

**Officer Update Note
12th May 2021**

Item 4.1

APPLICATION NUMBER:	2016/0089/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	C/O Agent	VALID DATE: EXPIRY DATE:	11th April 2016 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:	MINDED TO GRANT		

Amendments/clarifications to report

- Paragraph 5.23 – delete the words “(replacing an earlier hall built by his father William)” from the first bullet point.
- Paragraph 5.23 – add the words “may have” before the word “spent” in the fifth bullet point.
- Paragraph 5.29 – It is proposed to return the first floor on the north side to an eighteenth-century layout, not nineteenth-century layout as stated.
- Paragraph 5.36 and 5.37 – Reference is made to a commitment for 10 apprentices per year from local colleges. To clarify, there would not be 10 new apprentices every year because that would mean having 30 apprentices on site by Year 3 which would not be manageable. There will be 10 apprentices enrolled at local colleges any one time throughout the course of the proposed development. If apprentices leave the scheme for any reason throughout the year, they cannot be replaced until the following September when the applicant would seek to fill any outstanding places that would “top up” the total to 10. This is the basis on which the application has been assessed.

Conditions

- Condition 04 to be amended to read:

Prior to the relevant works, and if any changes are required to surface drainage, 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.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding, having had regard to the NPPF and NPPG.

- Having regard to the clarification on paragraphs 5.36 and 5.37 above, it is recommended that the wording of Condition 08 is amended as follows:

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 the objective of employment and training of ten apprentices enrolled at local colleges in conservation related trades at any time over the course of the proposed development) 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.

- Condition to be added as follows:

Prior to commencement of any excavation works (excluding those permitted under CO/1985/1136) a Written Scheme of Investigation in response to the ground-disturbing and opening up works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions; and:

- *The programme and methodology of site investigation and recording;*
- *The programme for post investigation assessment;*
- *Provision to be made for analysis of the site investigation and recording;*
- *Provision to be made for publication and dissemination of the analysis and records of the site investigation;*
- *Provision to be made for archive deposition of the analysis and records of the site investigation;*
- *Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.*

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason:

In accordance with Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.

- Condition to be added as follows:

Any works required to facilitate the implementation of the development hereby permitted shall be managed to ensure the significance of the Registered Park and Garden is preserved, and any remedial works associated the works shall be made good on a like for like basis following the completion of the development hereby permitted.

Reason:

In order to safeguard the appearance, setting, character and amenity of the historic park and garden, in accordance with Policy ENV16 of the Selby District Local Plan.

- Condition to be added as follows:

Prior to occupation of the development hereby permitted, a comprehensive landscaping scheme for the area within the boundary of the application site shall be submitted to and approved in writing by the Local Planning Authority. For clarity, that area relates only to the terrace to the south of the hall, service yard and north forecourt. The scheme shall include details of the surface materials and as required, making good of the landscape treatment. If any planting is required, the type, species, siting, planting of any trees, hedges and shrubs will be detailed. The approved planting scheme (if required) shall then be carried out during the first planting season after the development is substantially completed and the areas which are landscaped shall be retained as landscaped areas thereafter. Any trees, hedges or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced by trees, hedges or shrubs of similar size and species to those originally required to be planted. The landscaping scheme shall be prepared by a suitably a qualified landscape architect.

Reason:

In order to safeguard the appearance, setting, character and amenity of the historic park and garden, in accordance with Policy ENV16 of the Selby District Local Plan.

Recommendation

The recommendation in Section 7 of the report shall be updated to amend conditions 04 and 08 as per the above wording; and to include the three additional conditions listed above. The recommendation in Section 7 of the report shall be updated to be MINDED TO GRANT subject to referral of the application to the Secretary of State and their confirmation that the application is not to be called in for their consideration, having regard to the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021' as the works are not excluded works and the local planning authority has received an objection in relation to the application notified by them under paragraph 4 of the direction.

Item 4.2

APPLICATION NUMBER:	2016/0094/LBC	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	C/O Agent	VALID DATE: EXPIRY DATE:	2nd March 2016 14th May 2021
PROPOSAL:	Listed building consent for 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:	MINDED TO GRANT		

Amendments/clarifications to report

- Paragraph 5.19 – delete the words “(replacing an earlier hall built by his father William)” from the first bullet point.
- Paragraph 5.19 – add the words “may have” before the word “spent” in the fifth bullet point.
- Paragraph 5.25 – It is proposed to return the first floor on the north side to an eighteenth-century layout, not nineteenth-century layout as stated.
- Paragraph 5.32 and 5.33 – Reference is made to a commitment for 10 apprentices per year from local colleges. To clarify, there would not be 10 new apprentices every year because that would mean having 30 apprentices on site by Year 3 which would not be manageable. There will be 10 apprentices enrolled at local colleges any one time throughout the course of the proposed development. If apprentices leave the scheme for any reason throughout the year, they cannot be replaced until the following September when the applicant would seek to fill any outstanding places that would “top up” the total to 10. This is the basis on which the application has been assessed.

Conditions

- Condition 02 to be deleted. On reflection, is not considered to meet the tests for conditions set out in paragraph 55 of the NPPF.
- Condition 05 to be deleted. An amended version of this condition is recommended to be attached to the planning permission instead – reference 2016/0089/FUL.
- There is a typo in Condition 06, which should read (amendment underlined):

“Prior to the commencement of demolition work relating to the second floor/roof structure/stair tower/service wing, a Structural Engineers Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall set out the means of securing the structural integrity of the building whilst demolition works take place; details of any consequential works required to secure structural integrity that may arise during the course of the works; details of the works involved with construction of the new second floor/roof structure; and details of the works involved with the rebuilding of the west elevation (with supporting scale drawings where necessary).

Reason:

To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- Condition 07 to be amended to read (amendment underlined):

“Prior to commencement of the relevant part of the works in respect of roof extension and the rebuilding of the west elevation, a sample panel, not less than 1 metre square, for the new brickwork and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in strict accordance with the approved details.

Reason:

To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- Condition 17 to be deleted. An amended version of this condition is recommended to be attached to the planning permission instead – reference 2016/0089/FUL.
- Condition 18 to be deleted. An amended version of this condition is recommended to be attached to the planning permission instead – reference 2016/0089/FUL.
- Condition 19 to be deleted. On reflection, is not considered to meet the tests for conditions set out in paragraph 55 of the NPPF.

Recommendation

The recommendation in Section 7 of the report shall be updated to amend conditions 06 and 07 as per the above wording; and to remove conditions 02, 05, 17, 18 and 19. The recommendation in Section 7 of the report shall be updated to be MINDED TO GRANT subject to referral of the application to the Secretary of State and their confirmation that the application is not to be called in for their consideration, having regard to the ‘Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021’ as the works are not excluded works and the local planning authority has received an objection in relation to the application notified by them under paragraph 4 of the direction.

Item 4.3

APPLICATION NUMBER:	2021/0129/S73	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr and Mrs Watson	VALID DATE: EXPIRY DATE:	2nd February 2021 30th March 2021 (EoT 14 th May 2021)
PROPOSAL:	Section 73 to vary/remove condition 02 (approved plans) of planning permission reference number 2019/0578/FUL proposed conversion of ancillary building to dwelling granted on 5 March 2020		
LOCATION:	Willow Barn, Sweeming Lane, Little Fenton, Leeds, North Yorkshire, LS25 6HF		
RECOMMENDATION:	APPROVAL		

Report Clarification Points

Section 5.13 Sentence “*if the scheme had been considered still to be a conversion, which is clearly not accepted*” to be deleted as this was based on the initial plans which were updated by Rev E.

Scheme Design Members are advised

- a) that there are no skylight windows within the roof slopes to serve the mezzanine floor, the addition of any to the roof would be controlled via the proposed PD Removal Condition
- b) not all windows on the northern elevation are shown to be obscured glazed, a bedroom window would be standard glazing.

Proposed Conditions

Condition 1 - Location Plan

There has been a change to the extent of ownership since the original consent was issued, as such there has been a consequential change to the “blue line” on the Location Plan. There has been no change in the red line plan. A revised Location Plan has been provided by and as such Condition 1 is proposed to read as follows:-

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

- Location Plan (**Drawing Reference 2781/01/03C received 11th May 2021**)
- Existing Block Plan (Drawing Reference 2781/01/02B) as submitted under Application 2019/0578/FUL
- Existing Floor Plan and Elevation (Drawing Reference 2781/01/01) as submitted under Application 2019/0578/FUL
- Existing Layout Plan (Drawing Reference 2781/01/02A) as submitted under Application 2019/0578/FUL
- Proposed Plans and Elevations (Ref 2781-02-01E)

Reason: For the avoidance of doubt.

Condition 8 – Obscure Glazing

Should be amended to read as follows:-

The development hereby permitted shall not be occupied until all windows on the rear ground floor northern elevation (**with the exception of the bedroom window**) have been fitted with obscure glazing. The obscure glazing shall be to a minimum of Level 5 obscurity. These shall thereafter be retained for the lifetime of the development.

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

Informative 1 – NPPF

As the agent submitted revisions to the drawings during the life of the application then this Informative should be as follows, not as stated in the Officers Report:-

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.

Informative 2 – Highways

Should read as follows, so changing 5 to 4 in referencing the Condition on highways:

You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to **in Condition 4**.

Additional Comments from Third Parties

Further comments have been received on the application since the publication of the Officers Report, which were circulated to all Members of the Planning Committee on the 11th May 2021 following a request by the Objector, these comment are summarised below and the Officers response is also set out:

Objectors Comments	Officers Response
<p>Section 5.4 your officers report makes reference to material considerations that made the application as a conversion acceptable in the original planning application <i>“In considering the original application under reference 2019/0578/FUL, then the scheme was supported by the Local Planning Authority on the basis that although it was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) it was considered that there were material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable”</i>. The material considerations mentioned in this statement have now been removed with this retrospective S73 application to discharge just one consent of the original proposal, namely the drawings and form of construction.</p>	<p>Noted, Officers have clearly set out in the Report the scope of what can be considered under a S73 submission. The comments made do not alter the position of Officers.</p>
<p>Sustainably developed – previously the barn was to be converted internally only, using an internal bespoke cladding system to retain the external features of the Barn. <u>How is therefore the proposed form of construction in this current proposal considered sustainable?</u></p>	<p>The works are considered to be reuse of the building and therefore are considered acceptable.</p>
<p>No new window openings – The original application used the original openings in the barn, however the current drawings wish to block up some of the original openings, but install several new windows and a door. The applicant acknowledged in their original design statement that new windows on the northern elevation would compromise privacy (their own document !), and in this submission they wish to block up some existing openings to protect their own Privacy, but install other new windows that compromise our privacy. Further in your own original officers report in section 5.16 it states, “it is important to keep the character and form of the existing structure and a series of new openings can often change its character”. Again in 5.21 of your original officers report it makes reference to the importance of not overshadowing or oppression between existing and proposed dwelling. <u>How is it therefore considered by the officer that this material consideration has not significantly changed?</u></p>	<p>It is accepted in the report that changes are being made to the windows as part of the Plans submitted under S73, the impact on privacy has been assessed and it is not considered that these changes impact on amenity / privacy and a refusal on this basis would not be justified.</p>

<p>Retaining the existing external materials – The original form of construction was that the original Portal frame, clad in steel sheeting and was to be 100% retained. Further all conversion works to make the property habitable where to be done internally using a bespoke insulation system. The current S73 application changes this form of construction and none of the existing materials are being retained. <u>How does the current proposal meet this key material consideration, when the building will be 100% new materials on the outside if constructed in the currently proposed way ?</u></p>	<p>The scheme is considered to result in a form of development consistent with that consented, so the resultant form of development is acceptable.</p>
<p>Highway Safety – This was not a consideration in original application, as the applicant proposed to use the existing shared driveway, therefore there was no requirement to consider the Highway requirements. The applicant has illegally constructed a new access road, never considered under the original application, and the applicant was having to apply for a retrospective planning application for this access road to join the highway. Further PD rights are specifically removed, yet this builder has ignored this and constructed this new access that they are also currently using to access the site. This S73 does not cover this access road, however now that you are aware of them requiring a new access, then this now must become a material consideration, as strangely your officers report is now incorporating a Highways constraint in their conditions for this S73 application. <u>How has this highway safety matter been determined in this S73 application?</u></p>	<p>The S73 can only consider changes within the red line of the original consent. The Officers Report is clear in explaining this and advises that there is a separate retrospective application with the Authority relating to this unauthorised access.</p>
<p>All of the original considerations have now been removed from the proposals, and a further one (highways) been overlooked, <u>therefore how has your officer determined that these original considerations have been carried forward this application?</u></p>	<p>All matters have been assessed and as noted above the access is not changed via this S73 submission.</p>
<p>Please see two photographs (and previously supplied to your enforcement team), that show that your report is incorrect, and that the applicant has built outside of the Fabric of the original barn. This demonstrates that this fails one of the key tests of a barn conversion.</p>	<p>The applicants have rectified on site.</p>
<p>In Section 5.6 reference is made to the H12 requirements that form the basis of determining if a Barn could be converted. Comments made by the Objector on the following sections:-</p>	<p>Members should note that the extension of the building was always accepted as part of the scheme.</p> <p>As noted in the Officers Reports it is considered that the revisions that will</p>

H12 (2) states “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”

There will be no existing fabric of the building remaining, once rebuilt in blockwork, and outside of the footprint of the original barn, and re-roofed with new materials, there will be 0% of the existing anticultural features of the existing building remaining. How does the officer consider how this requirement has now been met ?

H12(3) The building is structurally sound and capable of re-use without substantial rebuilding

The key word here is “Substantial” the current proposal is a 100% rebuilding of the external structure of the barn requiring new walls, new insulation, new windows, new roof, new footings (see evidence supplied by applicant on Building Inspectors requirements). If new footings are required, then how can existing building be structurally sound. In your original report you state that a structural report has not been provided (one is still not provided), therefore how have you satisfied yourselves that the existing structure is structurally sound to support these proposals?

The only statement made on structural integrity is by the Architect in the original design statement, and thus based upon the original proposals of re-using the portal frame and clad internally with a lightweight insulated system. Given these facts, what are the officer determinations that conclude that the current proposals of entirely new materials and a different form of construction, are not “substantial rebuilding” ?

H12(4) 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.

This building is extended on the eastern elevation, in addition the building is being 100% rebuilt and needs a different form of construction support the now proposed mezzanine floor, otherwise how would the mezzanine be supported, as the Portal Frame in the original proposal was not structurally surveyed for this Mezzanine floor. The existing portal frame building will now be encapsulated in blockwork (see photos of work to eastern gable end). In addition, other elevations of the building have also encapsulated the existing portal frame, as new footings have been installed at the direction of the building inspector. How has the officer determined that the current works are generally taking place within the fabric of the building, and do not require extensive alterations or rebuilding?

result from the S73 submission are acceptable as the eventual building will be largely as consented and will reflect that which was shown on the initial scheme granted with changes being acceptable.

It is considered that the scheme accords with H12 of the Local Plan and on balance the scheme can be considered to accord with Policy H12 of the Local Plan and is acceptable as a change to the original consent under S73.

H12 (5) 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;

The key words in this requirement are “The Conversion of the building” however as indicated above, there is no conversion now taking place, and the S73 proposals are new form of construction, new roof, new external cladding, new windows openings. How has the officer determined the current proposals against this H12 requirement?

Section 5.3 – The statement included “**However, the applicants have now removed the external blockwork outer leaf and reinstated the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme on top of the lower sections that were never removed.**” This is factually incorrect. The applicant has removed a limited amount of the outer skin erected without consent, however much remains. The northern elevation has had its external skin removed, however the inner skin that remains does not reflect the original state of the building. From photographs supplied previously (and can be supplied again if required), the recently erected inner skin with the window openings remain. If the building works had been re-instated to that which existed prior to the works taking place, then in this location, there would be a solid breeze block wall to a height of 1.8m (from original planning application), and the original steel cladding would be in place. Further, the eastern extension has continued to be built during the first quarter of 2021, resulting in a new eastern gable end being constructed, and outside of the original fabric of the building and encapsulating the portal frame, as can be seen from the attached photographs. How has the officer satisfied themselves, that what is written in the officers report is factually correct. Has the officer visited the site to validate their statements, or have they received a “unvalidated” report from the applicants to allow this statement to be made?

Section 5.7 – “**These are all shown on the submitted drawings as being obscured glazed in response to comments from the neighbour**”. This statement is factually incorrect, as one of the windows is shown as “clear glazing”. Please can the officer confirm what is shown on the current drawing.

The applicants have stopped work on site pending determination of this application and have advised that works have been done to remove walls incorrectly constructed and that they have reinstated walls previously removed, this has been verified by Officers on site.

As noted above all but one window on this elevation are shown to be obscured glazed and it is not considered to be reasonable to require this to be so. A condition has been set out above on this matter.

<p>Section 5.8 – The key item here is the removal of PD rights in the original application, <i>“in the interests of amenity of adjacent occupiers the consent did r remove permitted development rights for any further outbuildings, extensions and new windows other than those shown on the submitted drawings.”</i> The internal amenities that now require openings, are largely unchanged from the previous plans, on the original application internally along the norther elevation there were 1 WC, 1 En Suite, 1 Bedroom, 1 Lounge. The current proposal removes the lounge, but adds an additional En Suite, and a Utility. Therefore if the original plans did not require windows into Lounges, WC’s, Bedrooms, En Suites. <u>Why does the officer now consider that there has been Amenity changes that now requires 4 new windows and 1 new door opening, when this would be against H12 requirements?</u></p>	<p>The removal of permitted development rights does not mean that windows could not be added to an elevation, it simply means that our agreement would be required as rights were removed via the condition. Officers have assessed the windows shown on the S73 plans and they are considered acceptable.</p>
<p>Section 5.10 – Check the drawings please, the windows are not all shown as obscured glass. What weighting has the officer given to the original statements provided by the applicant, relating to privacy, in the applicant own design statement document. “9.5 The proposed conversion will have no windows or doors in the side elevations which will enhance privacy between the dwellings.” Notwithstanding, the applicant is claiming that the current opening in the Bedroom 2 (that was Bedroom 1) needs to be blocked up due to privacy issues from the shared driveway, but then locates the new window of clear glazing directly opposite our master bedroom window. <u>Please can the officer provide their rational for this statement “would not result in a significant adverse impact on residential amenity so as to warrant refusal”</u></p>	<p>As noted above all but one window is shown to be obscured glazed and it is not considered to be reasonable to require this to be so. The impact of the additional windows on the northern elevation is assessed in the Report and it is not considered this impact significantly on amenity to warrant refusal of the application or seek the removal of the windows given the relationship between the properties and the intervening boundary treatments.</p>
<p>Section 5.13, your own report states that <i>“... if the scheme had been is considered still to be a conversion, which is clearly not accepted”</i>. In the officers own words they are stating that this conversion isn’t acceptable, <u>therefore why is this not been reflected in the officers recommendation?</u></p>	<p>As already noted above Members are advised that this is not the position of Officers, it is considered that the scheme is still a conversion.</p>
<p>Section 5.18 makes this statement <i>“There are no external changes required to facilitate this element and the roof windows that will provide light for this area were shown on the original consent”</i>. And 5.19 makes this statement <i>“to maximise light from the rooflights, which were part of the initial consent”</i>. Please can the officer clarify using extracts and drawings and design</p>	<p>As already noted above Members are advised that there are no skylights shown on the submitted plans to serve the mezzanine floor, this does not mean that the introduction of such a floor is unacceptable in planning terms and does not change the Officers recommendation.</p>

<p>statements from the original planning application that makes any reference to existing skylights, as I cannot find these. Also the current proposals do not make any reference to existing or proposed skylights. The roof on our side is solid metal roofing, as on the other side. The other side has solar / water heating panels. These can be seen on photographs supplied by the applicant themselves. <u>Therefore again specifically on this S73 application, where are these skylights proposed ? These skylights are therefore a key material consideration to considering the inclusion of a Mezzanine floor, so without them, what how would this change the officers recommendation, and if it does not change the officers recommendation, please provide the rational.</u></p>	
<p>Section 5.19 – the existing barn structure would simply not support the inclusion of a mezzanine floor; therefore they have to change the form of construction to support this new floor. Using the original form of construction, internally clad with insulation would not give the building structural strength to support a new floor. <u>Therefore, what consideration has been given by the Officer to the changing requirement, by way of an implied requirement, to change the form of construction to now support the construction of the mezzanine floor?</u></p>	<p>The provision of a mezzanine floor within the building is an internal change that could have been made once the building was converted without the need for planning permission. Making such a change under the S73 is acceptable if the impacts of such a change do not warrant refusal, which they do not in this case.</p>
<p>Condition 4 - Where within this S73 application or any previous planning application for this development is there any provision for making changes to the highway / access road that is being given permission in condition 4 of this S73 application. Suggesting that this illegally created access could be used if <i>“The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details”</i>. Please can the officer therefore provide a detailed clarification to myself and the planning committee on the previous application, this application, the retrospective application that has been withdrawn that grants permission for this access road that your officer is alluding to. This condition appears to be granting consent for something that isn't included in this S73, nor has yet to be applied for, let alone granted. <u>Please can the officer provide clarity as to why this has been added to the conditions of this S73?</u></p>	<p>The approach to the access is not being changed through the S73, and the use of an alternative access is being considered under a different application. There is a need for the condition to be used as this is the access to the site until such time as an alternative is consented.</p>
<p>Photographs show that they have not demolished the walls built, as the wall with windows in did not exist prior to work commencing, as such if they had</p>	<p>It is acknowledged by Officers and the applicants that works have been undertaken on site, but the resultant</p>

demolished this wall, there would be nothing to see, as the original structure at that height was just steel cladding.

development is considered acceptable.