



**Report Reference Number:** 2019/0945/FUL

**To:** Planning Committee  
**Date:** 11 November 2020  
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**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0945/FUL	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr & Mrs Marshall	VALID DATE: EXPIRY DATE:	30th September 2019 25th November 2019
PROPOSAL:	Proposed conversion of single storey barn/stable block to use as a single storey dwelling		
LOCATION:	Grove Farm Sweeming Lane Little Fenton Leeds North Yorkshire LS25 6HF		
RECOMMENDATION:	APPROVE		

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 application boundary contains a number of buildings currently in use for storage and equestrian purposes following, as the Agents suggest, the use of the farm for agriculture ceasing. The buildings, including that subject of this change of use application, are set around a central area of hardstanding and access to the wider agricultural land to the west and a manege to the south.

- 1.2 To the east of the site are existing residential properties, both of which were approved changes of use from agricultural buildings to dwellings. To the north of the site lies a further residential dwelling with agricultural land beyond Sweeming Lane.

### **The Proposal**

- 1.3 Full planning permission is sought for the proposed conversion of a single storey barn/stable block to use as a single storey dwelling. An area of curtilage and car parking will be located to the immediate north of the dwelling within the current area of hardstanding.

### **Relevant Planning History**

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

## **2. CONSULTATION AND PUBLICITY**

### **National Grid**

- 2.1 National Grid confirmed no objection, however given the close proximity to a High-Pressure Gas Pipeline the Local Planning Authority were advised to liaise with the Health and Safety Executive (HSE) regarding their Land Use Planning methodology and associated Consultation Zones.

### **Health and Safety Executive**

- 2.2 The HSE were consulted via their Planning Advice Web App which concluded "*Advice: Do Not Advise Against*", consequently, the HSE does not advise, on safety grounds, against the granting of planning permission in this case.

### **Environmental Health**

- 2.3 Given the close proximity of the proposed dwelling to the remaining farmstead Environmental Health considered that future occupants will likely experience loss of amenity, notably odour, light and noise emissions. It was therefore recommended that this new dwelling was formally linked in ownership of the dwelling to that of the remaining farmstead to prevent independent ownership in the future. If such a link is not agreeable, then the applicant should provide further detail demonstrating that future occupants will not suffer.

### **Contaminated Land**

- 2.4 The site may be subject to contamination and as such an investigation and risk assessment is required to assess the level of any contamination. This will be secured by condition. Further conditions relating to any remediation and verification (as necessary), as well a condition relating to the reporting of unexpected contamination is also requested.

### **NYCC Ecology**

- 2.5 Ecology initially commented that whilst the construction may preclude the presence of bats, an assessment of bat roost potential by a licensed bat surveyor is required to validate this. Confirmation is required if there is no potential, or if there is greater

potential, an emergence survey during the period May to September should be undertaken.

- 2.6 Following the submission of a bat roost potential assessment survey, Ecology were reconsulted. Ecology noted the surveyor detected evidence of bats in the stable building and as stated in the report, further surveys will be needed during the bat activity period (May to September) to identify the type of roost and species present, so that appropriate mitigation can be considered; the surveys required are described in section 6.7.4 of the bat scoping report.
- 2.7 Additionally, Ecology recommended an Informative drawing the applicant's attention to the advice on timing of demolition work in relation to nesting birds, as set out in the Executive Summary of the bat scoping report.
- 2.8 Following the submission of emergence surveys, Ecology were reconsulted. It was noted that the types of roost are of relatively low conservation significance and their loss can be mitigated and as such would meet the test set out in the Conservation of Habitats & Species Regulations 2017. The mitigation recommended and outlined in sections 7.3 to 7.8 of the bat survey report were considered appropriate albeit subject to any subsequent amendments made in consultation with Natural England. An informative on demolition not commencing until a competent person has first checked that no active nests are present is recommended.

### **Highways**

- 2.9 There are no objections subject to: (1) conditions requiring vehicle access, parking and manoeuvring to be installed prior to use of the dwelling, and (2) restriction on conversion of garages into domestic accommodation.

### **Internal Drainage Board (IDB)**

- 2.10 The IDB set out their guidelines for any increase in surface water discharge occur and request a condition be placed upon any decision if the considerations within their guidelines are triggered.

### **Yorkshire Water**

- 2.11 No response was received following consultation.

### **Bat Group**

- 2.12 No response was received following consultation.

### **Yorkshire Wildlife Trust**

- 2.13 No response was received following consultation.

### **The Environment Agency**

- 2.14 No response was received following consultation.

*[Officer note: The Environment Agency were consulted inadvertently and no response was necessary.]*

## **Parish Council**

- 2.15 No response was received following consultation.

### **Publicity**

- 2.16 The application was publicised via the erection of a site notice and posting of consultation letters to adjoining properties. Following this consultation one letter of representation has been received from a neighbour of an adjacent dwelling. Whilst they support the proposals overall, there is concern that the location of the vehicular parking will impact upon the amount of light entering the property and overall outlook. It is requested the parking/garage arrangement be reconsidered.

## **3. SITE CONSTRAINTS**

### **Constraints**

- 3.1 The site is located in Little Fenton, a village outside of the settlement hierarchy and as such outside of any defined Development Limits and therefore within the open countryside.
- 3.2 There are no environmental designations nor designated heritage assets on or near the site. The site is however noted as a potential source of contamination owing to its agricultural past and is within a HSE Consultation Zone.
- 3.3 The site is entirely within 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 The building for conversion is not 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 Structural Condition Report that demonstrates the walls are free from cracking and distortion and that the ground under the foundations is stable. Some localised cracks are present but re-building will not be required.
- 5.16 The roof consists of asbestos cement sheeting and is proposed to be removed and replaced with insulated profiled metal sheeting, allowing the same overall profile to be maintained.
- 5.17 The floor slabs will be removed to allow removal of contaminants. The existing wall foundations will not be undermined by this removal nor the deeper excavation to allow deeper foundations for internal fit out including lining on the inside with an insulated timber frame.
- 5.18 The main modifications to the external structure of the building i.e. the creation of a courtyard and undercover porch will be of no detriment to the overall stability of the structure, neither will be the removal of some of the stable walls.
- 5.19 Doors, windows and roof timbers will be inspected on a case by case basis and replaced accordingly.

### Assessment

- 5.20 Officers consider that the building has been demonstrated to be structurally sound and suitable for re-use. The rebuilding works listed are considered proportionate to converting such a building into residential use and are not therefore considered to be “substantial”. As such, the proposals accord with SDLP Policy H12(3).

### **Extent of Alterations**

#### Context

- 5.21 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

- 5.22 The existing building will be “shortened” with a large section of the building to the rear being removed. Whilst this is significant, given it does not increase the building’s footprint officers consider there will be no impacts upon the countryside and is considered acceptable.
- 5.23 The proposed cut-out of the building to create a courtyard is a lesser, yet still considerable alteration, and lesser still the undercover porch to the rear. Officers consider that on-balance these interventions are not extensive.
- 5.24 The replacement of the roof with insulated profiled metal sheeting will result in a change from the flat asbestos sheeting but given the change will follow the same pitch officers consider this change in principle will result in a minimal alteration, albeit details of the specific material to be used is recommended.
- 5.25 The existing blockwork walls are proposed to be rendered. Timber doors in the style of stable doors are proposed and add to the transitional approach from clear agricultural use to a domestic property whilst maintaining a rural character. The newly created rear elevation contains larger windows/bi-fold doors and are of a more domestic appearance, a condition requiring details of windows and doors is recommended.
- 5.26 Overall, subject to the aforementioned condition and on balance, Officers do not consider these changes constitute “extensive” alteration, albeit care to the detailing is required and therefore the proposals are considered to satisfy SDLP Policy H12(4).

### **Landscape & Character**

#### Context

- 5.27 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”*

- 5.28 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.
- 5.29 Selby District Local Plan ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.

#### Assessment

- 5.30 The overall proposal will result in a building that will be clearly interpreted as a residential dwelling, however, care has been taken to ensure the overall form of the building maintains references to its agricultural origins and respects the character and appearance of the area or the surrounding countryside. Attention will need to be paid to the detailing of the building, including doors and windows to ensure this character is maintained.
- 5.31 A discreet area of residential curtilage is proposed to the front and rear of the property. Given the scale of the curtilage and its proximity to other neighbouring dwellings' curtilage it is not considered that the proposals will have a significant adverse effect on the character or appearance of the area or the surrounding countryside.
- 5.32 As such, the proposals are considered to comply with CS Policy SP18 & SP19 and SDLP Policy ENV1 & H12.

#### **Environmental Health**

##### Context

- 5.33 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

- 5.34 The Environmental Health consultation response raises concern regarding the relationship between the proposed dwelling and the remaining farmstead, specifically loss of amenity, notably due to odour, light, and noise emissions. Environmental Health recommended that unless the new dwelling could be formally linked in ownership to that of the remaining farmstead to prevent independent ownership in the future then further details of mitigation to address the concerns would be required.

- 5.35 In response, the Applicants have amended the redline to include all the remaining outbuildings and suggested the following approach:

*“The use of land falling within the area edged red on the attached plan reference..... shall only be used for purposes ancillary to the enjoyment of the dwelling house hereby approved and for no other purpose”*

- 5.36 Officers consider that such a condition would ensure that the amenity of future residents is not impacted and, subject to the inclusion of finalised condition wording (see the recommendations section of this report) the proposals would satisfy SDLP Policy H12(6).

## **Access & Highway Safety**

### Context

- 5.37 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...”*

- 5.38 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.

- 5.39 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.

- 5.40 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

- 5.41 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 & H12.

## **Residential Amenity**

### Context

- 5.42 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...”*

- 5.43 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

- 5.44 The proposal will introduce car parking c.10m from the western elevation of the dwelling to the east which contains windows to a habitable room. Concerns have been raised that this parking will reduce light to the habitable room and result in an unattractive outlook.
- 5.45 At such a separation, officers do not consider that there will be a material detrimental impact upon light entering the neighbouring dwelling and any impact would not be permanent given the nature of vehicles. The attractiveness of an outlook is not a material consideration in planning, however, it should be noted that the fallback is a live farmyard whereby the operation, in terms of scale, intensity, activity, would lead to a much greater impact than this discreet residential use. The proposals are not therefore considered to impact upon any existing residents’ amenity.
- 5.46 The proposals include sufficient windows to allow a reasonable standard of daylight and sunlight into the dwelling. Rooms are well proportioned, and the living space is commensurate with the scale of the dwelling. The proposed private amenity space, whilst minimal, is considered acceptable in this location where access to the open countryside is achievable.
- 5.47 It is considered that the proposals do not result in a significant adverse impact upon the amenity of existing residents and future residents.

### **Ground Conditions**

#### Context

- 5.48 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.
- 5.49 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

- 5.50 The proposal is noted as a potential source of contamination owing to its historic use as a farm. The Contaminated Land Officer has considered the screening assessment form but owing to the former use and potential to expose residents to ground contamination it is considered prudent to undertake a ground survey. Officers agree that it is necessary such a survey is undertaken prior to the commencement of development.

- 5.51 The site is in proximity to National Grid infrastructure. National Grid have no objection to the proposals subject to consultation with the HSE. The HSE concluded a “*Do Not Advise Against*” i.e. no objection to the proposal.
- 5.52 Subject to the inclusion of these recommendations development of the site is appropriate in relation to ground conditions and complies with CS Policy SP19, SDLP Policy ENV2 and NPPF Paragraph 178.

## **Affordable Housing**

### Context

- 5.53 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.
- 5.54 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”.*

- 5.55 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

- 5.56 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

- 5.57 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.
- 5.58 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

- 5.59 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 securing and implementing mitigation measures that resultant from the Natural England licensing programme. Subject to this licence, the proposals are acceptable and comply with CS Policy SP18 and NPPF Paragraph 170(d).

## **Flood Risk & Drainage**

### Context

- 5.60 The site sits entirely within Flood Zone 2.
- 5.61 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.
- 5.62 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

- 5.63 The proposal constitutes a change of use application and as such a sequential test (and exception test) is not required.
- 5.64 A residential dwelling constitutes a "more vulnerable development" and within Flood Zone 2 the Environment Agency's standing advice should be followed: this requires a Flood Risk Assessment (FRA) to be submitted and reviewed in accordance with this advice. In the first instance, a "more vulnerable development" within Flood Zone 2 is considered "*appropriate*" in respect of flood risk vulnerability.
- 5.65 An FRA has been submitted with the application. The FRA considers a reduction in impermeable surface will result in a reduction of surface water run-off, which as per the indicative drainage plan drains into existing surface water drains that discharge into watercourses. Whilst Officers agree that a reduction in the permeable surface will result in a reduction in run-off, it is also considered prudent to ensure this run-off rate is minimised and accounts for climate change. As such details of drainage will be secured by condition.
- 5.66 Finished floor levels are proposed to be 300mm above the existing floor level. Standing advice requires ground floor levels to be whichever is higher of 300 mm above the general ground level of the site, or 600mm above the estimated river or sea flood level. Disappointingly, the estimated flood levels have not been clarified (nor a record of any historical flood events provided), however in accordance with standing advice, where floor levels are lower than the estimated flood level for the site extra flood resistance and resilience measures can be incorporated to overcome this. Officers recognise that there may be limited scope to extend floor

levels any higher without compromising head height within the parameters of the existing building.

- 5.67 The submitted FRA demonstrates that some flood resistance and resilience measures have been considered. Officers consider that, on balance, the floor levels being set at 300mm above ground level is acceptable subject to the provision of full details of flood resilience measures, as well as subscription to the Government's flood alert system and the creation of an evacuation plan that the proposals are acceptable from a flood risk perspective.
- 5.68 The applicants have submitted an indicative drainage plan that demonstrates existing surface water drains, that discharge into a watercourse, will be utilised for surface water. A sewage package treatment plant will be located 10m from existing building and also discharge into this existing drain. Whilst soakaways are the preferred method for surface water drainage, given surface water drainage is already present officers consider this indicative approach is acceptable, however, given the introduction of foul drainage it is considered prudent to ensure run-off rates are limited.

## **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, 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:

- Location Plan ref. 2821-01-03C
- Proposed Block Plan ref. 2821-02-02B
- Proposed Indicative Drainage Plan ref. 2821-02-03B
- Proposed Plans and Elevations ref. 2821-02-01B

REASON:

For the avoidance of doubt.

03. 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.

04. 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.

05. Prior to the occupation of the development the finished floor levels shall be constructed no lower than 300mm above the prevailing ground level. The finished floor levels shall be retained at this height thereafter.

REASON:

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

06. 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.

07. Prior to the occupation of development, a scheme for the provision of surface water drainage works, including any treated foul water discharge, shall be submitted to the Local Planning Authority for written approval. 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 30% 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.

08. Any works associated with development that will disturb, modify or result in permanent loss of bat roost/s will require a Natural England EPS development licence. The licence will be obtained from Natural England, and any subsequent mitigation measures be implemented, before any of the following associated works commence:

- Bat exclusion
- Roof stripping and subsequent re-roofing
- Erection of scaffolding
- Pointing of brickwork
- New windows and doors
- Internal renovations

REASON:

In order to protect and enhance biodiversity.

09. The use of land falling within the area edged red on the approved Location Plan ref. 2821-01-03C shall only be used for purposes ancillary to the enjoyment of the dwelling house hereby approved and for no other purpose.

REASON:

In the interests of the amenities of the future occupiers of the dwelling hereby approved.

10. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report

of the findings must be produced. The written report is subject to the approval in writing by the Local Planning Authority. The report of the findings must include:

- a. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- b. an assessment of the potential risk to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;
- c. an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for The Management of Land Contamination, CLR

**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 risk to workers, neighbours and other offsite receptors.

11. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risk to human health, buildings and other property and the natural and historic 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 risk to workers, neighbours and other offsite receptors.

12. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms under 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.

13. 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 by 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 risk from land contamination to the future uses of the land and neighbouring land are minimised, together with those two 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 offside receptors.

14. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under Condition 2:
  - a. have been constructed in accordance with drawing ref. 2821-02-02B

Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.

REASON:

In accordance with policy # and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

15. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or any other structures shall be erected, nor new windows, doors or other openings inserted other than those hereby approved.

REASON:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policies ENV1 and H12 of the Selby District Local Plan.

16. Notwithstanding any details shown on the approved plans and forms, no development above finished floor level shall take place until details of the materials to be used in the construction of the external surfaces of the development including walls, roofs, windows, and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details thereafter.

REASON:

In order to ensure that the character and appearance of the surrounding area is protected.

## 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.

02. All nesting birds are protected under the Wildlife & Countryside Act 1981. Prior to any demolition work, a competent person should first check that no active nests are present. Any which are found must be left undisturbed until young have fledged.

## 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

Planning Application file reference 2019/0945/FUL and associated documents.

### Contact Officer:

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**Appendices:** None