



Report Reference Number: 2020/0376/FUL

To: Planning Committee
Date: 5 August 2020
Author: Chris Fairchild (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0376/FUL	PARISH:	Hemingbrough Parish Council
APPLICANT:	Mr & Mrs R Finney	VALID DATE: EXPIRY DATE:	22nd April 2020 17th June 2020
PROPOSAL:	Conversion of redundant building to form residential dwelling		
LOCATION:	Market Garden Hull Road Hemingbrough Selby North Yorkshire		
RECOMMENDATION:	GRANT planning permission subject to conditions and informatives		

This application has been brought before the Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The site is accessed from a long private access road from Hull Road leading to the main part of the site. The main part of the site is made up of loose gravel and scrub and includes the buildings subject of this application and a caravan.
- 1.2. The building to the northeast (annotated as Building 1 on the proposed site plan) is a former stable block with a concrete base, timber walls and corrugated sheet roof. Building 2, lies to the west of Building 1 and consists of a concrete base, breeze block wall and membrane roof. Between these two buildings is an open sided structure.

The Proposal

- 1.3. Planning Permission was originally sought for the conversion of Building 1 and 2 to residential use, however following a request by officers conversion of Building 1 is no longer included. The adjoining structure between the two buildings will be demolished. The existing landscaping will be retained with new hedging proposed on the eastern boundary, to the south of the site a row of trees and post & rail fence is proposed.

Relevant Planning History

- 1.4. There are no historical applications considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

Local Highway Authority

- 2.1. The principle of the development is considered acceptable to the Highway Authority. Clarifications regarding on-site turning and parking were sought.

The Ouse & Derwent Internal Drainage Board (IDB)

- 2.2. The IDB note the existing soakaways and percolation testing show good percolation value, however they note that these are located within Flood Zone 2 and there is no evidence of their effectiveness. The board therefore recommend new soakaways are sought.
- 2.3. The IDB note the use of Package Treatment Plan leading to a drainage trench. Foul drainage is beyond the scope of the IDB and subject to approval by the Local Planning Authority they have no objection.

Environmental Health

- 2.4. No objections to the proposals.

Natural England

- 2.5. Responded with no comments.

County Ecologist

- 2.6. The County Ecologist considered the submitted ecological appraisal noting the site is of low ecological quality, low/negligible potential to support roosting bats supported by a bat activity survey that did not indicate any bats emerging from the buildings albeit this was undertaken at the beginning of April and thus outside the accepted survey season.
- 2.7. Given the methodology outside of the typical survey season, the County Ecologist sought clarification on the likelihood of bat activity. Following re-consultation which included this additional clarification the County Ecologist confirmed the proposals are acceptable in this regard.

- 2.8. Clarification was also sought regarding recommendations to bat foraging habitat and that these be incorporated into the design of the scheme as opposed to merely advice. Following re-consultation which included these changes the County Ecologist confirmed the proposals are acceptable in this regard.
- 2.9. The assessment of potential impacts on Great Crested Newt is considered on balance reasonable and that the proposed development is unlikely to impact on this species.
- 2.10. The proposed landscaping is considered a welcome biodiversity enhancement, albeit the hedgerow species proposed is recommended to be adjusted.
- 2.11. A condition requiring adherence to the recommendations, relating to nesting birds and timing of site clearance, contained in section 5.5.2 of the ecological appraisal is recommended.

Contaminated Land Consultant

- 2.12. The Contaminated Land Consultant considered the submitted Screening Assessment Form noting the historic uses of the and the conclusion that no significant potential contaminant sources were identified and accordingly no further investigation or remediation work was required.
- 2.13. Regardless, a planning condition is recommended that if unexpected contamination is discovered the following steps are required: (1) Phase I survey; (2) submission of remediation scheme, and; (3) verification of remediation works.

Parish Council

- 2.14. No comments were received following consultation.

Yorkshire Water

- 2.15. No comments were received following consultation.

North Yorkshire Bat Group

- 2.16. No comments were received following consultation.

Yorkshire Wildlife Trust

- 2.17. No comments were received following consultation.

Publicity

- 2.18. The application was advertised via site notice. No direct correspondence has been received from any members of the public, however, the local Member has submitted representations on behalf of three parties all in objection to the proposals. The objections are reported as:

“Broadly speaking the main reason for the objections is that the objectors consider that proposal is outside the development limits of the village which they consider would lead to the village being split in two which they consider

to be dangerous as the residents would need to cross the busy A63 to access the village which at present has no safe crossing. One of the three objectors has also mentioned in their representations to me that the area that the proposed development is likely to take place on is not included in the current five year land supply.”

3. SITE CONSTRAINTS

Constraints

- 3.1. The site is located entirely outside of the Development Limits for Hemingbrough and is therefore within the open countryside.
- 3.2. There are no environmental designations nor designated heritage assets on or near the site.
- 3.3. The majority of the site is within Flood Zone 1, the area at lowest risk of flooding, however, the northern section of the site including the buildings are entirely with Flood Zone 2.

4. POLICY CONSIDERATIONS

- 4.1. 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 National Planning Policy Framework (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.
- 4.2. 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.
- 4.3. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options concluded early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4. In February 2019 a revised NPPF replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5. Annex 1 of the NPPF outlines the implementation of the Framework -
“213. ...existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, 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)."

Selby District Core Strategy Local Plan

4.6. The relevant Core Strategy Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP9 Affordable Housing
- SP15 Sustainable Development and Climate Change
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

4.7. The relevant Selby District Local Plan Policies are:

- T1 Development in Relation to the Highway network
- T2 Access to Roads
- ENV1 Control of Development
- ENV2 Environmental Pollution and Contaminated Land
- H12 Conversion to residential use in the Countryside

5. APPRAISAL

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

1. Principle of Development
2. Conservation & Historic Environment
3. Suitability for Re-use
4. Extent of Alterations
5. Landscape & Character
6. Environmental Health
7. Access & Highway Safety
8. Residential Amenity
9. Ground Conditions
10. Affordable Housing
11. Impact on Nature Conservation
12. Flood Risk & Drainage

Principle of Development

Context

5.2. CS Policy SP1 states 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. CS Policy SP1 is therefore consistent with national policy set out in the NPPF.

5.3. CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

“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.”

5.4. SDLP Policy H12 controls proposals for the conversion of rural buildings to residential use in the countryside (outside defined Development Limits) and stipulates the criteria in which conversions will be permitted, where relevant – which in this instance is criteria 1 to 7 and these are considered in greater detail below. H12(8) relates to part-residential/part-business and is not applicable.

5.5. Criterion (1) of Policy H12 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”.

5.6. Paragraph 79 of the NPPF sets out the policy for considering homes in the countryside and the circumstances in which this is permissible. Criterion (c) states:

“...the development would re-use redundant or disused buildings and enhance its immediate setting.”

Assessment

5.7. This proposal would result in the re-use of an existing building in the countryside and would therefore comply with Policy SP2A(c) of the Core Strategy and the NPPF.

5.8. However, unlike CS Policy SP2(c) and the NPPF, SDLP Policy H12 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.”* The proposal does not meet this criterion and is therefore contrary to the requirements of the development plan in this regard.

5.9. However, NPPF Paragraph 79(c) does not require the more onerous tests for commercial or employment uses within converted buildings set out in SDLP H12(1).

5.10. Officers consider that the approach set out within SDLP Policy H12 is more onerous than, and conflicts with, NPPF Paragraph 79 and CS Policy SP2 and therefore limited weight is applied to criterion (1) of SDLP Policy H12. However, it is clear that the conversion of buildings within the countryside (outside settlement limits) is acceptable in principle and therefore the proposal is acceptable.

Conservation & Historic Environment

Context

- 5.11. There are no statutory listed features of architectural or historical significance on or in proximity to the site.
- 5.12. SDLP Policy H12(2) allows the conversion of rural buildings to residential use in the countryside 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...”

Assessment

- 5.13. Neither the retained or demolished buildings are of any particular historic significance or architectural merit. Officers consider that the proposals are acceptable from a conservation and historic perspective and comply with H12(2).

Suitability for Re-use

Context

- 5.14. SDLP Policy H12(3) allows the conversion of rural buildings to residential use in the countryside where:

“The building is structurally sound and capable of re-use without substantial rebuilding...”

- 5.15. The application is supported by a building survey which is informed by a visual inspection of the buildings. The assessment notes a “limited” inspection of Building 2 was undertaken and goes onto describe the condition of the building noting some issues which the author considers minor and goes onto conclude that the “...structure remains in a reasonably stable condition and can be incorporated within a conversion scheme”.
- 5.16. The assessment for Building 1 follows a similar format albeit this notes more serious issues, including: the cladding and “*potentially*” the timbers of the framing show signs of structural deterioration. The survey sets out the methodology for the conversion noting the intention to build a new structural wall inside the building with the actual exterior of the building forming “*an external cladding*” with the roof weight transferred to these walls and allowing conversion of the existing building without the need to demolish and rebuild. The assessment goes onto state that this “...*may require significant new foundations...*” although further surveys would be required

Assessment

- 5.17. Officers did not consider that Building 1 was suitable for conversion and that extensive re-building was required to construct a habitable dwelling. Following discussion with the Applicants this element of the proposal was withdrawn accordingly.
- 5.18. Regarding Building 2, Officers agree with the findings of the building survey i.e. that it is suitable for conversion without substantial rebuilding. The application is now considered to accord with SDLP Policy H12(3).

Extent of Alterations

Context

- 5.19. SDLP Policy H12(4) allows the conversion of rural buildings to residential use in the countryside where:

“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;”

Assessment

- 5.20. The proposed works to Building 2 maintain the existing dimensions whilst adding external cladding set 50mm off the existing elevation. Officers do not consider these changes constitute “*extensive*” alteration and therefore the proposals are considered to satisfy SDLP Policy H12(4).

Landscape & Character

Context

- 5.21. SDLP Policy H12(5) allows the conversion of rural buildings to residential use in the countryside where:

“The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside...”

- 5.22. CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.

Assessment

- 5.23. The site is currently occupied for residential use by the presence of the static caravan and has taken on some of the characteristics of domestic curtilage. The site is located on the fringe of the village albeit open countryside prevails to the east, west and north.
- 5.24. However, this section of the site is screened to the north and west by existing tall trees and vegetation, whilst juvenile planting exists along the southern boundary. This existing landscaping is to be supplemented by native hedgerow planting along the eastern boundary, supplemented by rush screening until the planting has grown out.

Environmental Health

Context

- 5.25. SDLP Policy H12(6) allows the conversion of rural buildings to residential use in the countryside where:

“The building is 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...”

Assessment

- 5.26. Environmental Health have considered the proposals and have no objection to the proposals. Officers agree that given the proposed residential dwelling will neither be in proximity to intensive livestock units nor industrial uses there will be no detrimental impact upon the health of any future residents. The proposals therefore comply with SDLP Policy H12(6).

Access & Highway Safety

Context

- 5.27. SDLP Policy H12(7) allows the conversion of rural buildings to residential use in the countryside where:

“The proposal would not create conditions prejudicial to highway safety...”

- 5.28. SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.
- 5.29. SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.
- 5.30. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.31. The proposals have been considered by the Local Highway Authority who have found the proposals acceptable in principle although clarification that on-site parking was provided was sought: the applicants have subsequently provided plans demonstrating sufficient vehicle turning is available on-site. Therefore, officers consider the proposals will not have a detrimental impact upon highway safety and the proposals comply with SDLP Policy T1 & T2.

Residential Amenity

Context

- 5.32. SDLP Policy H12(7) allows the conversion of rural buildings to residential use in the countryside where:

“The proposal would not create conditions... which would have a significant adverse effect on local amenity...”

- 5.33. SDLP Policy ENV1 provides eight broad aspirations that are taken into account when achieving “good quality development”. ENV1(1) requires “the effect upon the character of the area or the amenity of adjoining occupiers” to be taken into consideration.

Assessment

- 5.34. The site has no adjoining residential dwellings, and the nearest dwellings are c.150m to the south and west respectively. The proposals will not introduce any overlooking, overshadowing or overbearance on neighbouring properties and will not negatively impact the amenity of any surrounding use.
- 5.35. Regarding amenity for future occupants, Officers consider the proposed site layout contains an appropriate level of amenity space provision for the proposed dwelling. The use of the site for residential purposes is considered acceptable in respect of prevailing uses surrounding the site.

Ground Conditions

Context

- 5.36. SDLP Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. CS Policy SP19(k) seeks to prevent development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water, light or noise pollution or land instability.
- 5.37. NPPF Paragraph 178 requires planning decisions to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination, be remediated (where appropriate) to an appropriate standard, and be subject to site investigation undertaken by competent persons.

Assessment

- 5.38. Whilst the findings of the Screening Assessment Form suggest no potential sources of contamination are likely, officers agree with the Contamination Officer that in the absence of any of any verification it is prudent to include an unexpected contamination condition. Subject to the inclusion of these recommendations development of the site is appropriate in relation to ground conditions and complies with CS Policy SP18 and NPPF Paragraph 178.

Affordable Housing

Context

- 5.39. Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or

less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.

- 5.40. However, the NPPF is a material consideration in planning decisions (as set out in paragraph 2 of the NPPF) and states at paragraph 63:

“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”.

- 5.41. For housing, ‘major development’ is defined within the NPPF Glossary as being development of 10 or more homes, or where the site has an area of 0.5 hectares or more.

Assessment

- 5.42. The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, and as such the proposal is not considered to be major development. Having had regard to Policy SP9 of the Core Strategy and material considerations including the Affordable Housing SPD and the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Impact on Nature Conservation

Context

- 5.43. Relevant policies in respect of nature conservation and protected species include CS Policy SP18 of the Core Strategy. CS Policy SP18 seeks to safeguard and, where possible, enhancing the natural environment. This is achieved through effective stewardship by (inter-alia) safeguarding protected sites from inappropriate development, and, ensuring development seeks to produce a net gain in biodiversity.
- 5.44. NPPF Paragraph 170(d) seeks for planning decisions to contribute to and enhance the natural environment by minimising impacts and providing net gains for biodiversity.

Assessment

- 5.45. Following submission of additional information, the County Ecologist considers the proposals are acceptable. Officers agree that there are no concerns from a nature conservation perspective subject to undertaking works in accordance with the submitted Ecological Appraisal and a condition requiring this is therefore recommended. Subject to this condition, the proposals are acceptable and comply with CS Policy SP18 and NPPF Paragraph 170(d).

Flood Risk & Drainage

Context

- 5.46. The majority of the site sites within Flood Zone 1 (the area at lowest risk of flood risk) albeit the northern section which includes the buildings for conversion is located within Flood Zone 2.
- 5.47. CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.
- 5.48. SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is also a material consideration. The Guidance Note accords with Paragraph 164 and footnote 51 of the NPPF which clarifies that minor development is exempt from requiring a sequential and exception test.

Assessment

- 5.49. The proposal constitutes a change of use application without the creation of any built development, therefore in accordance with the Guidance Note and NPPF the proposal does not require a sequential or exception test and complies with CS Policy SP15.
- 5.50. The submitted Flood Risk Assessment (FRA) states that the change of use nature precludes the floor level from being raised, however given the shallow topography and fringe of the flood zone that water would be shallow and low velocity. The FRA notes that in mitigation that "*consideration should be given to flood proofing the building with passive defence measures to eliminate or minimise potential water ingress, and flood resilient construction methods*", however, no specific measures are noted and details of these will be required prior to the unit being occupied for residential use. The FRA also recommends subscription to the Environment Agency flood alert system and development a Flood Warning & Evacuation Plan for the site.
- 5.51. Officers consider that subject to the provision of additional flood resilience details, subscription to the flood alert system and the creation of an evacuation plan that the proposals are acceptable from a flood risk perspective.
- 5.52. The proposal seeks to utilise existing soakaways. The IDB have acknowledged good percolation levels are present at the site but given these are located within Flood Zone 2, and without evidence of their effectiveness seek new soakaways. Officers agree that details should be sought via condition.
- 5.53. In regard to foul drainage, the proposals seek to install a package treatment plan that drains into a drainage ditch. The submitted details state that the ditch has been designed and in accordance with British Standard BS6297:2007 and provide technical specifications of the proposed plant which is designed to meet the occupancy of the conversion. Officers are satisfied that the foul drainage details are satisfactory.

6. CONCLUSION

- 6.1. Planning permission is sought for the conversion of an existing building within the open countryside to residential use.
- 6.2. The application is considered to be acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP1 and

SP2 of the Core Strategy and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as the approaches taken by Policy SP2A(c) and Paragraph 79 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).

- 6.3. A buildings survey has been submitted that demonstrates, on balance, the building is capable of being converted without substantial rebuilding work. As such, subject to the wider development management considerations of SDLP Policy H12, the principle is considered acceptable.
- 6.4. Officers have considered the proposals against all material considerations that arise from the development, including the relevant criteria of SDLP Policy H12. This report demonstrates that the proposals overcome each of these issues including by way of conditions where appropriate.

7. RECOMMENDATION

- 7.1. This application is recommended to be GRANTED 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 and documents listed below:

- 101 Rev B – Site Plan as Proposed
- 102 Rev A – Floor Plan, Roof Plan, Sections & Elevations as Proposed

REASON:

For the avoidance of doubt.

03. Development shall be undertaken in accordance with the recommendations of the approved Ecological Appraisal (April 2020). The approved ecological enhancements shall be installed prior to the occupation of the development.

REASON:

In order to protect and enhance biodiversity.

04. Notwithstanding the annotations on the approved plans, no external lighting is permissible without the prior written approval of the Local Planning Authority and any lighting subsequently approved shall be installed and retained in accordance with the approved details.

REASON:

In order to protect and enhance biodiversity.

05. On-site vehicular turning space, as shown on Drawing Number 101 Rev.B, shall be retained at all times to allow vehicles to enter and exit the site in forward gear.

REASON:

In the interests of highway safety.

06. 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.

07. The landscaping scheme, as shown on Drawing Number 101 Rev.B, shall be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted.

REASON:

To ensure appropriate landscaping of the site in the interests of visual amenity, and to preserve the character of the listed building.

08. 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.

09. Notwithstanding the details shown on the approved plans, the suitability of new soakaways, as a means of disposing of surface water from the converted building, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Planning Authority. Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100-year event. A 30% allowance for climate change should be included in all calculations.

If the suitability of soakaways is proven, a new soakaway should be installed, within the part of the site falling within Flood Zone 1, prior to occupation of the development hereby approved.

If the suitability is not proven or the location is considered to be detrimental, amended proposals showing how the site is to be drained must be submitted for approval by the Local Planning Authority and thereafter the approved scheme implemented prior to occupation of the development hereby approved.

REASON:

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

10. The foul drainage system shall be completed in accordance with the approved details prior to the occupation of the development and shall subsequently be retained in accordance with the approved details.

REASON:

In the interest of satisfactory and sustainable drainage.

11. Notwithstanding the indicative flood resilience measures contained within the notes on the approved plans, details of flood resilience measures shall be submitted for approval by the Local Planning Authority and thereafter the approved scheme implemented prior to occupation of the development hereby approved.

REASON:

To reduce the risk and impact of flooding to the proposed development and future occupants.

12. The applicant or future occupier of the dwelling shall register with the Government's flood information service prior to occupation of the dwelling.

REASON:

To reduce the risk and impact of flooding to the proposed development and future occupants.

INFORMATIVES

01. The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

8. LEGAL ISSUES

Planning Acts

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

Human Rights Act 1998

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

Equality Act 2010

- 8.3. 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.

9. FINANCIAL ISSUES

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

10. Background Documents

- 10.1. Planning Application file reference 2020/0376/FUL and associated documents.

Contact Officer:

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Appendices: Appendix 1 – Site Photographs