



Report Reference Number: 2016/0089/FUL

To: Planning Committee
Date: 12 May 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2016/0089/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	C/O Agent	VALID DATE:	11th April 2016
		EXPIRY DATE:	14th May 2021
PROPOSAL:	Works to reintroduce a cupola and viewing platform to roof, repairs to the exterior elevations, alterations to the basement, ground, first and second floors including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric, and other associated works		
LOCATION:	Nun Appleton Hall Nun Appleton Appleton Roebuck York North Yorkshire YO5 7BG		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as it is a minor planning application where 3 or more consultees object to the application and Officers would otherwise determine the application contrary to the specific representations raised by those consultees.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside, in what can be described as an isolated location.
- 1.2 The application site comprises the Grade II listed Nun Appleton Hall, which is set within the Grade II registered Nun Appleton Hall Historic Park and Garden.

- 1.3 The application site is located mostly within Flood Zone 1, which has been assessed as having a low probability of flooding; however a proportion of the site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 1.4 To the south of the application site is a Site of Importance for Nature Conservation, to the north of the River Wharfe.

The Proposal

- 1.5 The application seeks full planning permission for works to reintroduce a cupola and viewing platform to the roof; repairs to the exterior elevations; alterations to the basement, ground, first and second floors (including refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric); and other associated works at Nun Appleton Hall, Nun Appleton, Appleton Roebuck.
- 1.6 The detail of the proposals is as shown on the submitted drawings. The application has also been supported by a number of supporting documents including, but not limited to:
- a Historic Building Report and Heritage Statement (dated September 2017) prepared by Robert Hook MCIfA;
 - a Service Wing Historic Building Report (dated July 2017) prepared by Robert Hook MCIfA;
 - a Design and Access Statement (dated June 2020) prepared by Pearce Bottomley Architects;
 - a Planning and Heritage Statement (dated August 2020) prepared by Montagu Evans;
 - various ecological reports relating to Bats and Great Crested Newts (dated between 2016 and 2021).
- 1.7 An associated Listed Building Consent application has also been submitted for the proposed works and is currently pending consideration (reference 2016/0094/LBC).

Relevant Planning History

- 1.8 The following historical applications are considered to be relevant to the determination of this application.
- 1.9 An application (reference: CO/1985/1136) for listed building consent for the demolition of entrance porch, conservatory, water and lift tower and service block and erection of replacement porch at Nun Appleton Hall, Nun Appleton, Appleton Roebuck, York, North Yorkshire, YO5 7BG was granted on 12 November 1985. This permission remains extant.
- 1.10 An application (reference: CO/1996/0295) for the removal of existing roof and second floor and formation of new second floor accommodation within remodelled dormered roof space and external alterations including erection of new single storey flat roofed service wing (to include rebuilt north porch) was refused on 28 August 1997.
- 1.11 An application (reference: CO/1996/0296) for listed building consent for the demolition of north porch, west lift/ water tower and single storey west service wing, removal of existing roof and second floor and formation of new second floor

accommodation within remodelled dormered roofspace, and internal alterations was refused on 28 August 1997.

2. CONSULTATION AND PUBLICITY

2.1 **Parish Council** – Initial response dated 06.04.2016: Support the application on the following grounds: (1) The application is welcomed to bring back the house into a habitable condition, and preserve the structure; (2) The original design is an acceptable reference for the refurbishment.

Further response dated 03.09.2020: Support the application. The plans and research are thorough and the Parish Council are keen to see the building brought back into habitation, and feel the smaller size will increase the viability.

2.2 **Natural England** – Initial response dated 09.05.2016: Comments in relation to this application are provided in the following sections:

- Statutory nature conservation sites - no objection.
- Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species, and this should be applied as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.
- Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006 - The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'
- Local sites - If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.
- Biodiversity enhancements - This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.
- Sites of Special Scientific Interest Impact Risk Zones - The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI.

Further response dated 03.09.2020: No objection.

2.3 **County Ecologist** – Initial comments dated 26.03.2021: Bat surveys have been undertaken at the hall and garage since 2017, showing the presence of a maternity colony of Brown Long-eared Bats in the loft space of the hall and a number of non-breeding roosts in the hall and garage occupied by this species and Common Pipistrelle. If I understand correctly, a bespoke bat loft has already been installed in the roof space of the garage and improvements to this are proposed as additional mitigation. Evidence that the bat loft is being used suggests that it is providing effective mitigation. Subject to the additional mitigation proposed, the site should continue to support a viable population of Brown Long-eared Bats, ensuring that the proposed works meet the test set out in Regulation 55(9)(b) of the Conservation of Habitats & Species Regulations 2017 that, *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*. However, Selby District Council may wish to consult North Yorkshire Bat Group as they can often provide useful comments on the practicalities of mitigation measures. Should Selby District Council be minded to approve this application, we recommend a condition to adhere to the recommendations set out in section 4 of the latest bat survey report, Nun Appleton Hall - Update bat surveys, dated October 2020 by Quants Environmental. A Great Crested Newt (GCN) survey of the nearby water body known as the Fish Pond was undertaken in 2020, when no GCNs were found, although the species had previously been detected here. In these circumstances and given the nature and location of the proposed works, we would expect reasonable avoidance measures to suffice to minimise risks of harm to this species. The GCN survey report will need to be updated to set out what mitigation measures are proposed, so that a Method Statement can be secured by condition. It is not necessary to undertake further surveys for this species.

Further comments dated 20.04.2021: Having reviewed the Great Crested Newt Method Statement (Quants Environmental, March 2021), satisfied that the approach set out will minimise risks to this species. Recommend a condition to adhere to the Method Statement contained in section 5 of the report.

2.4 **North Yorkshire Bat Group** – Initial comments dated 26.03.2021: No further comments to those made by NYCC Ecology.

2.5 **Yorkshire Wildlife Trust** – Initial response dated 15.09.2020: Recommend an appraisal of the ecological survey work undertaken to date, with update site surveys where required in order to ensure the impacts of the development are accurately described and any proposed mitigation is appropriate.

2.6 **NYCC Highways** – Initial response 28.04.2016: No objections.

2.7 **Planning Yorkshire Water Services Ltd** – No response.

2.8 **Ainsty (2008) Internal Drainage Board** – Initial response dated 15.04.2016: This application sits within the Ainsty Internal Drainage Board district. The Board does have assets within the vicinity of the site in the form of East Ings Dyke. The Board has no objection to the principal of the application but would wish to see more details on the disposal of the surface water. The Board recommends that any planning permission granted includes conditions requiring: (i) drainage works to be agreed prior to the commencement of development; and (ii) details of the condition and ability of the adjacent watercourse to accept the surface water flow resulting from the proposed development prior to commencement of development.

Further response dated 09.09.2020: The Board has no objection to the principal of the application but would wish to see more details on the disposal of the surface water. The Board recommends that any planning permission granted includes conditions requiring drainage works to be agreed prior to the commencement of development. The Board is not clear what is proposed with regards to foul sewage and would request further details in this regard. If the applicant proposes to use a package treatment plant, the Board would wish it to be noted that if it is the applicant's intention to dispose of treated foul flows into a Board maintained watercourse, or any ordinary watercourse in the Board's district, it is unlikely that the Board would consent to this as a stand-alone flow. If soakaways are feasible then the Board would suggest that the applicant looks at a drainage field for the disposal of the treated effluent. If, however, infiltration methods are not feasible then the Board may be prepared to accept the treated foul flow but only if the combined rate of discharge does not exceed the calculable rate for the surface water flow.

- 2.9 **HER Officer** – Initial response dated 10.07.2017: The hall was established on the site of a medieval Cistercian Nunnery. Human remains were noted here during works within the hall in the mid-19th century. Other than these antiquarian observations there is little information within the public domain regarding the archaeology of the site. It is noted that Historic England recommend further assessment is made of the significance of the hall. Presuming that this request will be taken forward, it is recommended that this includes an assessment of the proposal on below ground archaeological remains. This should include an assessment of the basement that may incorporate earlier medieval fabric.

Further response dated 24.10.2017: The additional historic building assessments and heritage statement are very detailed and well researched with regards to the standing buildings. There is very little assessment of the impact of the proposal on the Cistercian Nunnery that preceded the hall; however the heritage statement recommends that archaeological monitoring (i.e. a watching brief) should be carried out during the works. This recommendation is supported, which should be applied to both ground disturbance and 'opening up' works within the building that might reveal more of its significance. A scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing and opening up works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services and opening up works within the buildings, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains/structural or architectural elements that will be disturbed. This could be secured by way of a suitably worded condition to any planning permission granted.

Further response dated 03.09.2020: A scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains that will be disturbed. This could be secured by way of a suitably worded condition to any planning permission granted.

- 2.10 **Historic England** – No comments made on this application, but comments made on related listed building consent application, see application reference 2016/0094/LBC.
- 2.11 **Conservation Officer** – Initial response dated 20.03.2018: Nun Appleton Hall is a Grade II Listed Building. The submitted application proposes a number of alterations to this listed building. The planning history includes an application that was approved CO/1985/1136 for the demolition of the conservatory on the east elevation, demolition of the porch on the north elevation and demolition of the water and lift tower and service block on the west elevation. As the conservatory and porch have already been demolished, the remainder of the proposals could also be carried out. This includes the removal of the integral vacuum cleaning system, lift and refrigeration system in the basement area of the service wing. A subsequent application, 96/00296 for alterations and restoration of the hall was refused in 1996. The alterations included demolition of north porch, west lift and water tower, single storey west service wing, removal of roof and second floor and creation of a new floor within a new roof space. Remodelling staircase, create new staircase, new single storey flat roofed service wing.

Analysis of Significance - A thorough analysis of the building has been carried out by the applicant's heritage specialist. The Heritage Statement documents the long history of the building. Written evidence has been found for the existence of a cupola in the early 18th century and stone mullioned windows. The historic building assessment is very detailed when discussing the 17th and 18th century alterations, however anything post 19th century is not discussed in detail even though it is still of interest and contributes to the significance of the building.

Impact Assessment - Principle. The 1996 application for alterations and restoration was refused as the remodelling of the upper floor and roof of the building would result in a substantial and unacceptable loss of historic fabric which would harm the special architectural and historic interest of the building. It was determined that the proposals conflicted with PPG15. The proposals were deemed to have insufficient historic authenticity and the proposals had not been demonstrated to be desirable or necessary. The Decision Notice also states that the proposal would have conflicted with Local Plan policy ENV24 as it would have an adverse effect on the architectural and historic character of the building, it was not appropriate in terms of scale, design, detailing and materials and would harm the historic fabric of the building. The current proposal differs from the 1996 refusal. Again, the proposals include the demolition of the service wing and lift tower and replacement with a new basement area and access. The proposals still aim to replace the second floor, attic floor and the roof structure with a new second floor within a new roof and a cupola. Where the 1996 proposal aimed to retain the majority of the plan form of the second floor, the current proposal bears no resemblance to the existing layout with the exception of the retention of the central spine wall. The Heritage Statement provides an overview of the proposed development. It is very dismissive of any historic fabric which dates after the start of the 19th century. It states that "The fabric affected is neither of much intrinsic interest nor particularly well-executed." There appears to be a lack of understanding of the value and interest afforded by development post 19th century as well as the principle of conservation versus restoration.

Loss of Historic Fabric. Although there is evidence that there may have been a different roof structure on Nun Appleton, this is not sufficient justification for the removal of the existing. The property has evolved and changed over its long history

and with each new owner alterations have been carried out. Therefore, the principle of change and alteration to this building is not objectionable. It is the extent of change that must be considered with caution as it is the multiple layers of historic fabric that are intrinsic to the significance of this listed building. By removing the second floor, attic floor and roof structure, and by rearranging the first floor plan form, a whole period of development will be lost as well as potential original fabric which had been reused during the alterations in the 18th and 19th centuries. The proposal would result in destruction of key elements of the house and wipe away an excessive amount of historic fabric which was added in the 18th and 19th centuries. If proposals were reduced in scale and retained more historic fabric, this would be considered to be more acceptable. The alterations to the second floor will also have an impact upon the lower levels, in particular the staircase. At present the main staircase commands a large area to the rear of the house, it has a wide spacious feeling and is open up to the ceiling of the second floor. By altering the second floor and roof, the staircase would be enclosed on the second floor and would alter the spatial character of the grand staircase. The proposals also include altering the first floor by removing the central hallway, internal doors, internal walls and fireplaces to create two larger bedrooms.

Restoration. In addition to the concerns with the loss of historic fabric, there are also apprehensions with the style of alteration proposed. The proposed roof structure and cupola will be a new addition and built of new materials but has been designed to mimic an earlier architectural phase of this building. By replicating 17th century architecture, the development will falsify the appearance of the building and would not be authentic. The extent of restoration would only be partial as the wings which were in situ during the 17th century, are not proposed to be rebuilt.

Assessment against policy. In terms of assessing the proposal against the NPPF, due to the Grade II designation and percentage of fabric to be removed from the structure, it has been considered that the level of harm caused to the designated heritage asset will be less than substantial. Paragraph 134 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."* As part of the works it is also proposed to reuse elements in the new roof and cupola such as windows and brick, re-pointing using lime mortar and replacing sandstone with limestone. Although some of these works would be a benefit to the structure, they do not constitute of sufficient public benefit to outweigh the harm that would be caused to the significance of the listed building from the removal of the second floor and roof structure. The proposed scheme is also not necessary or required in order to bring the building back into use. The development is not considered to be reasonable or necessary, the harm that would be caused to the special architectural or historic interest of this listed building by removing such large areas of historic fabric and by altering the plan form and experience within the building is not justified. Discovering whether the building originally had a cupola is not sufficient justification to allow such an alteration.

Recommendation - The principle of altering this listed building is considered to be acceptable, however the current scheme is not supported from a conservation perspective. The current proposals do not comply with NPPF or local plan and core strategy policies. The service wing forms part of the narrative of this listed building and contains early examples of modern household appliances. Loss of the service wing would result in loss of interest. However, the proposed alterations to the service wing and lift tower have been previously approved in 1985 and therefore

their removal cannot be prevented. The proposed alterations to the roof are not necessary for the building to be used as a dwelling or alternative use, the loss of fabric and alteration to the appearance would be unacceptable and irreversible and cannot be supported. If the applicant wishes to put their stamp on the property, as has occurred over the history of the property, it is advised that they retain as much historic fabric as possible, respect the layers of historic fabric and design a bespoke and contemporary addition to the building. Smaller scale alterations are more likely considered to be acceptable in line with conservation principles rather than restoration.

Further response dated 24.02.2021: There is an agreement on the assessment of the level of harm - 'less than substantial'. The applicant states that it is not a requirement to set out what less damaging alternative may be. They advise that this was made clear in the 'Bedford' judgment. However, a discussion of alternative proposals is a common inclusion in a heritage statement and helps perform the function of a heritage statement in setting out how a proposal has been designed to avoid harm to significance, or alternatively enhance significance and generally may be included as part of the justification for a proposal. For example, a summary of design evolution can demonstrate how a proposal has taken into account an understanding of significance (with alternative designs potentially having been rejected). Seeking to minimise harm is a fundamental element of building conservation (where conservation philosophy dictates the need for minimum and sympathetic intervention). Where there are no other alternatives, it would of course be impossible to include them in a heritage statement. This is where it gets difficult, because in this case, the applicant is not willing to consider alternatives (the major one being the renovation of the house without alteration to the roof). In terms of public benefits, it is agreed that the commitment to provide 10 apprentices from local colleges in conservation related trades can be classed as a public benefit. Trespass/vandalism does represent a risk to the building, but this is only a consequence of the redundant nature of the building, which is wholly the result on its on-going lack of use - but of course, putting the building back into use, generally, will be the best outcome for the building.

2.12 **Society For The Protection Of Ancient Buildings** – Initial response dated 24.04.2018: Object to both the planning and listed building consent applications.

Nun Appleton Hall is a fascinating small country house built for Lord Thomas Fairfax between 1652-57. The building today is a combination of the original C17th hall and later alterations undertaken by subsequent occupants in the 18th, 19th and 20th centuries. Its importance as a nationally significant heritage asset is recognised by its grade II listing of the building, together with the listing of the surrounding estate as a grade II registered park/garden.

It is our understanding that the intention of the current applications is to return the building back into a family home (single dwelling). The Society has no objection in principle to this and we advise that the proposed use is one that could be consistent with the asset's conservation (paragraph 131, NPPF). We cannot however advise that this is the case with the scheme that is currently proposed. The present applications seek to selectively restore the hall; and aims to return the exterior of the building to that which is loosely illustrated in the Phillip's Manuscript of the 1650s, and return the interior ground and first floors to the 1894 plan, along with a number of other alterations to the service wing, basement and garaging. Implementation of the proposals would require substantial demolitions and alterations resulting in a considerable loss of historic fabric. No details have been

provided to explain why the proposed alterations and demolitions are considered necessary or desirable. A detailed Historic Building Report and Heritage Statement has been provided and while this is an extremely helpful document, the Society does not fully agree with the assessments of significance and the conclusions reached therein. In particular, we strongly disagree with the report's conclusion that the proposed scheme will result in no harm to the heritage assets (building & associated landscape). Similarly, we do not accept the assessment and arguments put forward in respect of the later alterations and the justification for their removal/alteration/demolition. While the later alterations have resulted in losses and changes to the form, floor plan and appearance of original C17th house, they are important parts of the building's story and special architectural and historic interest, and they must be acknowledged as such. Debates over architectural 'merit' and/or quality of later alterations should be avoided and instead replaced with careful consideration about each phase and subsequent changes, and the contribution they make to the building's special architectural and historic interest overall. We greatly appreciate the considerable work that has been undertaken in researching the history of the building and the usefulness of that information towards aiding an understanding of the hall's special interest and significance; however, the archaeological analysis and documentary evidence does not justify works to restore (conjectural or not) the building or any part thereof. The proposed scheme, by virtue of the considerable loss of historic fabric and restoration (conjectural or evidence based), would result in substantial harm to the building's special architectural and historic interest. The approach to arbitrarily 'turn back the clock' to certain points in time would be misleading. It would result in passages of the building's long and interesting history being lost in perpetuity to the 'benefit' of highlighting, and indeed falsifying, the two periods seemingly favoured by the applicant. Brief structural information has been provided in support of the proposals but it is of limited use. The letter of 28th February 2018 from Blackburn Wigglesworth Consulting Engineers advises that certain structural problems are worsening but no evidence (monitoring results etc) has been provided to prove that this is the case or that the cause(s) of the problems have been clearly and correctly identified. Reference is also made to previous structural inspections and reports but these do not appear to have been provided within the applications so it is impossible to compare and assess previous findings with those of more recent date. The structural information also does not offer any alternative, and less invasive solutions to the problems identified, rather it is a statement in support of the alterations and demolitions that are proposed. We advise that a full and up to date structural report, preferably undertaken by a Conservation Accredited (CARE) Structural Engineer, should be prepared for whole of the building. The report should clearly identify problems and their cause(s), and it should indicate (with evidence) any areas of movement, detailing if and where that movement is historic and where it is ongoing. Where structural interventions are considered necessary, it would be helpful to know the different options (and the degree of intervention) available.

Substantial harm or total loss of a grade II heritage asset should be exceptional. The restoration of the hall to a previous state does not constitute the clear and convincing justification required by national policy for works that would result in any level of harm or loss (paragraph 132, NPPF) and no explanation has been provided to detail why the works are considered necessary or desirable. Further, while bringing this building at risk back into use would result in a positive outcome, that does not represent the substantial public benefits needed to outweigh substantial harm; and the four sequential tests have also not been met (paragraph 133, NPPF). The building's deteriorated state, while of continuing concern, should also not be allowed to justify the proposed scheme and the substantial harm that would be

caused (paragraph 130, NPPF). The plan to return Nun Appleton Hall to a family home is welcomed. The approach however should, we advise, be one that is additive rather than subtractive - to respect and conserve what remains while adding a new meaningful layer. And any proposed harm or loss must be explained with clear and convincing justification. The Society is as keen as the Council and others to see this building at risk sensitively repaired and brought back into use at the earliest opportunity. This should not however be done by allowing substantial harm to the building's special interest. The proposed scheme represents harmful intervention on a considerable scale; is completely unjustified; and shows an outmoded approach to conservation that is far from best practice. The existing building does not appear to present any major, or insurmountable, obstacles that would prevent it from being capable of returning to domestic use. While in principle the proposed use appears that it could be compatible with the building's conservation, the present scheme is not. The Society believes however that it is entirely possible for the hall to be returned to a single family home in a far less intrusive and harmful way than that which is currently proposed.

- 2.13 **The Gardens Trust – Initial response dated 14.08.2019**: There is little detail on the effect the proposed work would have upon the Registered Park & Garden (RPG). There is for example, no reference to any external works (drives, paths, terraces, lawns, pleasure gardens, kitchen garden, deer park), all of which must surely be important if the house is completely remodelled? None of the major works proposed on the house would of themselves physically alter the Park, although they may well have an effect upon its setting, but minor works such as drains and other services in trenches could cause local damage, as well as scaffolding, material storage etc. The documentation mentions the RPG in passing in the D&A and in the Heritage Statement where there is reference to a formal garden, C19 fishpond, agricultural land and woodland, as well as a 'small garden building' (Paras 2.2/3). The HE entry for the RPG is given within the Heritage statement for the main building but the grounds are mentioned somewhat dismissively. Without consideration as to how these suggested works may impact the RPG and its setting, it is difficult to judge the application as it stands. It would appear that the applicant is unaware that this needs to be fully explored so your officers can make an informed decision. The register entry is dated 2000 and no access to the designed landscape has, to our knowledge, been permitted since then. The house has also been unoccupied during that period and the reports show the current disrepair, so it can only be imagined what the current state of the RPG and its setting might be. However, such neglect cannot serve as a reason for not considering the RPG. Since 2000 research into designed landscapes has advanced and new knowledge and methods may well reveal new discoveries - evidential value of the C17 Fairfax gardens would be of particular interest. Should your officers approve this application we would suggest that your officers ask for the following conditions to be applied: (1) A Heritage Statement should be commissioned summarising the history of all known remaining features within the RPG; (2) The applicant should instigate a method of recording and preserving any historic features identified/discovered within the RPG during the works; (3) Suitable method statements should be prepared regarding the potential impact of any construction activities upon the RPG and the management of such impacts during work; (4) A Conservation Management Plan for the RPG.

Further response dated 16.09.2020: Nun Appleton Hall (Listed Grade II) and its historic parkland and gardens are nationally significant and we support the repair and refurbishment of the Hall to make a family home. This will considerably benefit the heritage asset and we welcome the new documents and the affirmation of high

standards of craftsmanship. In summary, support the repair and refurbishment of the nationally significant Nun Appleton Hall and give the following advice on the RPG: (1) There should be a method of recording and preserving any historic features identified/discovered during the works; (2) Suitable method statements should be prepared regarding the potential impact of any construction activities upon the RPG and the management of such impacts during the work; (3) a historic garden specialist/landscape architect is engaged to determine the design for the suitable landscaping scheme around the Hall; (4) A Conservation Management Plan for the RPG, the implementation of which over many years, will enhance and restore the heritage asset and be a lasting legacy from the present owner.

- 2.14 **Neighbour Summary** – A site notice was erected, and an advert placed in the local press. No letters of representation have been received as a result of this advertisement of the application.

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site comprises the Grade II listed Nun Appleton Hall, which is set within the Grade II registered Nun Appleton Hall Historic Park and Garden.
- 3.3 The application site is located mostly within Flood Zone 1, which has been assessed as having a low probability of flooding; however a proportion of the site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 3.4 To the south of the application site is a Site of Importance for Nature Conservation.

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 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 took place early in 2020. Consultation on preferred options took place in early 2021. There are

therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

4.4 The National Planning Policy Framework (February 2019) (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 National Planning Policy Framework (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

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:

ENV1 – Control of Development

ENV9 – Sites of Importance for Nature Conservation

ENV16 – Development Affecting Historic Parks and Gardens

ENV24 – Alterations to Listed Buildings

ENV28 – Other Archaeological Remains

T1 – Development in Relation to the Highway Network

T2 – Access to Roads

5 APPRAISAL

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

- The Principle of the Development
- Impact on Heritage Assets
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Other Issues

The Principle of the Development

- 5.2 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 11 of the NPPF.
- 5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 5.4 Policy SP2A (c) of the Core Strategy 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."*
- 5.5 The application seeks to reinstate the building as a family home, with proposed works including to reintroduce a cupola and viewing platform to the roof; repairs to the exterior elevations; alterations to the basement, ground, first and second floors (including refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric); and other associated works. Having regard to the above, it is considered that the proposed development would be acceptable in principle and in accordance with Policies SP1 and SP2 of the Core Strategy.

Impact on Heritage Assets

- 5.6 The application site comprises the Grade II listed Nun Appleton Hall, which is set within the Grade II registered Nun Appleton Hall Historic Park and Garden.
- 5.7 Relevant policies in respect of the effect upon heritage assets and their setting include Policies SP18 and SP19 of the Core Strategy and Policies ENV16 and ENV24 of the Selby District Local Plan. Policy SP18 requires, amongst other things, the high quality and local distinctiveness of the natural and man-made environment be sustained by safeguarding and, where possible, enhancing the historic and natural environment including the landscape character and setting of areas of acknowledge importance and conserving those historic assets which contribute most to the distinct character of the District and realising the potential contribution that they can make towards economic regeneration, tourism, education and quality of life. Policy SP19 requires, amongst other things, that proposals positively contribute to an area's identity and heritage in terms of scale, density and layout. Policy ENV16 requires development proposals which affect historic parks and gardens not to harm the appearance, setting, character or amenity of a historic park and garden. Policy ENV24 requires the conversion, alteration, extension or change of use of a listed building not to have any adverse effect on the architectural and historic character of the building, and its setting; to be appropriate in terms of scale, design, detailing and materials; and to not harm the historic fabric of the building.
- 5.8 Relevant policies within the NPPF which relate to development affecting heritage assets and their setting include paragraphs 189 to 196.

- 5.9 Paragraph 189 of the NPPF states that *“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”*.
- 5.10 Paragraph 192 of the NPPF states that *“In determining applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
 - c) the desirability of new development making a positive contribution to local character and distinctiveness”*.
- 5.11 Paragraph 193 of the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.
- 5.12 Paragraph 196 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, where appropriate, securing its optimum viable use”*.
- 5.13 Paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which provides that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990.
- 5.14 Whilst considering proposals for development which affects a Listed Building, or its setting, regard is to be made to Section 66(1) 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'.

The Application

- 5.15 The application as originally submitted in 2016, sought full planning permission for ‘the restoration of Nun Appleton Hall to be as close as possible to the building shown in the Philips Manuscript, excluding the wings’. At that time, the proposed works were stated to include: the restoration of the interior ground and first floor plans to the 1894 plan; the reconfiguration of the west side basement to a kitchen

and storage space; the retention of the garage; the reconstruction of the loggia; and the demolition of some areas of 20th, 19th and 18th century fabric.

- 5.16 However, following consideration of consultation responses made by statutory and non-statutory consultees on the proposals up until the end of 2019, the application has subsequently been amended.
- 5.17 The amended application, as submitted in August 2020, proposes ‘works to reintroduce a cupola and viewing platform to roof; repairs to the exterior elevations; alterations to the basement, ground, first and second floors (including sensitive refurbishment in addition to demolition of some areas of 20th, 19th and 18th century fabric); and other associated works’. The amendments made to the application have been summarised in the Design and Access Statement (dated June 2020) prepared by Pearce Bottomley Architects and the Planning and Heritage Statement (dated August 2020) prepared by Montagu Evans, as follows:
- Clarification that the walled area over the kitchen/new cellar is a lead flat roof with traditional framed rooflights.
 - The main stair in the centre of the south pile is to be retained as existing and utilised to access the second-floor extension.
 - Relocation of existing doors D/053/FF, D/055/FF and D/056/FF following the removal of the first-floor corridor.
 - Retention and re-use of existing rainwater goods and soil pipes - where soil pipes do not meet current standards, replacement with new pipes in same location. New services will be limited, and bathrooms will be located in the same location as existing bathrooms.
 - Existing structure to second floor retained as far as possible (spine wall and partitions).
 - Chimneys shown as existing – no rebuilding unless necessary.
 - Trusses indicated – traditional construction utilising the existing truss chords if possible, set over the existing structure to allow it to remain in situ.
 - All second-floor doors removed, retained, and repositioned or reused if possible.
 - Cupola access improved – spiral stair omitted - access via the lead flats from a “secret” stair located in the position of the scar of the former stair on the second-floor corridor wall.
 - Certainty that the proposals can be delivered without structural complications to the existing fabric.
 - Justification that the proposals would preserve the significance of the registered park and garden.

The Applicant’s Assessment of the Impact of the Proposals on Heritage Assets

- 5.18 As set out earlier in this report, the detail of the of the proposals is as shown on the submitted drawings. Furthermore, the application has been supported by a number of supporting documents including, but not limited to: a Historic Building Report and Heritage Statement (dated September 2017) prepared by Robert Hook MCI(A); a Service Wing Historic Building Report (dated July 2017) prepared by Robert Hook MCI(A); a Design and Access Statement (dated June 2020) prepared by Pearce Bottomley Architects; and a Planning and Heritage Statement (dated August 2020) prepared by Montagu Evans;
- 5.19 The Historic Building Reports and Heritage Statement (dated July/September 2017), prepared by Robert Hook, include an assessment of significance of the

Grade II listed Nun Appleton Hall. It is asserted that the Hall has considerable evidential, aesthetic and historical value; that the proposed works, which mostly affect the interior of the building, would have little impact on the setting of the Hall; and that the main significance of the Hall lies in the physical and evidential remains of the principal part of the house of 1652-57 built for Thomas Lord Fairfax, with subsequent alterations in the 18th, 19th and 20th centuries having successively eroded levels of decorative detail and re-arranged the internal layout. The Historic Building Reports and Heritage Statement also include listing descriptions; historical illustrations; architectural description and analysis; and an assessment of the impact of the proposed works on heritage assets. In conclusion, the Historic Building Reports and Heritage Statement assert that the proposals would not have a harmful impact on the significance of designated heritage assets.

- 5.20 Conversely, the later Design and Access Statement (dated June 2020) prepared by Pearce Bottomley Architects and Planning and Heritage Statement (dated August 2020) prepared by Montagu Evans acknowledge that the proposals will result in removal of historic fabric which would result in harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall. The harm is asserted to amount to 'less than substantial harm' in NPPF terms, and to be at the lower end of the spectrum of less than substantial harm.

The Local Planning Authority's Assessment of the Impact of the Proposals on Heritage Assets

- 5.21 In assessing the impact of the proposals on heritage assets, the Local Planning Authority has considered consultation responses received from statutory and non-statutory consultees, including: Historic England; the Council's Conservation Officer; the Society for the Protection of Ancient Buildings; the Victorian Society; and the Gardens Trust/Yorkshire Gardens Trust.

Assessment of Significance

- 5.22 Nun Appleton Hall is a nationally significant house and estate, which is reflected in a Grade II listing for the Hall and the parkland being registered as Grade II. The Hall has a seventeenth-century core, built for Thomas Lord Fairfax in 1652-57. Today the Hall exhibits the alterations that have been undertaken by successive generations over 350 years. The building is considered to be of considerable architectural, historical and evidential value.
- 5.23 In terms of an assessment of significance of heritage assets which may be affected by the proposals (which include the Grade II listed Nun Appleton Hall, and the Grade II registered Nun Appleton Hall Historic Park and Garden), the following points can be noted:
- The Hall has a seventeenth-century core, built for Thomas Lord Fairfax in 1652-57, who as General Fairfax was commander of the Parliamentary forces from 1645 to 1650. He is reported to have retreated to Nun Appleton following retirement from military service in 1650 and the core of the current house was constructed between 1652 and 1657 (replacing an earlier hall built by his father William).
 - The Hall was successively altered, extended, and partially demolished over the following centuries. Whilst the surviving fabric is of considerable importance, later phases in the evolution of the Hall, which illustrate changes in social and domestic conventions over 350 years, also contribute to its overall significance.

- The Hall is listed as Grade II meaning it is of national importance in its own right. However, in order to fully appreciate the significance of the Hall it is necessary to consider the wider estate in which it sits and the relationship between the Hall and the wider landscape.
- The mid-seventeenth century period is the most interesting from a historic designed landscape and garden standpoint although little or almost nothing seems to have survived above ground.
- Thomas Lord Fairfax spent his retirement laying out his gardens at Nun Appleton and designing them formally with a military theme. Andrew Marvell, tutor to Mary Fairfax, dedicated his poem 'Upon Appleton House' to her father, General Fairfax and emphasized the natural beauty of the site and the formal gardens.
- The park developed later during the ownership of the Milner family in the eighteenth century and later in the mid-nineteenth century when Lady Milner also created a formal garden with a fishpond. A little later she created a terrace along the south side of the house and linked the smaller parts of the garden together, along with draining the park and ordering the embankment of the River Wharfe.
- The kitchen garden to the West of the Hall may have been built later in the eighteenth century; Marvell's poem of 1652 mentions stoves for tender plants though it is not clear where these were situated.

Impact Assessment

- 5.24 It should be noted that the planning history of the site includes application reference CO/1985/1136 for listed building consent for the demolition of entrance porch, conservatory, water and lift tower and service block and erection of replacement porch at Nun Appleton Hall, Nun Appleton, Appleton Roebuck, which was granted on 12 November 1985. This permission remains extant. As the conservatory and porch have already been demolished, the remainder of the proposals could be carried out without any further consent being required from the Local Planning Authority. This includes the removal of the integral vacuum cleaning system, lift and refrigeration system in the basement area of the service wing, all of which form part of the current application.
- 5.25 There is general support for the principle of the repair and refurbishment of Nun Appleton Hall to facilitate its use as a single-family home. This is a use which could be consistent with the assets conservation and is a considerable benefit to the heritage asset. However, there is a consensus among Historic England, the Council's Conservation Officer and National Amenity Societies who have provided consultation responses on this application, that these benefits could be secured without the need to alter the second floor and roof in such a harmful manner as proposed. It is acknowledged that the property has evolved and changed over its long history and with each new owner alterations have been carried out. Therefore, the principle of change and alteration to this building is not objectionable. However, it is the extent of change that must be considered with caution as it is the multiple layers of historic fabric that are intrinsic to the significance of this listed building. It is considered that the benefit of bringing the Hall back into use as a single-family home could be achieved in a far less intrusive way, for example, through a compromise scheme which retains the existing second floor and roof structure.

Impact Assessment - the application as originally submitted in 2016

- 5.26 The application, as originally submitted in 2016, seeks to selectively restore the Hall; and aims to return the exterior of the building to that which is loosely illustrated in the Phillip's Manuscript of the 1650s, and return the interior ground and first floors to the 1894 plan, along with a number of other alterations to the service wing, basement and garaging. Evidence provided of the seventeenth century form of the roof is contradictory and inconclusive and it is considered that the proposals cannot be considered as restoration, but rather as alteration. Implementation of the proposals would require substantial demolitions and alterations resulting in a considerable loss of historic fabric. Whilst later alterations have resulted in losses and changes to the form, floor plan and appearance of the original seventeenth century house, they are important parts of the buildings story and special architectural and historic interest.
- 5.27 The demolition of the 1920s lift tower and service range to the west of the hall and the removal of walls at first floor level would result in some harm to the listed building through the loss of spaces which illustrate how the building was services in the early twentieth century and through loss of the existing layout which represents a substantial building phase from the 1920s.
- 5.28 The removal of the second floor and roof are considered to result in loss of existing fabric and loss of the illustrative value of the existing spaces and form of the building. The Historic Building Report is helpful in understanding the age of the different parts of the building - the conclusion of the report is that the second floor and roof is a later addition, not well-executed and of little interest. However, the current roof structure does include re-used seventeenth-century timbers, which the report acknowledges are "highly significant". This later fabric contributes to the overall significance of the listed building. It is generally acknowledged that historic buildings and places are significant not just because they are old, or because of their physical fabric, but because of a range of values including their appearance, the way they illustrate key events and how people lived in the past or how successive layers of development can help us chart changes in fashion and social conventions. The proposed changes to the second floor and roof do not take into account these wide-ranging values. By removing the later fabric, the ability of the building to tell the story of all the people who lived at Nun Appleton Hall after the seventeenth century, and the way they lived as reflected in the various alterations undertaken to the house, will be lost. It is considered that this would be harmful to the significance of the listed building.
- 5.29 The proposed new roof and cupola should not be considered as restoring the building to an earlier form. While the Historic Building Report has brought forward a range of sources regarding the appearance of the seventeenth-century house, including evidence from the fabric of the building itself, it is not considered that this provides sufficient, irrefutable evidence that the proposed tower and cupola are indeed a restoration of the original form. In addition, the seventeenth-century building had east and west wings to form a u- shape plan on the north side, the current windows on the hall are eighteenth-century in date and it is proposed to return the first floor on the north side to a nineteenth-century layout. What is proposed is therefore not 'reinstatement of the original appearance of the building' as is suggested in the application, but a hybrid building with a viewing tower and cupola of a conjectural form and location, which should be considered as alteration and new works rather than a restoration.
- 5.30 Given that Nun Appleton Hall is a multi-phase building and each generation has made alterations to suit their desired way of living in the building, it is considered

that further alteration by the current owners would be consistent with this history, subject to minimising the impact on the significance of the building. It is therefore considered that there is scope to add some form of viewing platform to the roof and to reconfigure the second floor to provide access to this platform, along with providing more useable rooms for the occupants. This would reduce the loss of historic fabric and allow the previous phases of raising of the building to be read, whilst introducing new work, which is of its time, readable and honest. The addition of a viewing platform also offers the opportunity of enhancing the significance of the building by reinforcing the relationship between the hall and the wider landscape works, rather than restoration.

- 5.31 In conclusion, the Society for the Protection of Rural Buildings and the Victorian Society conclude in their consultation responses that the application as originally submitted in 2016 would result in substantial harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall. Meanwhile, Historic England and the Council's Conservation Officer conclude in their consultation responses that the application as originally submitted in 2016 would result in less than substantial harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall.

Impact Assessment - the amended application as submitted in 2020

- 5.32 In respect of the amended application as submitted in 2020, it can be noted that the proposals have not substantially changed. The design has been refined to retain more historic fabric on the second floor and adjustments have been made to the design of the proposed reinstated features. The difference largely resides in the level of detail provided in terms of design and justification. Furthermore, the language used to describe and discuss the amended scheme has shifted, in that the application as originally submitted in 2016 referred to the proposals as 'restoration' of elements/forms, while the amended application as submitted in 2020 refers to the proposals as 'reintroduction' of elements/forms.
- 5.33 On reviewing the amended application, Historic England and the Council's Conservation Officer agree that while the significance of Hall lies primarily in the surviving seventeenth century fabric and historic association with General Fairfax; later phases of historic fabric tell the story of change over 350 years and contribute to its significance. Harm would result from the loss of historic fabric and illustrative value of existing space and plan form of the building. The level of harm to the significance of the building is deemed to be considerable, albeit less than substantial in NPPF terms. Therefore, Historic England and the Council's Conservation Officer continue to object to the proposals for second floor and roof, as they are not considered necessary to secure benefit of reinstating the Hall as a single-family home and are not considered to represent an enhancement of the architectural values of the building. Similarly, the Society for the Protection of Rural Buildings continue to object to the proposals on the basis that they do not consider that clear and convincing justification has been provided for the harm that would be caused, and do not consider the reintroduction of elements to recreate part of the building to its perceived seventeenth century appearance constitutes an enhancement.
- 5.34 On reviewing the amended application, Yorkshire Gardens Trust welcome that the setting of Nun Appleton Hall has been considered in the Design and Access Statement (dated June 2020) prepared by Pearce Bottomley Architects and Planning and Heritage Statement (dated August 2020) prepared by Montagu

Evans, which complement previously submitted Historic Buildings Reports and Heritage Statement (dated July/September 2017), prepared by Robert Hook, but are much more comprehensive and consider the historic development of the gardens and grounds and an assessment of the proposals, enhancements to the setting of the house. In summary, the Yorkshire Gardens Trust support the repair and refurbishment of the nationally significant Nun Appleton Hall and provide the following advice on the registered park and garden: (1) There should be a method of recording and preserving any historic features identified/discovered during the works; (2) Suitable method statements should be prepared regarding the potential impact of any construction activities upon the registered park and garden and the management of such impacts during the work; (3) a historic garden specialist/landscape architect is engaged to determine the design for the suitable landscaping scheme around the Hall; (4) A Conservation Management Plan for the registered park and garden, the implementation of which over many years, will enhance and restore the heritage asset and be a lasting legacy from the present owner.

Impact Assessment – drawing conclusions

- 5.35 Overall, having regard to the above discussion, the proposal, as submitted in 2020, is considered to lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall. Paragraph 196 of the NPPF states *“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, where appropriate, securing its optimum viable use”*. As set out earlier in this report, paragraph 196 of the NPPF should be read in conjunction with paragraph 193 of the NPPF which states that when considering the impact of a proposal on the significance of a designated heritage asset, “great weight” should be given to the asset’s conservation. This wording reflects the statutory duty in Section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990. The desirability of preserving heritage assets, or their settings, including listed buildings, should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.

Heritage Balance

- 5.36 The Planning and Heritage Statement (dated August 2020) prepared by Montagu Evans, alongside the letter from Montague Evans dated 28th January 2021, set out a suite of public benefits which the applicant considers to weigh in favour of the application. These can be summarised as follows:
- Securing the optimal viable use of the designated heritage asset, as per paragraph 196 of the NPPF.
 - Delivery of a comprehensive suite of repair and restoration works as detailed by Pearce Bottomley Architects in the Design and Access Statement (dated June 2020). These works would secure the conservation of the designated heritage asset.
 - The addition of a viewing platform to the roof, which would offer the opportunity of enhancing the significance of the listed building by reinforcing the relationship between the listed building and the wider landscape.
 - The enhancement to the setting and significance of the listed building through the creation of high-quality forecourt and entrance, together with the landscape

improvements associated with the replacement of the 1920s blocks to the west of the house.

- Improving the accessibility and sustainability of the building through a single phase of refurbishment, which would help to secure the long-term use of the building.
- The reinstatement of the design of the original central block, to a high degree of historical accuracy.
- The improvement of the legibility of the historic first phase of the structure.
- The removal/improvement of unattractive later features.
- Create and support opportunities to provide local employment opportunities, both direct and indirect.
- Direct opportunities for employment and training will be delivered through a commitment for ten apprentices per year from local colleges in conservation related trades.

5.37 Taking each of these proposed public benefits in turn:

- The repair and refurbishment of Nun Appleton Hall to a use as a single-family home is a considerable benefit to the designated heritage asset.
- Repair and restoration work to secure the conservation of the designated heritage asset is a benefit.
- The addition of the viewing platform to the roof offers the opportunity of enhancing the significance of the building by reinforcing the relationship between the hall and the wider landscape and is a benefit.
- The re-landscaped and re-surfaced forecourt will serve to improve the immediate setting of the Hall and is a benefit.
- The Historic Building Report and Heritage Statement (dated September 2017) prepared by Robert Hook provides sufficient layout of the rooms on the north side of the first floor to reinstate them as shown on the proposed drawings. However, in terms of the proposed new roof, tower and cupola, the Historic Building Report and Heritage Statement bring forward a range of sources regarding the appearance of the seventeenth century house, which it is not considered provides sufficient, irrefutable evidence that the proposed tower and cupola are a restoration of the original form. Furthermore, the seventeenth century house had east and west wings to form a u-shape plan on the north side, the current windows on the hall are eighteenth century in date and it is proposed to return the first floor on the north side to a nineteenth century layout. Therefore, it is not considered that the proposals reflect a reinstatement of the design of the original central block, to a high degree of historical accuracy. It is also not considered that the proposals would improve the legibility of the historic first phase of the structure. These are not therefore considered to be a benefit which would weigh in favour of the proposals.
- The removal/improvement of unattractive later features is not considered to be a benefit which would weigh in favour of the proposals, as they contribute to the significance of the building.
- The creation of direct and indirect local employment opportunities is a considered to be a benefit.
- Direct opportunities for employment and training delivered through a commitment for ten apprentices per year from local colleges in conservation related trades is a benefit and can be secured by way of condition to any planning permission granted.

5.38 In weighing the harm against the public benefits of the proposal, while not all of the public benefits put forward by the applicant are agreed, as set out above, it is nevertheless considered that there are clear public benefits of the proposal which it is considered would outweigh the harm identified in this instance.

- 5.39 Having regard to the above, it is considered that the proposed development would lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall. However, when the harm is weighed against the public benefits of the scheme, it is considered that the proposal is acceptable. This is having had regard to Policies SP18 and SP19 of the Core Strategy, Policies ENV1, ENV16 and ENV24 of the Selby District Local Plan and S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.

Impact on Archaeology

- 5.40 North Yorkshire County Council Archaeology have been consulted on the application. The Principal Archaeologist has advised that Nun Appleton Hall was established on the site of a medieval Cistercian Nunnery and that human remains were noted during works within the Hall in the mid-19th century. The Historic Buildings Reports and Heritage Statement (dated July/September 2017), prepared by Robert Hook are very detailed and well researched with regards to the standing buildings. However, there is very little assessment of the impact of the proposal on the Cistercian Nunnery that preceded the Hall. Notwithstanding this, the Heritage Statement recommends that archaeological monitoring (i.e. a watching brief) should be carried out during the works. This recommendation is supported by the Principal Archaeologist, who advises that this should be applied to both ground disturbance and 'opening up' works within the building that might reveal more of its significance. The Principal Archaeologist therefore recommends that a scheme of archaeological mitigation recording should be undertaken in response to the ground disturbing and opening up works associated with this development proposal. This should comprise an archaeological watching brief to be carried out during excavations for new foundations and new drainage or services and opening up works within the buildings, to be followed by appropriate analyses, reporting and archive preparation. This is in order to ensure that a detailed record is made of any deposits/remains/structural or architectural elements that will be disturbed. This could be secured by way of a suitably worded condition to any planning permission granted.
- 5.41 Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of its impact on archaeology and is therefore in accordance with Policy ENV28 of the Selby District Local Plan and national planning policy contained within the NPPF.

Flood Risk and Drainage

- 5.42 The application site is located mostly within Flood Zone 1, which has been assessed as having a low probability of flooding; however a proportion of the application site is located within Flood Zone 2, which has been assessed as having between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% - 0.1%), or between a 1 in 200 and 1 in 1,000 annual probability of sea flooding (0.5% - 0.1%) in any year.
- 5.43 Development within the application site would occur wholly within the area defined as being within Flood Zone 1. On this basis (and taking into account the proposed works are to reinstate the building as a single-family home through alterations and extensions, it is not considered that the sequential test or exception test would be required. However, a Flood Risk Assessment has been prepared and submitted as part of the application which sets out that floor levels would be set no lower than

existing levels and flood proofing of the proposed development has been incorporated where appropriate. The Flood Risk Assessment is considered to be acceptable.

- 5.44 In terms of drainage the submitted information sets out that surface water would be disposed of via an existing watercourse. No details are provided regarding foul sewerage disposal. Yorkshire Water and the Internal Drainage Board have been consulted on the proposals. The Internal Drainage Board note that the proposal will decrease the overall footprint of the building, which will in turn result in an associated reduction in the volume of surface water to be disposed of from the site. The Board also note that the application indicates that the surface water is to be disposed of to an existing watercourse and would like it noted that if the watercourse in question is the adjacent Board maintained asset, and the applicant already has an existing connection to it, then the Board would not have any concerns with regard to the continued use of the watercourse provided the proposed development is simply resulting in a reduced volume of discharge. The Board has no objection to the principal of the application but would wish to see more details on the disposal of the surface water. The Board recommends that any planning permission granted includes conditions requiring drainage works to be agreed prior to the commencement of development. The Board is not clear what is proposed with regards to foul sewage and would request further details in this regard. If the applicant proposes to use a package treatment plant, the Board would wish it to be noted that if it is the applicant's intention to dispose of treated foul flows into a Board maintained watercourse, or any ordinary watercourse in the Board's district, it is unlikely that the Board would consent to this as a stand-alone flow. If soakaways are feasible then the Board would suggest that the applicant looks at a drainage field for the disposal of the treated effluent. If, however, infiltration methods are not feasible then the Board may be prepared to accept the treated foul flow but only if the combined rate of discharge does not exceed the calculable rate for the surface water flow.
- 5.45 Subject to the aforementioned conditions, it is considered the proposed development is acceptable in terms of flood risk and drainage.

Nature Conservation and Protected Species

- 5.46 The application site itself is not a protected site for nature conservation, however it is known to support protected species. Furthermore, to the south of the application site is a Site of Importance for Nature Conservation, to the north of the River Wharfe.
- 5.47 The application has been supported by various ecological reports relating to Bats and Great Crested Newts (dated between 2016 and 2021).
- 5.48 Natural England have been consulted on the application and have advised that they have no objections to the proposals. However they have advised that they have not assessed the application and associated documents for impacts on protected species and their standing advice should be followed in this respect.
- 5.49 North Yorkshire County Council Ecology have been consulted on the application. In relation to bats, North Yorkshire County Council Ecology have noted that bat surveys have been undertaken at the hall and garage since 2017, showing the presence of a maternity colony of Brown Long-eared Bats in the loft space of the hall and a number of non-breeding roosts in the hall and garage occupied by this

species and Common Pipistrelle. North Yorkshire County Council Ecology understand that a bespoke bat loft has already been installed in the roof space of the garage and improvements to this are proposed as additional mitigation. Evidence that the bat loft is being used suggests that it is providing effective mitigation. Subject to the additional mitigation proposed, North Yorkshire County Council Ecology consider the site should continue to support a viable population of Brown Long-eared Bats, ensuring that the proposed works meet the test set out in Regulation 55(9)(b) of the Conservation of Habitats and Species Regulations 2017 that, *"that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*. However, North Yorkshire County Council Ecology has recommended that the Local Planning Authority may wish to consult North Yorkshire Bat Group as they can often provide useful comments on the practicalities of mitigation measures. Having done so, North Yorkshire Bat Group have advised that they have no comments to make. North Yorkshire County Council Ecology have recommended that a condition should be attached to any planning permission granted requiring adherence to the recommendations set out in section 4 of the latest bat survey report – ‘Nun Appleton Hall - Update Bat Surveys’, prepared by Quants Environmental dated October 2020. In relation to great crested newts, North Yorkshire County Council Ecology have noted that a Great Crested Newt (GCN) survey of the nearby water body known as the Fish Pond was undertaken in 2020, when no GCNs were found, although the species had previously been detected here. In these circumstances and given the nature and location of the proposed works, North Yorkshire County Council Ecology have advised that they would expect reasonable avoidance measures to suffice to minimise risks of harm to this species. The GCN survey report has subsequently been updated to set out what mitigation measures are proposed. North Yorkshire County Council Ecology have recommended that a condition should be attached to any planning permission granted requiring adherence to the Method Statement contained in section 5 of the Great Crested Newt Method Statement (Quants Environmental, March 2021).

- 5.50 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect of nature conservation and protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

Other Issues

- 5.51 The application site is located a significant distance from any neighboring residential properties and given the nature and extent of the proposed works and the separation distances to neighbouring residential properties, it is not considered that the proposed works would have any significant adverse impact on the residential amenities of any neighbouring residential properties.
- 5.52 The application site is currently accessed from a private drive from Appleton Roebuck and this situation will not change as a result of the proposed works. Furthermore, parking, turning and maneuvering areas will be retained to serve the single dwelling. North Yorkshire County Council Highways have been consulted on the proposals and have not raised any objections to the proposed works in respect of highway safety.

6 CONCLUSION

- 6.1 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 would lead to less than substantial harm to the significance of a designated heritage asset, namely the Grade II listed Nun Appleton Hall. When the harm is weighed against the public benefits of the scheme, it is considered that there are clear public benefits of the proposal which would outweigh the harm identified in this instance. This is having had regard to Policies SP18 and SP19 of the Core Strategy, Policies ENV1, ENV16 and ENV24 of the Selby District Local Plan, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and national policy contained within the NPPF.
- 6.2 Furthermore, it is considered that the proposed development is acceptable in principle and in respect of its impact on archaeology, flood risk and drainage, nature conservation and protected species, residential amenity and highway safety. This is having had regard to Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy, Policies ENV1, ENV9, ENV28, T1 and T2 of the Selby District Local Plan, the 1981 Wildlife and Countryside Act, the Conservation of Habitats and Species Regulations 2017 and national planning policy contained within the NPPF.

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/documents listed below:

- 00-01 – Location Plan
- 00-02 - Block Plan
- 00-03 - Existing Site Plan
- 00-04 - Existing Cellar and Ground Floor Plans
- 00-05 – Existing First and Second Floor Plans
- 00-06 - Existing Roof Plans
- 00-07 - Existing North and South Elevations
- 00-08 – Existing East and West Elevations
- 00-09 – Existing Section DD
- 00-10 – Existing Section CC
- 00-11 – Existing Section AA and BB
- 00-12 – Proposed Site Plan
- 00-13 – Proposed Cellar and Ground Floor Plans
- 00-14 – Proposed First and Second Floor Plans
- 00-15 – Proposed Roof Plans
- 00-16 – Proposed North and South Elevations
- 00-17 – Proposed East and West Elevations
- 00-18 – Proposed Section CC

00-19 – Proposed Section DD
00-20 – Proposed Section AA and BB
00-21 – Cellar and Ground Floor Demolitions
00-22 – First and Second Floor Demolitions
00-23 – East and West Elevations Demolitions
00-28 – South Elevations Repair Works
00-29 – North Elevations Repair Works
00-30 – East Elevations Repair Works
00-31 – West Elevations Repair Works
20-08 – Lead Flat and Balustrade Details
30-03 – Sash and Case Window Details
30-04 – New Dormer Window Details
External Window and Door Condition Survey – March 2020

Reason:

For the avoidance of doubt.

03. The development hereby permitted shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 01 February 2016.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

04. Prior to the commencement of the development hereby permitted, a Scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Internal Drainage Board. 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:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- For the redevelopment of a brownfield site, the applicant 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 over land 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.

Reason:

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

05. Prior to the commencement of the development hereby permitted, a Scheme for the provision of foul water drainage works shall be submitted to and approved in writing by the Local Planning Authority. Any such Scheme shall be implemented to the

reasonable satisfaction of the Local Planning Authority before the development is brought into use.

Reason:

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

06. The development hereby permitted shall be carried out in strict accordance with the recommendations set out in Section 4 of the 'Updated Bat Surveys' dated October 2020 by Quants Environmental.

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, Policy SP18 of the Selby District Core Strategy Local Plan, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

07. The development hereby permitted shall be carried out in strict accordance with the Method Statement contained in Section 5 of the 'Great Crested Newt Method Statement' dated March 2021 by Quants Environmental.

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, Policy SP18 of the Selby District Core Strategy Local Plan, national planning policy contained within the NPPF, the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2017.

08. Prior to the commencement of the development hereby permitted, an Employment and Skills Framework, detailing arrangements to promote local employment and skills development opportunities related to the development (including provision for ten apprentices per year from local colleges in conservation related trades) shall be submitted to and approved in writing by the Local Planning Authority. The approved Employment and Skills Framework Statement must be implemented and maintained for the duration of the development works.

Reason:

In order to secure a public benefit of the scheme, which has been accounted for in weighing the harm to the significance of a designated heritage asset against the public benefits of the scheme in accordance with paragraph 196 of the NPPF.

8 Legal Issues

8.1 Planning Acts

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

8.2 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.

8.3 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.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2016/0089/FUL and associated documents.

Contact Officer: Jenny Tyreman (Assistant Principal Planning Officer)

Appendices: None