Other Documents

3.10 Other relevant policies and guidance are:

- Affordable Housing Supplementary Planning Document
- 5 Year Housing Land Supply Report 2017-2022, Position at 31st March 2017
- Appleton Roebuck Village Design Statement

4.0 Appraisal

4.1 The main issues to be taken into account when assessing this application are:

1. Principle of the development
2. Impact on Heritage Assets
3. Design and Impact on the Character of the Locality
4. Impact on Residential Amenity
5. Highways Issues
6. Drainage, Flood Risk and Climate Change
7. Impact on Nature Conservation and Protected Species
8. Affordable Housing
9. Contaminated Land
10. Neighbourhood Plan
11. Other Issues
12. The Benefits of the Proposal

The Principle of Development

4.2 The Council have confirmed that housing policies are up to date, as it now has a via the Appeal at West Farm Ulleskelf (Ref 2016/0403/OUT) a 5 year housing land supply and as such the proposals should be considered under the normal planning considerations.

4.3 Policy SP1 of the Core Strategy outlines that "when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework" and sets out how this will be undertaken.

4.4 Relevant policies in respect of the principle of this proposal include Policies SP2 "Spatial Development Strategy" and Policy H12 of the Selby District Local Plan.

4.5 Policy SP2A(c) states that development in the countryside (outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.

4.6 In terms of the AR & AS Neighbourhood Plan, then this application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use, which is in accordance with Policy WB1 per sa. The criterion

in Policy WB1 do note that any such conversions should not increase levels of traffic to cause disruption, increase HGV movements or significantly increase noise associated with the new use. These elements are considered later in the report in terms of the highways impacts and amenity considerations.

- 4.7 In terms of the Local Plan, then Criteria (1) and (3) of Policy H12 of the Local Plan allow proposals for the conversion of rural buildings to residential uses provided it “can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality” and that the “building is structurally sound and capable of re-use without substantial rebuilding”
- 4.8 In addition, criteria 2 of Policy H12 of the Local Plan states that conversions to residential use will only be permitted where ‘The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building.’
- 4.9 Paragraph 55 of the NPPF is particularly relevant to the application and states that:
- “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as [amongst other things]:-
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”
- 4.10 The approach taken by Paragraph 55 of the NPPF is significantly different to that taken in Policy H12 as it does not require the more onerous tests set out in H12 (1) and (2). It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of criteria (1) of the policy and the less onerous approach set out within the NPPF.
- 4.11 The applicant has submitted a Structural Survey which concludes that the building is structurally suitable for its intended use and the conversion will retain and enhance the character of this building. In addition, following a site visit to the application site, officers have not seen any signs that would indicate that the building is other than structurally sound.
- 4.12 The windmill is a Grade II Listed Building and an assessment of securing the future of this asset is discussed later in the report. The proposal would re-use a redundant and disused building and is considered to lead to an enhancement to the immediate setting by virtue of retaining, reusing and repairing the windmill which is in a semi-derelict state. The proposal is therefore considered to meet one of the special circumstances identified within paragraph 55 of the NPPF and wholly accords with Policy WB1 of the Neighbourhood Plan. In addition the proposal is in accordance with Policy H12 (3) of the Local Plan.

Sustainability of the Development

- 4.13 In terms of assessing the sustainability of housing development in this open countryside location, it is noted that Appleton Roebuck which is the closest village to the application site is identified as being 'least sustainable' with respect to its sustainability ranking as set out in Core Strategy Background Paper No. 5 Sustainability Assessment of Rural Settlements.
- 4.13 The application site itself is situated approximately 720 metres outside the defined development limits of Appleton Roebuck which provide local services such as a primary school, two public houses and a church. There is also a bus stop on Main Street within the village which serves the Colton to York bus route that runs Monday to Saturday on a 2 hourly basis. The site is also located approximately 1.3km from Bolton Percy which benefits from a village hall, café and public house and is also on the Colton to York bus route.
- 4.14 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 55 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 55. In addition it worth noting that the conversion of isolated agricultural buildings to residential use is supported by Government in the changes made to the permitted development regime whereby conversions, of certain scales, are able to be supported subject to there being no technical reasons such as highways, contamination, noise, flooding or the location impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
- 4.15 Comments from objectors regarding the sustainability of the site have been noted and although sustainability was a previous reason for refusal for this site when considered under reference 2009/0572/FUL for conversion of the windmill to holiday let, this decision was within a different policy context to that which the application is now considered and a holiday let was subsequently approved under application 2012/0812/FUL which had regard to the NPPF.
- 4.16 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

Economic

The proposal would provide jobs during the conversion and internal works to the windmill as well in the construction of the extension and through local spending by new residents within the village and District.

Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

Environmental

The proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conversion of the windmill and its retention. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 4.17 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Core Strategy, Neighbourhood Plan and the Local Plan.

Impact on Heritage Assets

- 4.18 Whilst in considering proposals which affect a listed building regard has to be made of S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.
- 4.19 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.20 The submitted plans show existing features remaining near the Windmill. The information submitted by the Applicants notes that there is evidence of other

buildings in close proximity to the windmill. The external face of the brickwork was originally covered in protective tar, but this has deteriorated to leave much of the brickwork exposed, although this is noted in the submission to be still sound condition.

- 4.21 The Heritage Statement (June 2017) adds that “there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”
- 4.22 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”
- 4.23 In respect of the impact on the Conservation Area, as noted that the site lies 720 metres from Appleton Roebuck and the statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.24 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed conversion and extension. It concludes that “...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level.” Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building.”
- 4.25 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)” and adds that “Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses.”

- 4.26 In terms of landscaping, the Statement considers that “The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints” and The principal visual effect of these changes has very little impact on the nature of the building or its listed status.”
- 4.27 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.28 Historic England and the Council's Conservation Advisor have advised that the windmill is a Grade II listed building which means it is a nationally important building of special architectural and historic interest and Historic England note that “The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west.”
- 4.29 Historic England do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised as the proposed conversion could provide a means of ensuring the future conservation of this important structure. In addition, they comment that “The design of the proposed extension has improved since the first submission. It no longer projects beyond the tower and the narrowness of the link to between the two allows a good appreciation of the circumference of the tower. The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence.” Several conditions have been recommended to be attached, however, the condition in respect of the schedule of works is considered to be relevant to the Listed Building Consent application which is being determined under application 2016/0675/LBC and so would not be proposed to be attached.
- 4.30 The Council's Conservation Advisor has considers that the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with it conservation and sustains the windmill as a feature within the landscape for this and future generations to enjoy.
- 4.31 Furthermore, the Conservation Advisor considers that “Great weight has been given to the conservation of the Windmill as a Grade II heritage asset... [and] to the conservation of the heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term

conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application.”

- 4.32 The Conservation Advisor concludes that “The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24” and recommended several conditions be attached to any permission granted
- 4.33 Having had regard to the submitted proposals, the comments received following notification of the application and responses from consultees, the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with Policies ENV1, ENV24 and H12, of the Local Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and policies DBE 2 and ELH 4 of the AR&AS Neighbourhood Plan subject to appropriate conditions.

Design and Impact on the Character of the Area

- 4.34 The proposed development seeks permission to convert an existing windmill into a residential dwelling and also proposes a single storey extension. The proposed re-use is considered to generally take place within the fabric of the building and does not require extensive extension in order to create a dwellinghouse. In addition it should be noted that the proposals would utilise the existing window and door openings within the existing building in order to retain the character and appearance of the building.
- 4.35 The proposed single storey extension would be 5 metres in height, a maximum of 11.4 metres in width and a maximum of 5.2 metres in depth. The size, scale and juxtaposition of the proposed extension would appear subservient to the windmill. Furthermore, the design takes into account the circumference of the windmill and appears as a functional outbuilding to the windmill rather than a separate building. In addition, the use of a dark wood for the external walls would reflect the original tar finish of the windmill visually and as such, it is considered that on balance the proposed extension would not be harmful to the windmill’s landscape prominence and is acceptable.
- 4.36 Other design features incorporated into the proposed extension and windmill includes ducts, vents, external pipes and openings for windows and doors. The existing openings within the windmill would be utilised and the proposed windows would be recessed and all windows would be dark painted or stained hardwood to reflect the historical character of the site. Although the proposed windows would vary in size, it is considered that this approach is acceptable.
- 4.37 The Heritage Statement confirms that ducts and vents would be fitted internally, although from the plans submitted, there may be some views of the vents on the windmill. However, when taken in the context of the site, it is not considered that the services required as part of the proposal would result in a visual impact as many would be located internally and therefore views would be limited.

- 4.38 The external wall materials proposed for the single storey extension would be dark wood timber boarding with Old English Pantiles for the roof which is considered acceptable. In addition, there would be a glazed link connecting the windmill and proposed extension in order to visually separate, but link the two structures. These materials are considered to be acceptable and can be secured by condition in order to ensure the development is carried out in accordance with the submitted details. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.39 In terms of landscaping, a garden area is proposed to the rear of the proposed extension and windmill and the proposed hardstanding leading from the highway is proposed to be constructed of stone. There is an existing hedge to the western boundary which is proposed to have any gaps closed but no other boundary treatment is proposed which would retain the open nature of the site. This hedge planting can be conditioned to ensure it is of the same species and height as the existing hedge and a further condition can be included which removes permitted development rights for the installation of any further boundary treatments to the site under Part 2 of the General Permitted Development Order which would ensure the openness of the site is retained.
- 4.40 Although the submitted plan shows the areas of hard and soft landscaping within the site, it is considered that a condition is attached which requires full details of the hard and soft landscaping within the site in order to ensure the site does not appear overly domesticated in nature having regard to the historical setting of the site and the surrounding area. In light of the conditions proposed, it is considered that the landscaping and boundary treatments within the site would be appropriate to the current and historical landscape in the surrounding area and would not result in a significant impact on the visual amenity of the area.
- 4.41 It is considered that it is appropriate to remove permitted development rights for any extensions to preserve the setting of the listed building thus removing rights under Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order.
- 4.42 The letter of objection considers that insufficient information has been submitted which would allow the LPA to fully assess the proposal and its impact on the character. The public viewpoints of the site in the wider area have been visited and the proposal has been assessed accordingly. It is concluded that the proposals are acceptable having had regard to the impact on the character of the area subject to a series of conditions.
- 4.43 In addition, the objector considers that the use of the site as a dwelling is likely to have a significant impact on the area due to the creation of a structured urbanised landscape, introduction of lighting, residential paraphernalia and residential curtilage. This would result in the structure being more dominant in views from the more intensive use of the site. Having had regard to these issues and as set out above it is considered that an appropriate scheme can be achieved subject to conditions. In terms of the issue regarding external lighting, within the letters of support it is noted that there would have been some lighting at the site when it was in operational use, although this is likely to have been low level and the application

proposes blackout blinds in order to reduce light spillage from the site. As such, it is considered that an appropriate lighting scheme can be achieved at the site and this can be conditioned.

- 4.44 Having considered all of the above, the proposals are considered acceptable with respect to the design and the impact on the character of the area, in accordance with Policies ENV1 and H12 of the Local Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and policies DBE 2, DBE 3 and ELH 4 of the AR&AS Neighbourhood Plan, subject to appropriate conditions.

Impact on Residential Amenity

- 4.45 The nearest residential property is located in excess of 500 metres from the application site and as such, it is considered that the proposal would not have any impact on the amenity of any property. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the occupants of the proposed dwelling.
- 4.46 It is therefore considered that a good standard of residential amenity for both occupants and neighbours would be achieved and that the proposal is therefore in accordance with Policy WB1 of the Neighbourhood Plan, Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Highway Safety Issues

- 4.47 The letter of objection raises some concerns in regards to highway safety including safe access to the site and provision for service vehicles to enter the site. The proposal would utilise an existing access into the site from Old Road and would create a new access road to the windmill which is similar to that approved under application 2012/0812/FUL in terms of length.
- 4.48 The Highways Officer at North Yorkshire County Council has been consulted and has no objections to the access arrangements and impacts on the highway network subject to several conditions. Furthermore it should be noted in respect of accessibility by service vehicles such as refuse vehicles that it is not unusual in locations such as this for the occupiers to present their bins at the entrance to the site for collection. It is therefore considered that there are suitable provisions in place to ensure that no detriment would occur.
- 4.49 A plan has been submitted which shows the required visibility splays of 138 metres to the west and 215 metres to the east are achievable at the site which meets the requirements of the Highways Officer and a suitable condition can be included which requires the visibility splays to be retained throughout the lifetime of the development. One of the conditions requested by the Highways Officer relating to a construction management plan is not considered as being reasonable or proportionate given the scale of the development.
- 4.50 It is therefore considered that the scheme is acceptable and in accordance with Policy WB1 of the Neighbourhood Plan, Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the NPPF.

Flood Risk, Drainage and Climate Change

- 4.51 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that the foul water would be directed to a Package Treatment Plant and surface water would be directed to a soakaway. The Ainsty Internal Drainage Board has requested two conditions are attached to any permission in regards to soakaways. The Lead Officer for Environmental Health advises that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 4.52 Concern has been raised in the letter of objection in regards to the suitability of the well for use as a soakaway which could increase the risk of pollutants spreading into the surrounding ground water. It is noted that the IDB has requested conditions in regards to the suitability of the soakaway and it has been confirmed that the well would not be used as part of the soakaway or surface water disposal.
- 4.53 Having had regard to the above and taking into consideration the proposed connections, the proposed scheme is considered to be acceptable in regards to drainage on the site subject to appropriate conditions in accordance with DBE 4 of the AR&AS Neighbourhood Plan.

Nature Conservation Issues

- 4.54 The application site is not a formal or informal designated protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The applicant has submitted a Bat Survey and a Phase 1 Habitat Survey by Wold Ecology as part of the application.
- 4.55 The submitted Bat Survey has identified a common pipistrelle bat roost within the windmill which would be disturbed and destroyed as part of the proposed conversion and structural repair work to the windmill. Consequently, a Natural England European Protected Species development license is required before building work can commence. The Bat Survey identifies mitigation measures as appropriate which are required in order to apply for a development license from Natural England.
- 4.56 The Ecological Survey concludes that the proposed development is unlikely to impact upon any other protected species or associated habitats. However, the report recommends a number of measures which should be adopted to ensure potential adverse impacts to wildlife are avoided
- 4.57 The North Yorkshire Bat Group, Yorkshire Wildlife Trust and Natural England have been consulted on the application. Natural England have stated that they have no comments to make and refer to their standing advice, the Yorkshire Wildlife Trust consider that the surveys are thorough and the suggested mitigation should be conditioned as a European Protected Species Licence may need to be applied for and the North Yorkshire Bat Group has not provided any comments.
- 4.58 Having had regard to all of the above it is considered that the proposal would accord with Policy ENV1(5) of the Local Plan, Policy SP18 of the Core Strategy,

the NPPF and ELH2 of the AR&AS Neighbourhood Plan with respect to nature conservation subject to conditions.

Affordable Housing

4.59 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Contaminated Land

4.60 The proposal involves an end use that would be particularly vulnerable to contamination and the site is identified as potentially contaminated and a Screening Assessment Form (SAF) was submitted with the application. The Council's Contaminated Land Consultant has reviewed the SAF for the above site, as well as undertaken a brief review of available online information and advise that no contaminated land conditions are required to be appended to an approval of this application.

4.61 As such, the proposal is therefore considered to be acceptable with respect to contamination and in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Other Issues

4.70 Criterion 1 of Policy H12 of the Local Plan allows proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use of that there is no demand for buildings for those purposes in the immediate locality". However, the approaches taken by Policy SP2A(c) and Paragraph 55 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.

4.71 Criteria 6 of Policy H12 requires that buildings are not in close proximity to intensive livestock units or industrial uses which would be likely to result in a poor level of amenity for occupiers of the dwelling. The site is located adjacent to agricultural land which is not used for intensive livestock uses and is also located at a considerable distance away from the nearest industrial use.

4.72 The two letters of objection reference several mistakes within the application form and submitted documents. Officers have assessed the application based on a site visit, consultee responses, the submitted information and having taken into account national and local policies as well as comments received following notification of the application and not solely based on the applicant's submission and are satisfied that there is sufficient information on which to determine the application.

- 4.73 Other concerns have been raised regarding alternative options in protecting the structure. The applicants contend in their Heritage Statement that the benefit of bringing the building into use is a conservation gain and alternative uses (such as a Visitor centre, Community hall and consolidated ruin amongst others) are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime). Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value and a permanent occupant of the building implies a higher standard of care than other uses.
- 4.74 A further concern has been raised over the supply of electricity to the site and it is noted that no overhead power lines are located within the vicinity of the site. However, in many instances, an electricity supply can be made through underground cables which do not require the provision of overhead power lines and it would be up to the applicant to ensure that a supply can be provided to the property.
- 4.75 Concerns have been raised in regards to the contents of the Heritage Statement (dated March 2017) stating that it fails to provide the correct policy background and balanced assessment of the impact of the proposal on the heritage assets in the area. Concerns are also raised that the Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG* (2014). The Heritage Statement (dated 1st June 2016) states that “The *Barnwell Manor Wind Energy Ltd Court v East Northants and others* appeal decision clarifies that the assessment of harm to a listed building setting or landscape must be balanced by the benefit of a proposed development. The decision refers to a Grade 1 listed building where the listing includes garden, grounds and setting. The Grade II status of the mill in its modern (un-listed, unscheduled) agricultural setting, without active conservation measures in place renders it is vulnerable to harm as much by inaction as by intervention. The benefit of bringing the building into use is a conservation gain; the harm of placing a small outbuilding adjacent to it is of a low order of magnitude in both visual and material terms.”

Benefits of the Proposal

- 4.75 In assessing the proposal, it is considered that the proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF which allows isolated homes in the countryside if such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 4.76 The proposal is not considered to inhibit an understanding of the windmill’s historic function and how it would have operated and the proposed extension would appear as a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. In addition, the proposal would result in the future conservation of the windmill which is considered to be an important structure and therefore, the proposal is considered to be acceptable in terms of its impact on Heritage Assets.

- 4.77 The proposals would make use of the environmental capital (energy and materials) that is invested in the windmill through its re-use and the design would take into account other environmental issues such as reducing carbon emissions, flooding and impacts on climate change. Furthermore, the proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.
- 4.78 In addition, the proposal would add an additional dwelling to the housing supply in the District and would provide various economic benefits from the initial conversion/construction works through to spending by new residents within the village and District.
- 4.79 Whilst the proposal would perform poorly with respect to the location of the site, the proposal is considered to comply with paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor. As such, the significant benefits of the scheme as outlined in the report are considered to outweigh this adverse impact and the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF. In addition the scheme fully accords with the policy approach of the AR&AS Neighbourhood Plan.
- 4.78 Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role and accord with the requirements of the relevant policies and on this basis that permission should be granted subject to the conditions listed below.

Legal Issues

Planning Acts: This application has been considered in accordance with the relevant planning acts.

Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

- 4.81 Financial issues are not material to the determination of this application.

5.0 Conclusion

- 5.1 The application seeks the conversion and extension of a windmill to form a single dwellinghouse. The site is located outside the defined development limits of Appleton Roebuck and is within the open countryside.

- 5.2 The proposal is considered to be appropriate development in the open countryside as it and it is considered acceptable when assessed against paragraph 55 of the NPPF and the approach of the Neighbourhood Plan.
- 5.3 It is considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of criteria (1) of the policy and the less onerous approach set out within the NPPF. Therefore, on balance, the proposal is considered to be acceptable in principle as substantial weight should be given to the NPPF which promotes the conversion of existing buildings.
- 5.4 The proposal is considered to provide a means of ensuring the future conservation of the windmill which is an important structure. The scale, appearance and design of the proposed extension is considered to provide a good appreciation of the circumference of the tower and give the appearance of a functional outbuilding to the windmill. As such, it is considered that the proposal is acceptable in respect of the impact on the Heritage Asset.
- 5.5 Other matters of acknowledged importance such as the impact the character of the area and open countryside, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination have been assessed and are considered to be acceptable.
- 5.6 In the context of the Court of Appeal decision it is considered that this is a material consideration of substantial weight which outweighs the policy requirement for the provision of an affordable housing commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

6.0 Recommendation

- 6.1 That the application be APPROVED subject to the following conditions:
01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.
- Reason:
In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:
- Location Plan: LOC01
 - All Plans: 2016/17/501/11B
 - Proposed Sections: 2016/17/501/9B
 - Visibility Splays: SK01
- Reason:
For the avoidance of doubt.
03. The development hereby approved shall not be occupied until all conversion works to the Listed Building (The Old Windmill) have been undertaken and completed in accordance with the permission.

Reason:

For the avoidance of doubt and to ensure that the works to convert the Windmill are undertaken and completed prior to occupation.

04. Prior to the commencement of development, samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building.

05. The materials to be used in the repairing of the external walls of the windmill, the vents and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. Before any development is commenced, details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

09. Before any development is commenced the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

10. The new hedge planting, as shown on Drawing Number 2016/17/501/11B, shall be of the same species and height as the existing hedge along the western boundary of the site. The new hedge planting shall be carried out in its entirety prior to occupation of the proposed dwelling and shall thereafter be retained throughout the lifetime of the development.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

11. Notwithstanding the provisions of Classes A to E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, porches, outbuildings, roof additions or other structures shall be erected, nor new windows, doors or other openings shall be inserted into the windmill or extension, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the open countryside and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

12. Notwithstanding the provisions of Class A and Class C to Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby permitted, other than those shown on the approved drawings, nor shall any exterior painting of the extension or windmill be permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

13. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

14. No development approved by this permission shall be commenced until the Local Planning Authority has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented prior to the development being brought into use. The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

15. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

16. The windmill and/or extension shall not be occupied or brought into use until the site is connected to the Package Treatment Plant for the disposal of foul water.

Reason:

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

17. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements:
- a. The access shall be improved to give a minimum carriageway width of 5.5 metres, and that part of the access road extending 8 metres into the site shall be constructed in accordance with Standard Detail number E1.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in this condition.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.

18. The visibility splays, as shown on drawing number SK01 shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and in the interests of road safety.

19. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 2016/17/501/11B). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North. Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development

20. The development shall be carried out in complete accordance with the recommendations set out in the Bat Survey dated May 2016 and Extended Phase 1 Habitat Survey dated December 2015 both by Wold Ecology Ltd which were as received by the Local Planning Authority on 6 June 2016

Reason:

In the interests of biodiversity and nature conservation and in order to comply with the advice contained within the NPPG.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

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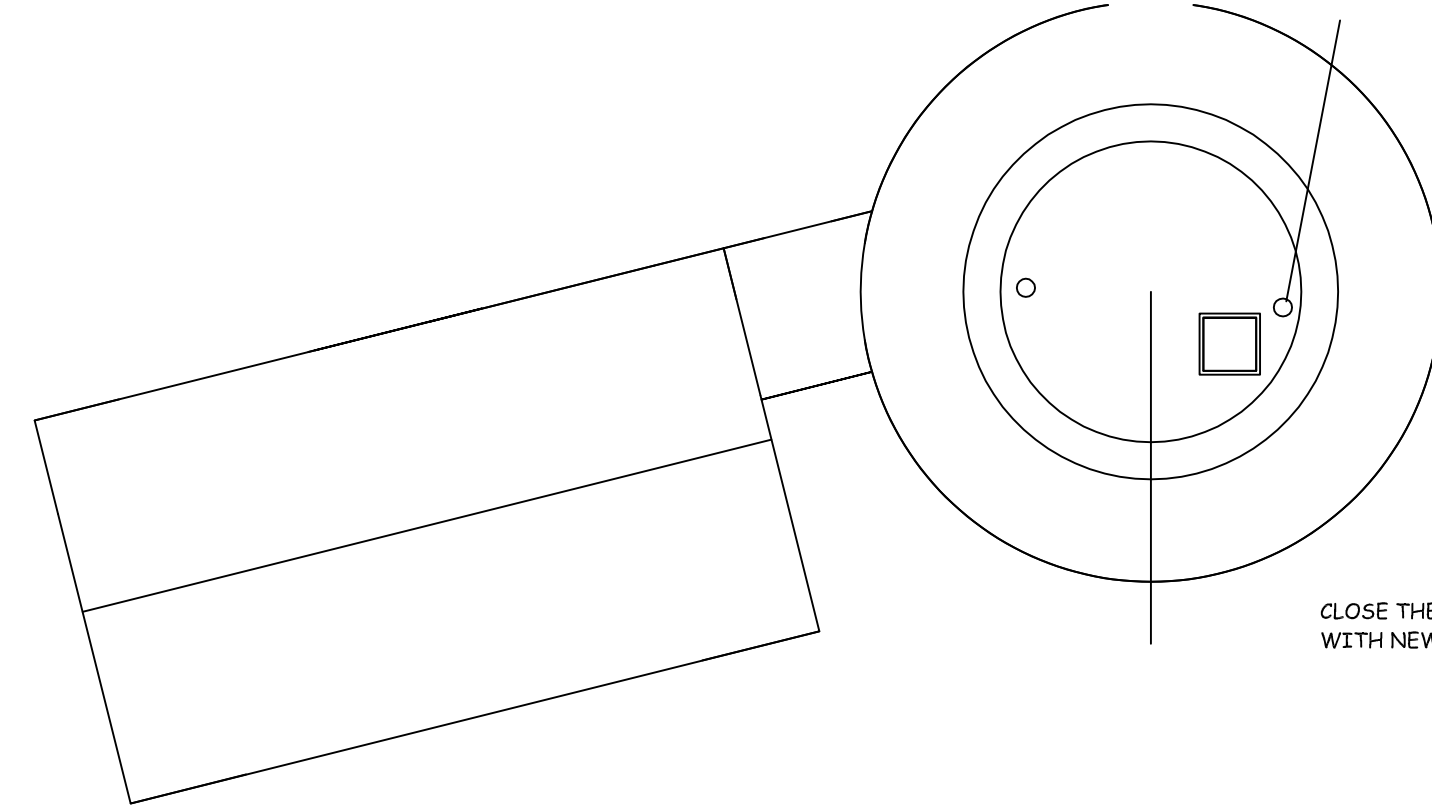


APPLICATION SITE

Windmill, Old Road, Appleton Roebuck
2016/0675/LBC

1:2,500





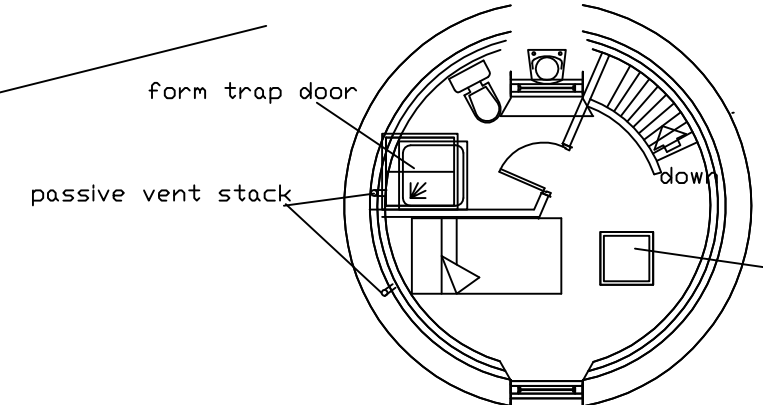
ROOF PLAN

The walls and roof of the glazed link to be offset 18mm from the wall of the windmill.
 Surface water to run down the face of the windmill wall into a drainage channel on the floor of the glazed link.
 This will maintain the integrity of the windmill with no structure being attached to it.
 Cross flow ventilation will be achieved in the link to prevent the build up of heat and condensation with the 18mm air gap at the wall of the mill and with the brick headers being omitted from the wall above the main entrance doors.
 The glazed link will give a visual separation from the mill and the outbuilding and provide an unheated entrance area.
 A French drain will be formed round the external wall of the mill in place of installing a damp proof course to the mill walls, this will have the effect of reducing the water table in this area and ensuring the lower walls to the mill are dry.

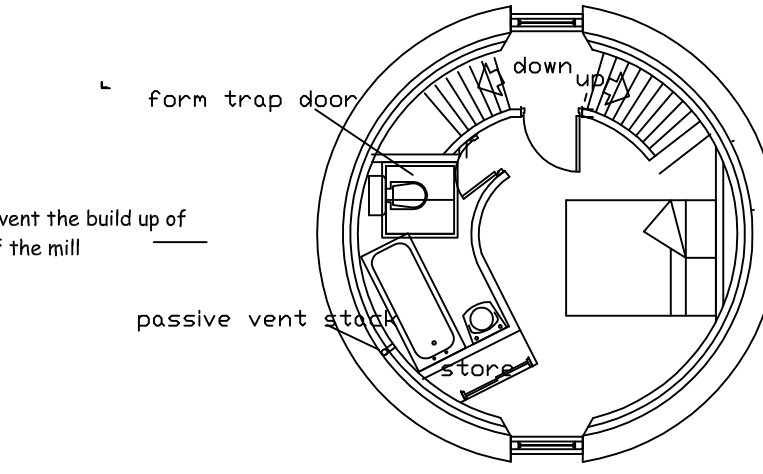
Consideration was given to including the installation of an internal wheelchair-friendly one person lift shaft to make the new accommodation available for use by disabled persons. The provision of the extension enables the accommodation to be available for a disabled user without any adverse implications for the listed building.

RECEIVED
 25/05/2017
 BUSINESS SUPPORT

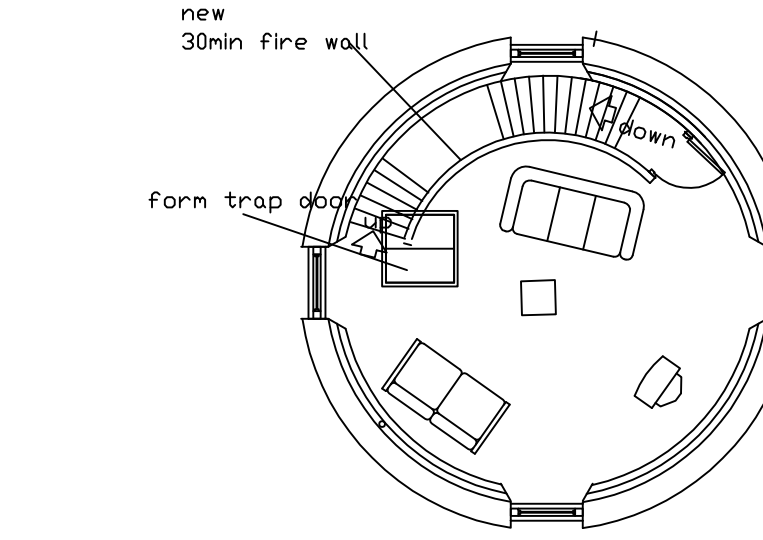
AMENDED DRAWING



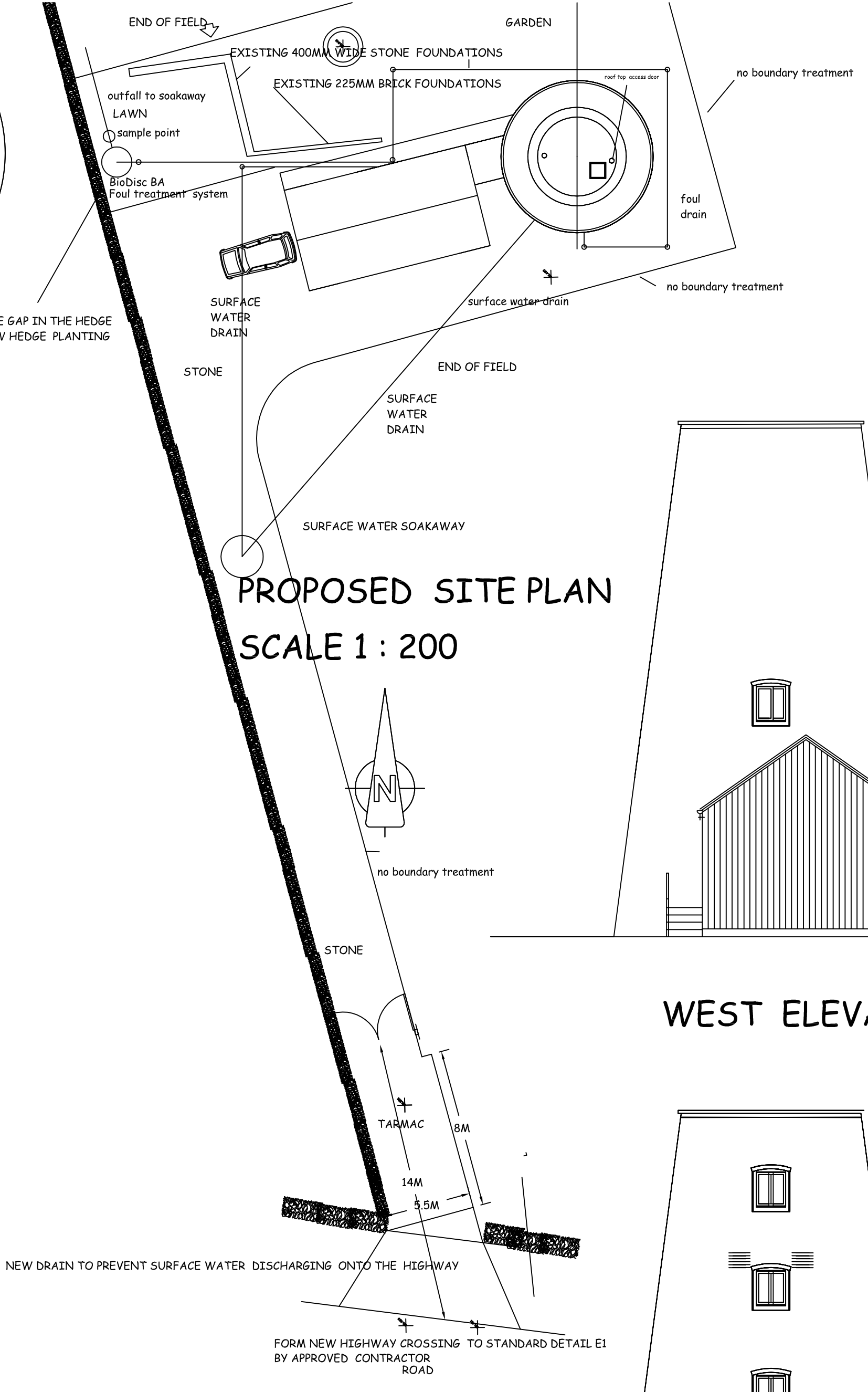
THIRD FLOOR



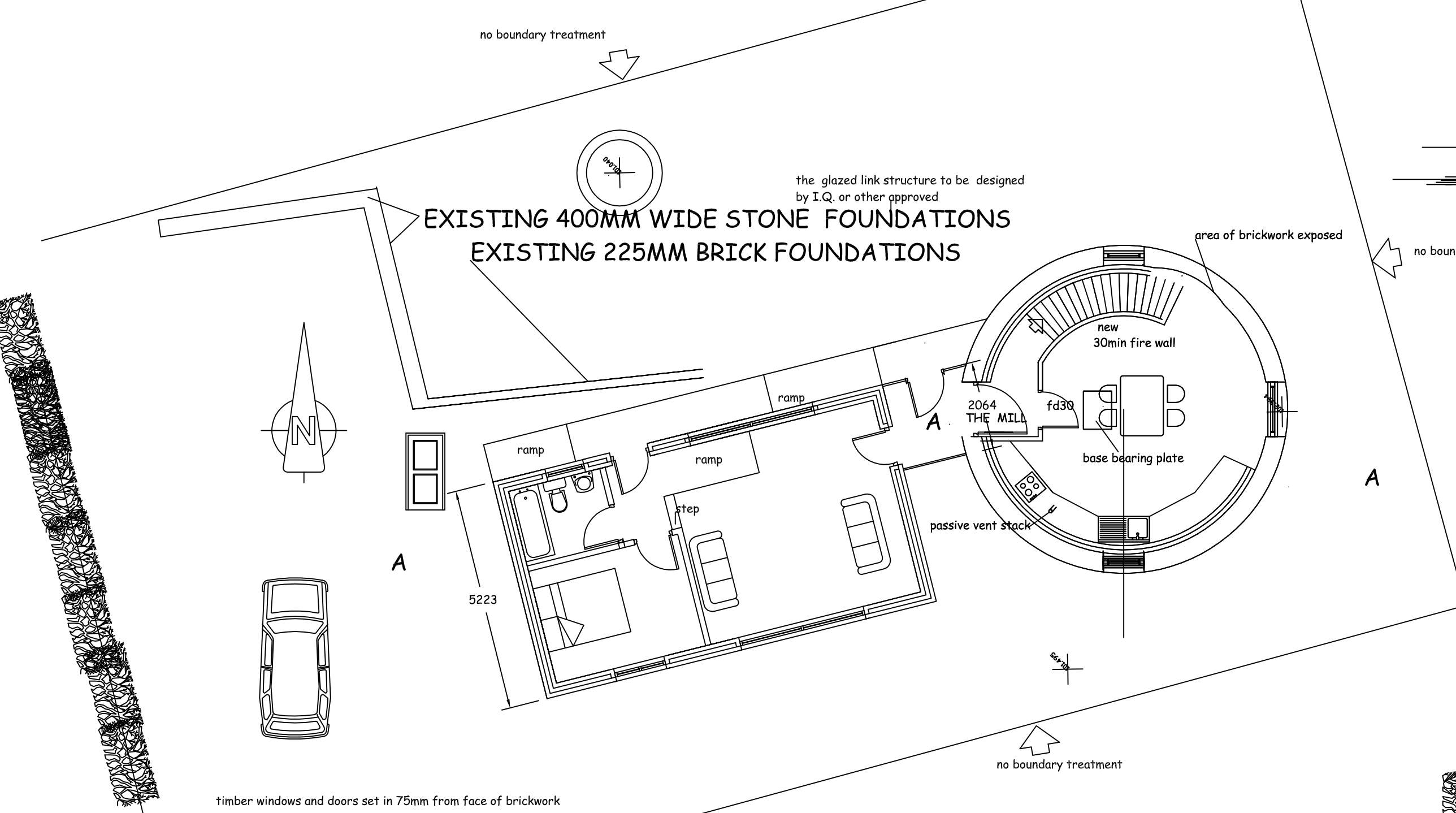
SECOND FLOOR



FIRST FLOOR

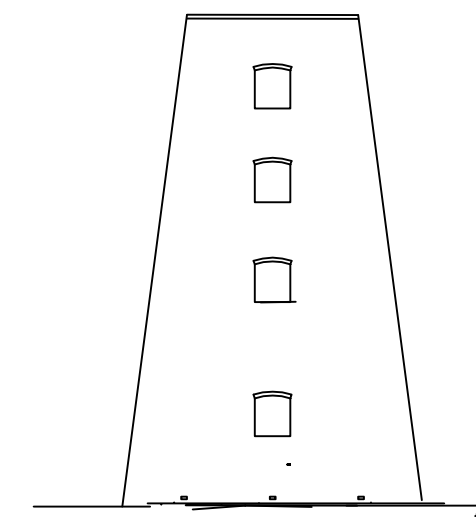


PROPOSED SITE PLAN
 SCALE 1 : 200

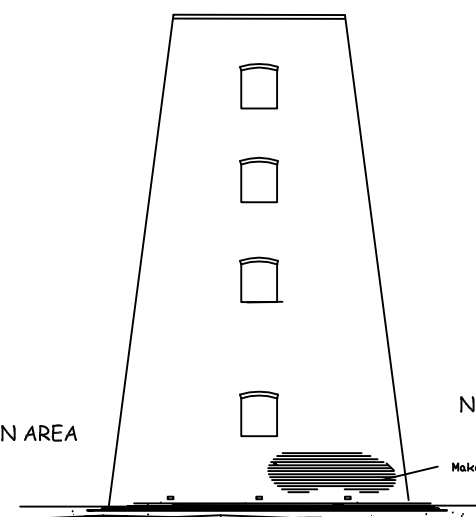


GROUND FLOOR AND SITE PLAN

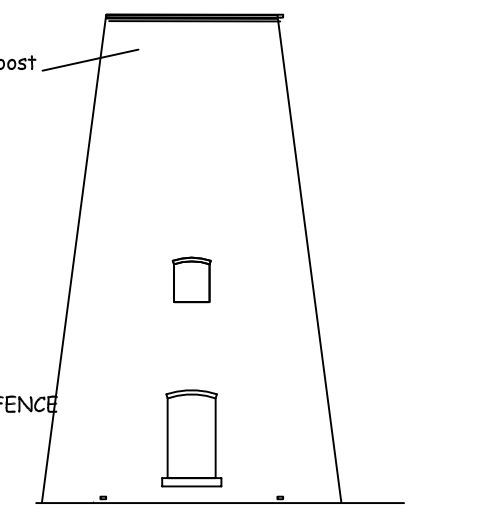
EXISTING SOUTH ELEVATION
 scale 1 : 200



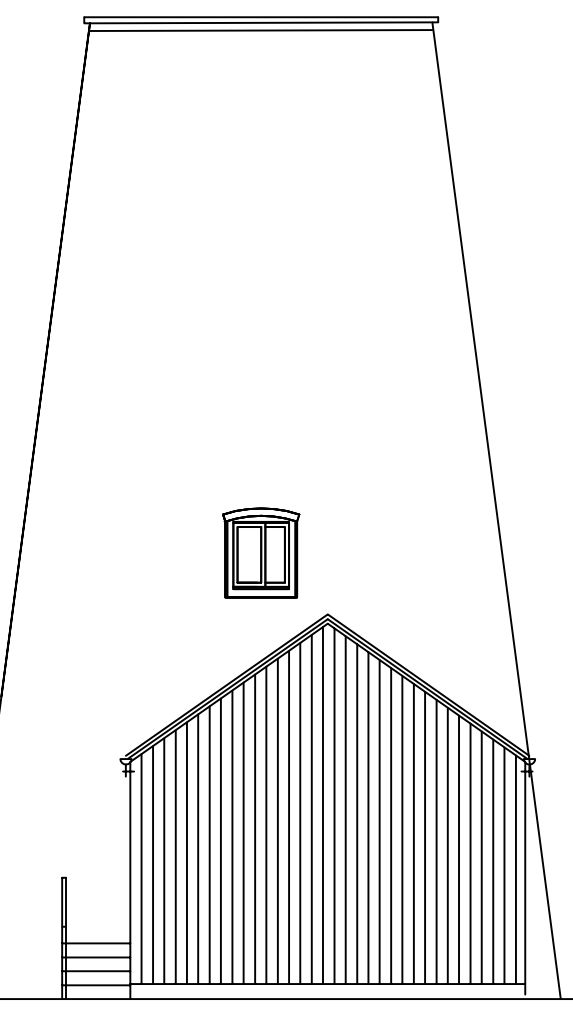
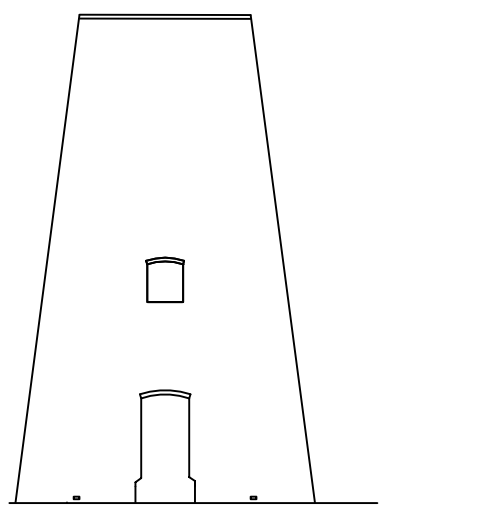
EXISTING NORTH ELEVATION
 scale 1 : 200



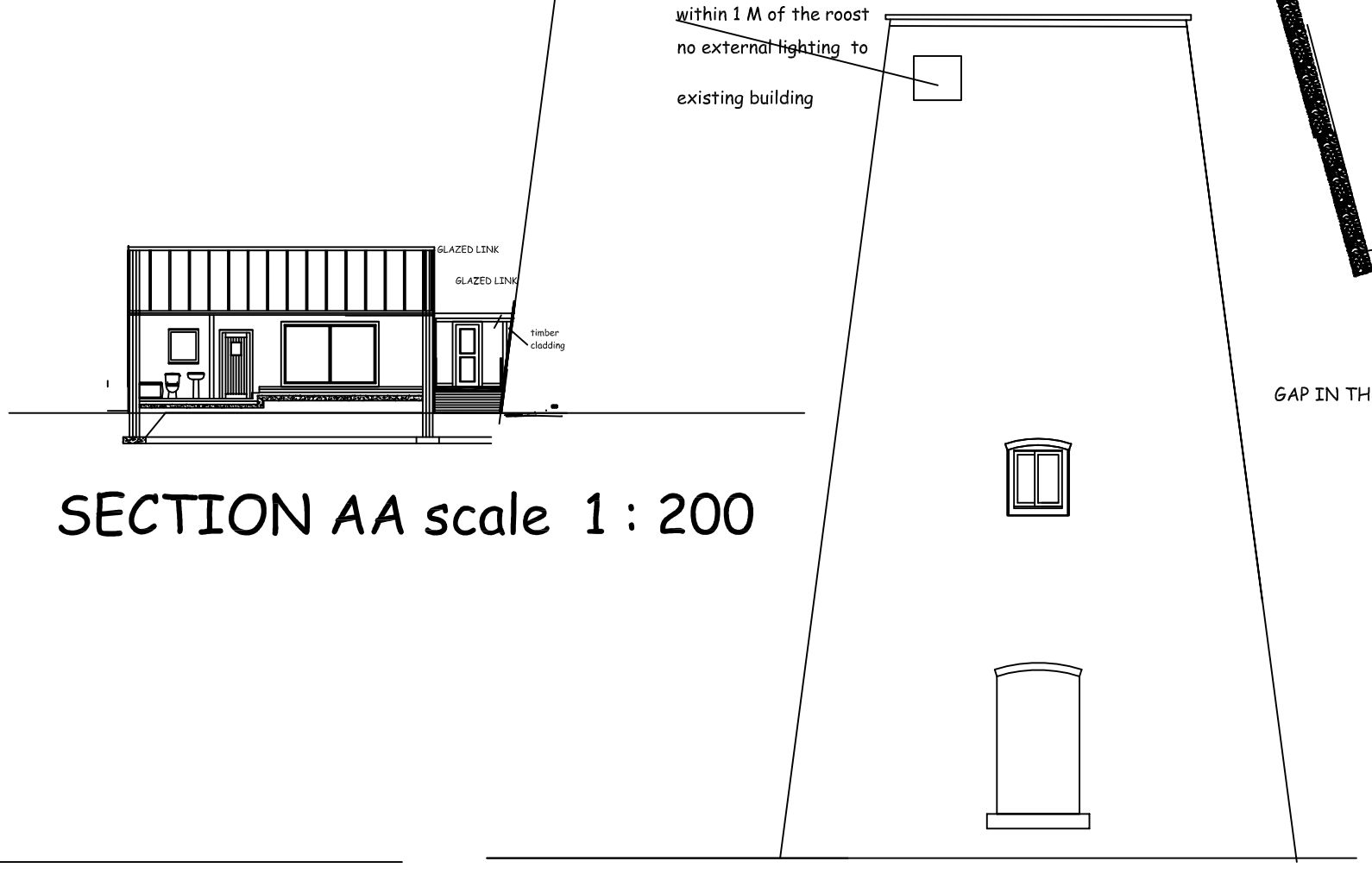
EXISTING EAST ELEVATION
 scale 1 : 200



EXISTING WEST ELEVATION
 scale 1 : 200



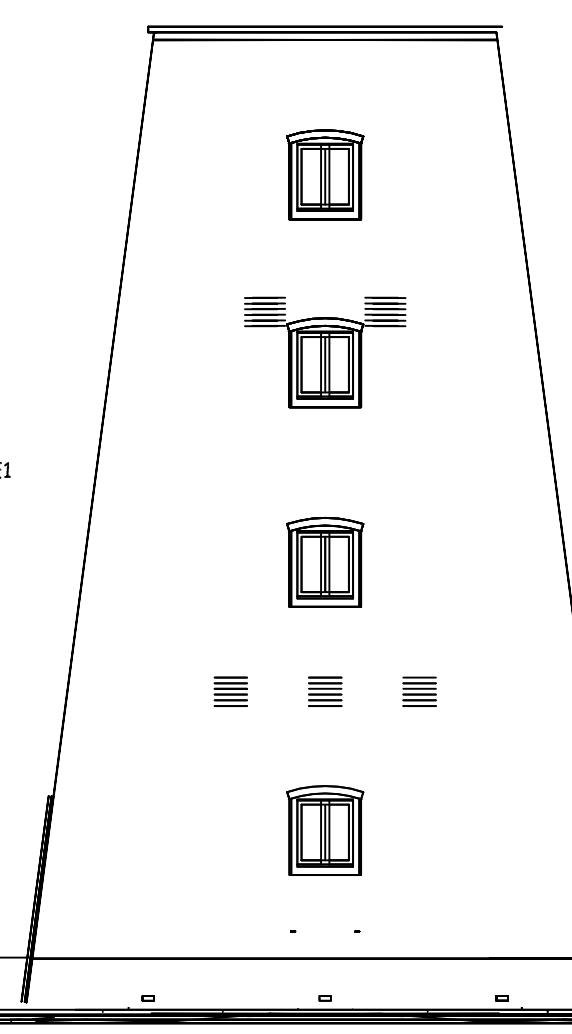
WEST ELEVATION



EAST ELEVATION

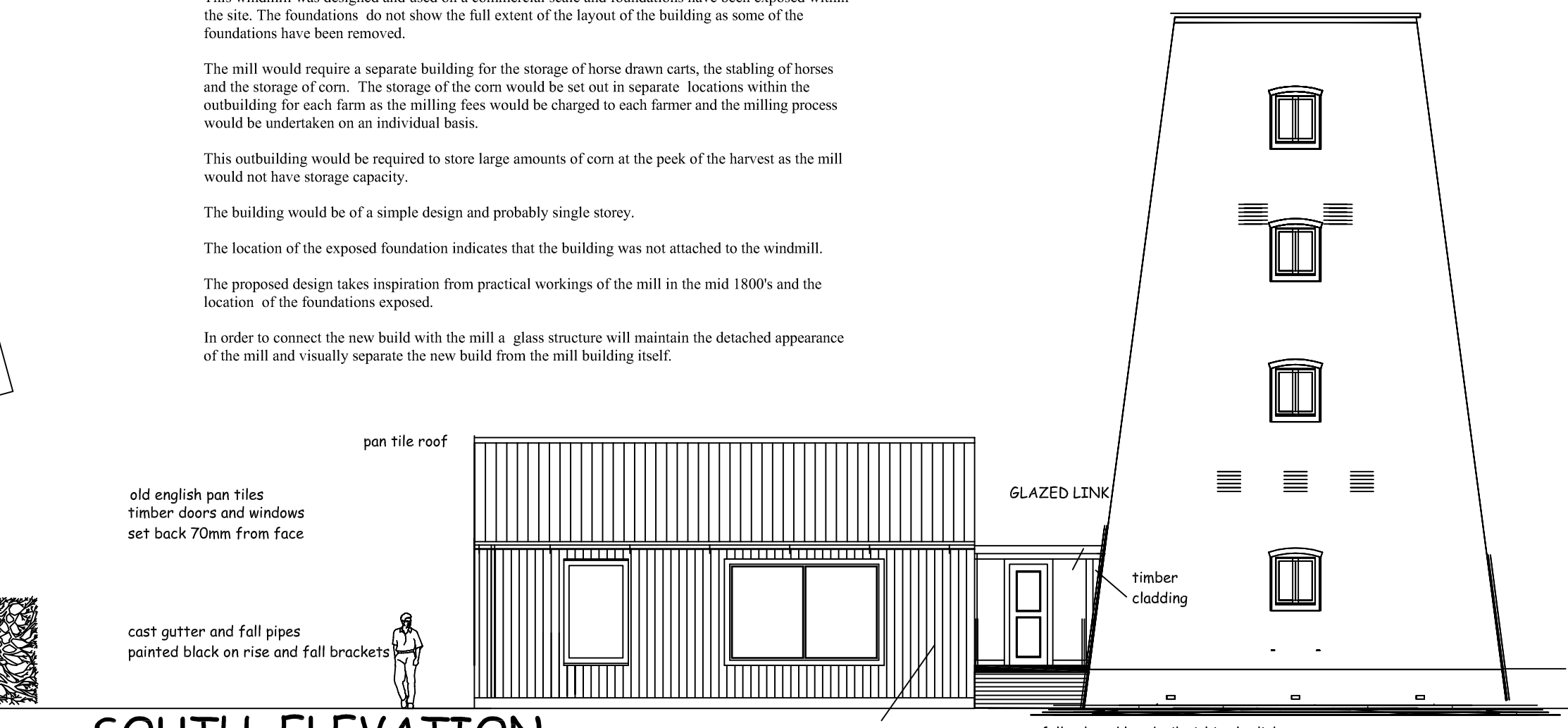
SECTION AA scale 1 : 200

internal blackout blind activated by external light sensor to minimise light pollution at night activated by photocell sensors



NORTH ELEVATION

notes to support the addition to the Windmill.
 This windmill was designed and used on a commercial scale and foundations have been exposed within the site. The foundations do not show the full extent of the layout of the building as some of the foundations have been removed.
 The mill would require a separate building for the storage of horse drawn carts, the stabling of horses and the storage of corn. The storage of the corn would be set out in separate locations within the outbuilding for each farm as the milling fees would be charged to each farmer and the milling process would be undertaken on an individual basis.
 This outbuilding would be required to store large amounts of corn at the peak of the harvest as the mill would not have storage capacity.
 The building would be of a simple design and probably single storey.
 The location of the exposed foundation indicates that the building was not attached to the windmill.
 The proposed design takes inspiration from practical workings of the mill in the mid 1800's and the location of the foundations exposed.
 In order to connect the new build with the mill a glass structure will maintain the detached appearance of the mill and visually separate the new build from the mill building itself.



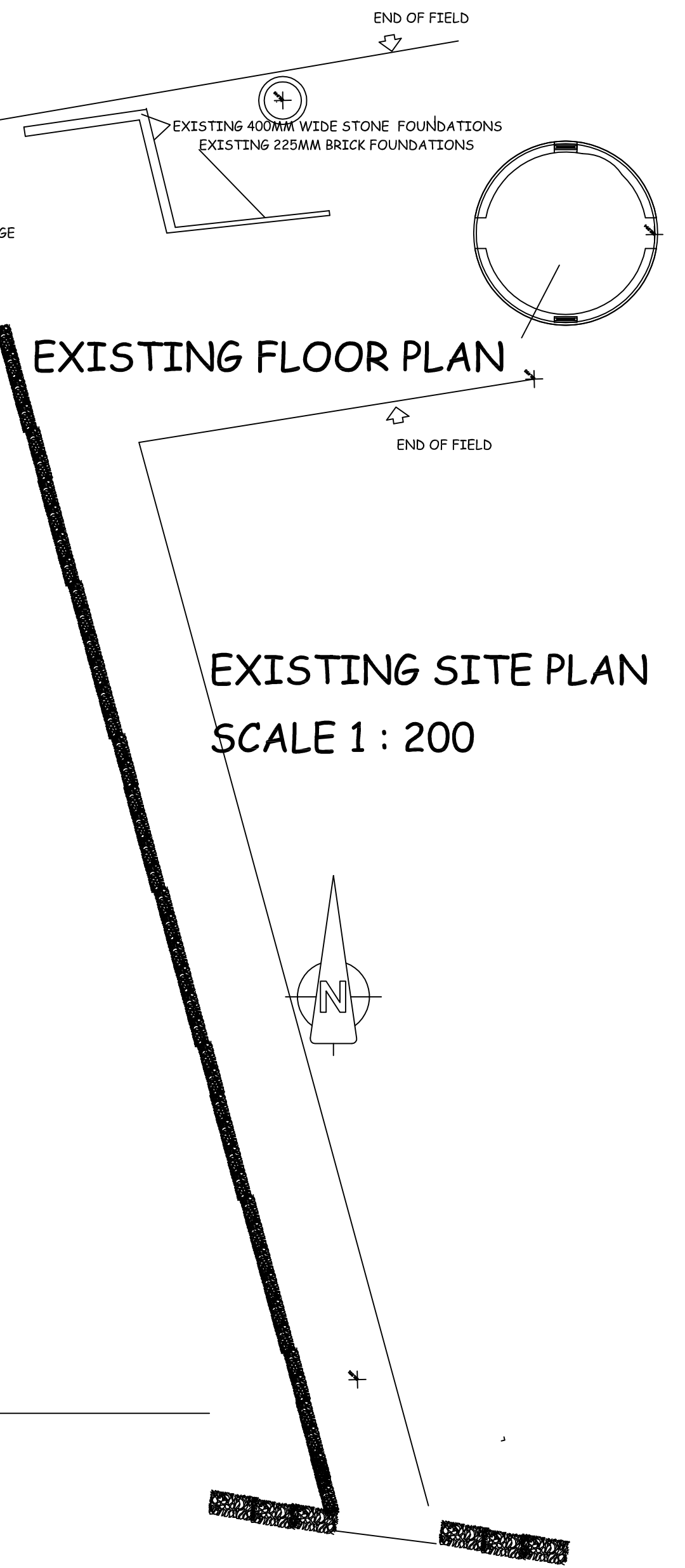
SOUTH ELEVATION

old english pan tiles
 timber doors and windows set back 70mm from face

cast gutter and fall pipes painted black on rise and fall brackets

timber board dark wood
 timber windows and doors set in 75mm from face of brickwork

fully glazed handrail within the link
 STAIRS WITHIN THE GLAZED LINK



EXISTING FLOOR PLAN

EXISTING SITE PLAN
 SCALE 1 : 200

APPLIED SURVEYING & DESIGN (YORK)Ltd.
 VINE HOUSE 21 MAIN STREET STAMFORD BRIDGE
 TELEPHONE 01759 372779

client:
 MR. & MRS. HW. HOUSEMAN & MR. & MRS JM HOUSEMAN

PROPOSED CONVERSION OF WINDMILL TO FORM A DWELLING WITH EXTENSION
 THE OLD ROAD, APPLETON ROEBUCK

SCALE	1:100	Rev		DRAWING No.
DATE	May 2016	up dated	20/03/2017	2016/17/501/11A
DRAWN	P.A.	up dated roof plan	25/05/2017	B

To: Planning Committee
Date: 6 December 2017
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/0675/LBC	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Listed building consent for the proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill, Old Road, Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This matter has been brought to Planning Committee as it is the Listed Building application which accompanies application 2016/0673/FUL which is also being heard at this Planning Committee meeting and it is good practice to consider both applications together.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries. The windmill is on an elevated position within the site with grassed land surrounding the site.

The Proposal

- 1.3 The proposal seeks Listed Building consent for the conversion of the windmill into residential accommodation and the addition of a single storey extension to create additional living accommodation.

- 1.4 There would be significant internal works to the windmill due to the lack of floors/beams in order to facilitate the conversion and a full schedule of works have been submitted.
- 1.5 The scheme will provide within the extension a double bedroom with en-suite, and a living room, which is then linked to the main windmill structure. The ground floor of the windmill element will provide a kitchen and dining area. The first floor will provide a living room, the second floor provides a further double bedroom and en-suite and the third floor would provide a single bedroom with en-suite.
- 1.6 The proposed elevations will include the addition of a series of vents to the southern and northern elevations.
- 1.7 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site although a garden area and curtilage is shown on the submitted plans.

Planning History

- 1.8 The following historical applications and appeals are considered to be relevant to the determination of this application:-
 - An application (2016/0673/FUL) for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
 - An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.

- An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
- An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.
- An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (TA/6413) for the conversion of old Windmill into dwelling house, dated 23 May 1973, was refused on the 13th November 1973. This refusal was on the basis that “the site is divorced from the existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of a residential use into an area which is in the main open and undeveloped”.
- An application (TA/4629) for the change of use to a house, dated 6 August 1968 was refused on the 9 September 1968. This refusal was on the basis of:
 - Site outside any area shown allocated for general development purposes in the approved County Development Plan
 - The site is divorced from any existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of residential use into an area which is in the main open and undeveloped.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **HER Officer** - There is no known archaeological constraint to the proposals.
- 2.3 **Historic England** - The windmill is Grade II listed which means it is a nationally important building of special architectural and historic interest. The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west.
- 2.4 It is considered that incorporating the windmill tower into residential use could provide a means of ensuring the future conservation of this important structure. It would also provide a presence on the site to monitor the condition of the historic fabric

on a regular basis. There is therefore do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised. The set of 'principles' at section 5.4 and the Schedule of Works at Appendix 1 is welcomed and conditions should be attached to secure this schedule of work.

- 2.5 The extension is single storey and the openings are simple giving the structure the appearance of a functional outbuilding to the windmill. This is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence. The wider site plan indicates that there are no proposals for any ancillary structures such as garages etc and conditions restricting permitted development rights on the site should be attached.
- 2.6 It is considered that the proposals would not cause substantial harm to the significance of the listed building and there are benefits to facilitating a new use for the building which would outweigh any harm that would be caused. It is recommended that this harm is mitigated through the application of appropriately robust conditions to secure the quality of the works both to the tower and the extension. A record should also be made of the tower in its present condition for future reference.
- 2.7 No objection are raised on heritage grounds and consider that the issues and safeguards need to be addressed in order for the application to meet the requirements of the NPPF. The determination should bear in mind the statutory duty of section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 2.8 **Georgian Group** - No response within the statutory consultation period.
- 2.9 **Twentieth Century Society** - No response within the statutory consultation period.
- 2.10 **Ancient Monument Society** - No response within the statutory consultation period.
- 2.11 **The Victorian Society** - No response within the statutory consultation period.
- 2.12 **Council for British Archaeology** - No response within the statutory consultation period.
- 2.13 **Conservation Advisor** - The conversion of the windmill into a residential use would provide a beneficial use that would ensure the future conservation of the structure. There are no concerns regarding the principle of the reuse of the windmill. The Heritage Statement contains the information that is required under NPPF 128 and is proportionate to the significance of the heritage asset. It provides enough information to be able to understand the significance of the structure, the proposals and the potential implication of the development. It also puts this within a legislative and policy context.

- 2.14 The application is supported by a structural survey and shows that with some repairs the building is capable of being re-used with minimal intervention and alteration to the windmill. Consideration has been given to conservation principles and the practice of minimal intervention and a philosophy of repair. The new roof will be formed below the existing parapet to reduce the visual impact of the proposed works.
- 2.15 The existing openings will be retained and reused and new timber windows and doors inserted. Existing machinery will be incorporated into the conversion.
- 2.16 Whilst the present appearance of the site is of the windmill in its solitary form, it did have a building located to the west, albeit detached. Other historic windmills have ancillary buildings located about their bases. Therefore it is not historically inaccurate to have additional buildings associated with windmills. The materials for the extension have been chosen to reflect the agricultural nature of the setting and the existing building. The proposed dark wood reflects the original tar finish to the windmill. The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable. The design is utilitarian and uncomplicated.
- 2.17 Externally, the existing access would be upgraded and car parking for two cars, a small garden area and a small bin storage area would be provided. There would be no garaging, boundary features or ancillary structures. This will retain the open nature of the site and reduce visual clutter associated with domestic properties.

Recommendation

- 2.18 The application has considered the special interest, identified significance and the agrarian setting in considering the acceptability of this application. The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset.
- 2.19 The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application. As harm has been identified the harm should be weighed against the public benefits of the application in accordance with NPPF 134.
- 2.20 The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24. Several conditions are recommended if approval of the application was recommended.

2.21 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.

2.22 The letters of objection raised the following points as summarised:

- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
- The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur.
- The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG (2014)*.
- Plans have not been provided from public vantage points of which to assess the proposal;
- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past.
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement.
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car.
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable.
- The creation of boundary treatment would introduce a defined and alien curtilage in the area.
- Associated activity and detailing such as garden planting, outdoor tables chairs etc will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings.

- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed.
- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating appliances, external lighting equipment, external pipes associated with drains etc.
- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach.
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension.
- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage.
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing.
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site.
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed.
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions.
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway.
- There is reference to removing parts of the hedge, however there is no indication of the level of visibility that this will achieve nor the works likely to be required to the hedge.
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection.
- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway.
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a

typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway.

- There has been no assessment of the historic or archaeological significance of this feature of the site.
- The structural survey contradicts the Heritage Statement in respect of the decay of the building.
- The Heritage Statement should be completed by a competent and informed individual.
- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF.
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.23 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling will have a measureable impact on local traffic volumes. Traffic volumes are not great;
- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;
- Local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between

Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;

- Cyclists use this route extensively;
- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;
- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;
- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.

3.5 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy. In terms of the Appleton Roebuck and Acaster Selby Neighbourhood Plan, then NPPG Neighbourhood Planning paragraph 7 states that:

“An emerging neighbourhood plan may be a material consideration factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what a material consideration is and what weight to give it.” (NPPG Neighbourhood Planning para 07)

3.6 As such under Section 1 of the Neighbourhood Planning Act 2017 the law as in force from 19th July 2017 states that a neighbourhood development plan forms part of the development plan for the area if it has been approved by referendum. The Appleton Roebuck and Acaster Selby Neighbourhood Plan was examined in summer 2017 and was recommended to proceed to referendum. The Referendum took place on the 23rd November 2017 and was supported by the community. In accordance with the Neighbourhood Planning Act it now becomes part of the statutory development plan.

Selby District Core Strategy Local Plan

3.7 The relevant Core Strategy Policies are:

SP18	Protecting and Enhancing the Environment
SP19	Design Quality

Appleton Roebuck and Acaster Selby Neighbourhood Plan

3.8 The relevant Neighbourhood Plan policies are:

- Policy WB1 Re-use of Redundant Buildings
- Policy DBE2 – Respecting Traditional Building Design and Scale
- Policy ELH4 – Historic Rural Environment

Selby District Local Plan

3.9 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)".

3.10 The relevant Selby District Local Plan Policies are:

4.0 Appraisal

4.1 The main issues to be taken into account when assessing this application are:

- Impact on Heritage Assets

Impact on Heritage Assets

4.2 Whilst in considering proposals which effect a listed building regard has to be made of S16 (2) (or S66 (1) if it is a planning application affecting a Listed Building or its setting) of the Planning (Listed Buildings and Conservation Areas Act) 1990 which requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'.

4.3 Relevant policies in respect to the impact on Heritage Assets have been included above. Further to this, paragraph 131 of the NPPF states that "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

4.4 The application comprises the following works:

- Conversion of the existing windmill to a dwelling;
- Erection of a single storey extension;
- Internal works to the windmill;
- Repair works to the external walls of the windmill;
- Excavation and opening up of a well to form a soakaway;
- Excavation works to form a French drain;
- Upgrading of existing access from Old Road.

4.5 Two letters of objection have been received as part of the application (from the same objector) and twelve letters of support have also been received. The objection letter discusses wider issues which are assessed in detail within the accompanying application (2016/0673/FUL) as only the impact on the Listed Building can be assessed as part of this application. The full list of concerns raised within the objection letters have been detailed within paragraph 2.11 of this report.

4.6 The application form identifies the windmill as Grade II Listed and the listing description states "the mill was constructed in circa 1822 the building to be a windmill tower mill. Early C19. Reddish brown brick with no roof. Circular on plan tapering to summit. Entrances on 2 sides with segmented arches. Further segmentally-

arched openings above. To other 2 sides are 4 segmentally arched openings. Remains of projecting course to summit.”

- 4.7 A Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.8 Apart from the tower itself, it is noted by the Conservation Advisor and the applicant that very little remains of the original structure, however, there is clear evidence of the original foundations and some evidence footprint of the outbuildings remaining. The Statement considers that “The size and scale of the extension reflect a structure that would have been attached to a windmill previously” and adds that “The building has only the one wall, namely the circular tower wall, with no other internal walls or floors. The external face of the brickwork was originally covered in protective tar, but this has deteriorated to leave much of the brickwork exposed, although this is still in reasonably sound condition.”
- 4.9 The Heritage Statement adds that “there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”
- 4.10 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”
- 4.11 It is noted that the windmill is a visible from the surrounding areas and the Heritage Statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.12 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed

conversion and extension. It concludes that "...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level." Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building."

- 4.13 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)" and adds that "Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses."
- 4.14 In terms of landscaping, the Statement considers that "The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints" and The principal visual effect of these changes has very little impact on the nature of the building or its listed status."
- 4.15 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.16 Historic England and the Council's Conservation Advisor have advised that the windmill is a Grade II listed building which means it is a nationally important building of special architectural and historic interest and Historic England note that "The statement rightly identifies that a considerable part of the windmill's significance is now as a landmark feature visible for several miles around, including from the railway line to the west."
- 4.17 Historic England do not have any objection to the principle of residential use, subject to the impacts on the significance of the historic buildings being minimised as the proposed conversion could provide a means of ensuring the future conservation of this important structure. In addition, they comment that "The design of the proposed extension has improved since the first submission. It no longer projects beyond the tower and the narrowness of the link to between the two allows a good appreciation of the circumference of the tower. The extension is single storey and the openings are simple giving the structure the appearance of a

functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. Overall, it is considered that the proposed extension does not inhibit an understanding of the windmill's historic function and how it would have operated. It is further considered that given the height and footprint of the extension, it would not be harmful to the windmill's landscape prominence." Several conditions have been recommended to be attached, however, the condition in respect of the schedule of works is considered to be relevant to the Listed Building Consent application which is being determined under application 2016/0675/LBC and so would not be proposed to be attached.

- 4.18 The Council's Conservation Advisor has considers that the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with it conservation and sustains the windmill as a feature within the landscape for this and future generations to enjoy.
- 4.19 Furthermore, the Conservation Advisor considers that "Great weight has been given to the conservation of the Windmill as a Grade II heritage asset...[and] to the conservation of the heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations. The application is therefore in accordance with NPPF 132. The application would lead to less than substantial harm to the heritage asset however the application has demonstrated that there would be heritage benefits of the application."
- 4.20 The Conservation Advisor concludes that "The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. The application is therefore in accordance with SP18. The sensitive approach to the design of the converted windmill is in accordance with SP19 and ENV24" and recommended several conditions be attached to any permission granted.
- 4.21 It is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use.
- 4.22 The contents of the letter of objection are noted and reference is made to the proposal being contrary to Policy ENV24 of the Local Plan. However, it is advised that Policy ENV24 of the Selby District Local Plan should be given limited weight due to the conflict between the approach taken and that set out within the NPPF.
- 4.23 The proposal seeks similar internal works to the Listed Building to that approved under the previous approval for the site but also includes a single storey extension to facilitate additional living accommodation. As stated earlier in the report, the emphasis within the NPPF is on conserving the significance of designated heritage assets and the balancing of harm to heritage assets against the public benefits of the proposal.

- 4.24 Much of the original internal structures have been removed from the windmill and a basic shell is retained on site. The proposed works would enable the use of the windmill for residential purposes.
- 4.25 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls of the proposed extension are considered to be acceptable and materials required in order to repair the walls of the existing windmill would match those as per existing. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 4.26 Subject to the aforementioned condition, the proposal is considered to be sympathetic to the historic significance of the windmill with a scale, massing and appearance that would be of a simple and historical design commensurate with the use of the land for agricultural purposes.
- 4.27 Having assessed the proposal, the comments from consultees and the comments received as part of various notifications of the application, it is considered, on balance, that the works proposed would lead to a less than substantial harm to the heritage asset and the public benefits of bringing the building into use and securing its future is considered to be of significant weight which would enable the assets continued conservation, in accordance with the approach taken within the NPPF.
- 4.28 Furthermore, it is considered that the proposal would preserve the setting of the Listed Building which is of considerable importance and weight when assessing an application which affects a Listed Building.
- 4.29 The proposals are therefore considered to be in accordance with Policies ENV1 and ENV24 of the Selby District Plan, Policy SP18 and SP19 of the Core Strategy, the advice contained within the NPPF and the policies in the AR&AS Neighbourhood Plan subject to the imposition of conditions.

Legal Issues

- 4.30 Planning Acts: This application has been considered in accordance with the relevant planning acts.
- 4.31 Human Rights Act 1998: It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.
- 4.32 Equality Act 2010: This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

Financial Issues

4.33 Financial issues are not material to the determination of this application.

5.0 Conclusion

5.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development, on balance, would lead to a less than substantial harm to the heritage asset and the public benefits of bringing the building into use and securing its future is considered to be of significant weight which would enable the assets continued conservation, in accordance with the approach taken within the NPPF.

5.2 The proposals are therefore considered to be in accordance with the policies with in the AR&AS Neighbourhood Plan, Policies ENV1 and ENV24 of the Selby District Plan, Policy SP18 and SP19 of the Core Strategy Paragraphs 14, 64, 128, 131, 132, 133 and 134 of the NPPF.

6.0 Recommendation

6.1 That the application be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Location Plan: LOC01
- All Plans: 2016/17/501/11B
- Sections: 2016/17/501/9B

Reason

For the avoidance of doubt.

03. Before the construction of the extension hereby commences, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

- a) detailed drawings at 1:5 scale of the glazed link to show materials, doors and interaction with the windmill;
- b) samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension

Reason:

In order to ensure the the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

04. The materials to be used in the repairing of the external walls of the windmill and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

05. Rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be in cast-iron. The sectional profile for the rainwater gutters shall be half round and fixed on brackets agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. The development hereby permitted shall be carried out in full accordance with the submitted Heritage Statement and Schedule of Works (paragraph 5.4) by Bill Blake Heritage Documentation, dated 20/03/17 which was received by the Council on 21/03/2017.

Reason
For the avoidance of doubt

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None

Glossary of Planning Terms

Community Infrastructure Levy (CIL):

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010.

Curtilage:

The curtilage is defined as the area of land attached to a building.

Environmental Impact Assessment (EIA):

Environmental impact assessment is the formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior to the decision to move forward with the proposed action. The requirements for, contents of and how a local planning should process an EIA is set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

National Planning Policy Framework (NPPF):

The National Planning Policy Framework was published on 27 March 2012 and sets out Government planning policies for England and how these are expected to be applied.

Permitted Development (PD) Rights

Permitted development rights allow householders and a wide range of other parties to improve and extend their homes/ businesses and land without the need to seek a specific planning permission where that would be out of proportion with the impact of works carried out. Many garages, conservatories and extensions to dwellings constitute permitted development. This depends on their size and relationship to the boundaries of the property.

Previously Developed Land (PDL)

Previously developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously developed land may occur in both built-up and rural settings.

Planning Practice Guidance (PPG)

The Planning Practice Guidance sets out Government planning guidance on a range of topics. It is available on line and is frequently updated.

Recreational Open Space (ROS)

Open space, which includes all open space of public value, can take many forms, from formal sports pitches to open areas within a development, linear corridors and country parks. It can provide health and recreation benefits to people living and working nearby; have an ecological value and contribute to green infrastructure.

Section 106 Agreement

Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), commonly known as s106 agreements, are a mechanism which make a development proposal acceptable in planning terms, that would not otherwise be acceptable. They can be used to secure on-site and off-site affordable housing provision, recreational open space, health, highway improvements and community facilities.

Site of Importance for Nature Conservation

Site of Nature Conservation Interest (SNCI), Site of Importance for Nature Conservation (SINC) and regionally important geological sites (RIGS) are designations used by local authorities in England for sites of substantive local nature conservation and geological value.

Site of Special Scientific Interest (SSI)

Sites of special scientific interest (SSSIs) are protected by law to conserve their wildlife or geology. Natural England can identify and designate land as an SSSI. They are of national importance.

Scheduled Ancient Monument (SAM):

Ancient monuments are structures of special historic interest or significance, and range from earthworks to ruins to buried remains. Many of them are scheduled as nationally important archaeological sites. Applications for Scheduled Monument Consent (SMC) may be required by the Department for Culture, Media and Sport. It is an offence to damage a scheduled monument.

Supplementary Planning Document (SPD)

Supplementary Planning Documents are non-statutory planning documents prepared by the Council in consultation with the local community, for example the Affordable Housing SPD, Developer Contributions SPD.

Tree Preservation Order (TPO):

A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. An Order prohibits the cutting down, topping, lopping, uprooting, wilful damage, wilful destruction of trees without the local planning authority's written consent. If consent is given, it can be subject to conditions which have to be followed.

Village Design Statements (VDS)

A VDS is a document that describes the distinctive characteristics of the locality, and provides design guidance to influence future development and improve the physical qualities of the area.



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