



Report Reference Number: 2021/0129/S73

To: Planning Committee
Date: 30th June 2021
Author: Yvonne Naylor (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

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
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		

The application has been brought to Committee as a result of a call-in request from Cllr Richard Musgrave and the proposals are contrary to Policy H12 of the Local Plan.

This application was previously considered by Committee on the 12th May 2021 and was deferred for a Site Visit by Members.

In addition, since the consideration of the application further information has been received from the Applicants in support of the scheme by way of Drawing 2781-02-04A which sets out the works done on site and those aspects that will be removed and an Updated Construction Progress Statement (dated 28th May 2021) alongside a letter dated the 1st June 2021. Upon receipt of this information a re-consultation was undertaken with third parties who supported or objected to the application previously and with the Parish Council. The report has been updated accordingly and to consider aspects addressed in the Officer Update note from the meeting on 12th May 2021.

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. The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.
- 1.2 At the time of the granting of the original consent on the site under Application 2019/0578/FUL the site contained a mainly block built single storey building with a profile sheet steel roof. The eastern part of this was constructed of a block and steel portal frame which at that time accommodated a store area and there was an open fronted timber walled store both of which have a profile roof. At this stage, the land to the east of the existing ancillary building was occupied by a range of other structures including a polytunnel and sheds as well as grassed areas. This area was currently defined by a fence / metal gate and was shown to the garden area to the new dwelling. At this stage there was also an existing access which served the subject building and also "The Courtyard", as such the access from Sweeming Lane was shown to be the vehicle access to serve the dwelling via the existing gravel driveway. The land to the south of the access driveway is not within the application site.
- 1.3 Works have commenced on site in terms of the works to the host building, and there has been further construction works undertaken within the eastern part of the site in terms of garaging and a new access has also been created from Sweeming Lane.
- 1.4 Since the initial consent was issued a new 2 metre fence erected to the north of the building that is to be constructed to define the boundary to land now owned by the occupiers of The Courtyard and Willow Barn. This is considered to be permitted development given its location and height.

The Proposal

- 1.5 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 5th March 2020.
- 1.6 The site is shown on **Plan 2781/01/03E** with access from Sweeming Lane, parking is to be to the front of the dwelling and garden area to the east. The plan has been updated from that submitted initially and that provided prior to the last Committee to account for the sale of The Courtyard, thus removing some of the land previously within the blue line. The red line is consistent with the consent issued under 2019/0578/FUL and referenced on the Decision Notice and all of the land in the red line is in the control of the applicants with rights of access being in place for the new occupiers/owners of The Courtyard.
- 1.7 The elevational changes under this S73 submission (as shown on **Plan 2781-02-01E** scale 1:100 at A2) can be summarised as follows:-

- Front / Southern Elevation – change in the ground levels for the single storey element but height retained to match consent issued under 2019/0578/FUL.
- Side / Eastern Elevation – windows changed to utilise a three-pane window and double doors rather than a five-pane glazed door.
- Side / Western Elevation – door and small window removed and elevation now showing as blank.
- Rear / Northern Elevation - addition of 3 small windows, 1 larger window and a door. The 3 small windows are to be obscured glazed, but the larger window will be standard glazing.

The ground levels are also shown as consistent throughout the building on the revised plans.

1.8 Further internal changes have also been shown on the revised **Plan Ref 2781-02-01E** to the internal layout as follows:

- Reorganisation of internal floor plan to reorientate and create open plan layout with lounge area facing towards south rather to the east and to reorganise internal rooms;
- Addition of staircase accessed mezzanine floor; and
- Creation of a single floor level within the building.

1.9 The external finish is confirmed as being mix of timber cladding and steel cladding for the walls and a profiled steel cladded roof. The wall cladding would be timber cladding for the lower section of the main building and the single-story element on the eastern side of the building and the steel cladding on the upper section.

1.10 The updated “Construction Progress Statement” (dated 28th May 2021) updates the previous submissions in terms of the works that have been undertaken on site and is cross referenced with **Drawing 2781-02-04A**. The report outlines that works that were undertaken prior to the submission of the S73 Application (i.e. as of the 12th January 2021) as being as follows:

Demolitions and removals:-

- All external cladding (timber and profiled steel sheets)
- The majority of the main building’s eastern lower level blockwork gable wall between the main building and the existing eastern extension.

The following elements of the existing building were observed to be retained:-

- All of the concrete slab foundation
- All of the steel portal frame including steel bracing and gable posts.
- Timber edge beam
- All roof cladding
- Most lower level concrete blockwork
- The existing steel roller shutter door and runners

The following new construction was observed:

- Blockwork outer leaf
- Additional blockwork on top of existing lower level blockwork
- Insulation sandwiched between new outer leaf and retained inner leaf.

- Demolition of the timber framed extension had been demolished and had been partly rebuilt using blockwork cavity wall construction.

- 1.11 The Report then goes on to outline that since the preparation of the initial report in January 2021 the applicant has demolished the unauthorised external block skin from the northern and southern elevations. The unauthorised blockwork skin on the western elevation will be demolished when work commences. The Agent has confirmed that this blockwork has not been demolished to date as it will require temporary closure of the access which serves 'The Courtyard' and access cannot be impeded without agreement which would be sought should the S73 be granted. The updated Report also confirms that the high level blockwork outer-skin which sits over the kitchen and bedroom at the eastern end of the main portal framed building is proposed to be retained" by the S73 application.
- 1.12 The submission also includes a drawing showing how works were proposed under 20198/0578/FUL, i.e., the use of an internal skin within the wholly retained structure to that now proposed which is a new external skin on the side elevations, and an internal skin which will be part retained structure and part new structure. In addition, on the 23rd March 2021 the Agent provided a photo showing how the roof structure would be constructed to the beam on the wall.
- 1.13 The Construction Report includes a series of photographs of the site as of 13th May 2021, so the day after the Committees last consideration of the application and to justify why the applicant undertook the works to add the outer skin which have been supported on other schemes in the District, notwithstanding the fact that the approach they confirmed to be construction approach at the application stage. However, it is accepted in the Report that "The applicant understands and acknowledges his error in changing the method of construction without seeking permission. He will remove the external skin from the western elevation and has already removed the skin from the north and south elevations."
- 1.14 The Applicant also seeks to respond to the comments of objectors within the Construction Report.
- 1.15 The submission also includes a drawing showing how works were proposed under 20198/0578/FUL, i.e., the use of an internal skin within the wholly retained structure to that now proposed which is a new external skin on the side elevations, and an internal skin which will be part retained structure and part new structure. In addition, on the 23rd March 2021 the Agent provided a photo showing how the roof structure would be constructed to the beam on the wall.
- 1.16 The **Applicants Cover letter dated 1st June 2021**, also outlines the reason for the changes as being as follows in terms of layout and construction methodology changes, taking these in turn the explanation outlined by the Applicants is summarised as follows:-

Layout

- The proposed layout changes came about as a result of a design review when considering how to accommodate a single consistent floor level throughout the building. The original approved design had a 600mm difference in level between the eastern 'extension' and the main building. The flood risk assessment mitigation measures (condition 7 of consent ref 2019/0578/FUL) gave a minimum floor level above OSD which the extension was below. This was not

noticed at the time the FRA was prepared and the engineer preparing the report did not point out that he had made this mitigation offer despite having a design drawing which clearly showed a step in the floor level. The difference in level had been accommodated by having an open plan living room / kitchen with the steps dividing the space. With all the building on the same level we were able to locate a bedroom in the eastern extension with an en-suite within the main building. The original difference in level prevented this on the approved design.

- The relocation of this bedroom and shuffling around the original rooms allowed us to utilise a large open plan living space in the main building facing south
- The reorganisation of windows onto the northern elevation was a result of this design change. Utility and bathroom windows with a single bedroom window facing a boundary which is approximately 14m away was not expected to provoke the objections which were subsequently made. This bedroom had its approved window looking directly onto the drive and its relocation to the rear will improve the amenity of this room. This window will be shielded by existing mature vegetation. So far as the Applicant can tell the neighbouring first floor southern elevation is slightly over 20m from the nearest corner of the barn. Whilst Selby do not have a specific design guide it is generally accepted that 21m is a minimum distance between lounge windows. Some authorities allow bedroom windows as close as 15m apart. The space between the barn and the neighbours property has always been and remains a private garden to 'The Courtyard'. It is the proximity of the neighbouring property to the boundary which reduces the privacy of this private garden.
- The applicant has erected a 2m boundary fence in front of this proposed window so it is not considered that this window will cause any loss of amenity to the neighbour.
- None of these changes affect the size of the building.

Construction Changes

A) Blockwork lining in place of light-weight lining.

- This application now seeks permission to build a new block skin inside the building in place of the light-weight lining system approved in 2019/0578/FUL.
- This change is being made partially as a result of the layout change where it is considered a block wall extending right up to the roof in the open plan living space will be more stable but also because it is a method of construction preferred by the applicant who is constructing the work himself. In any event this internal form of construction reduces the living space as it occupies a greater area of the existing floor than the light-weight lining system.
- It will also have no bearing on the appearance of the outside of the building.

B) The existing cladding panels

- Certain panels had to be removed on the southern elevation to accommodate the approved windows. When these panels were removed the screws holding them onto the building were found to have corroded and had caused damage to the holes in the panels. This could not be seen until the screw fixings were removed.
- The applicant has retained all the panels on site and although these could physically be refixed, being in excess of 20 years old, they are becoming close to the end of life. It does not make construction sense to refix panels of this age so this application seeks to replace them with new cladding panels.

- Similarly the timber cladding at the bottom of the building was found to have rotted in places. It makes construction sense to replace these while works progress.
- All of this cladding provides a visual finish to the building so renewing it will enhance the visual amenity. These are not structural elements.

C) Roofing panels

- The existing roof comprises the same cladding panels as the external walls. It is presumed there is likely to be a similar deterioration of the screw fixings. Some delamination has been observed at the edges which was concealed by the cutters.
- Retention of these panels is possible but given the expectation of the same problem as the vertical cladding the applicant wishes to replace them with modern insulated panels. This makes construction sense. The new insulated panels will provide an extremely high level of insulation and will vastly improve the visual amenity and reduce the need for replacement in the short-term future.

- 1.17 **Drawing 2781-02-04A**, (received on the 1st June 2021) shows the building in both elevation and cross section. It outlines the works those elements of the building that are as original and are to be retained, those elements that have been replaced on all elevations and those elements that have been constructed unlawfully and are still in situ on site. The elements that are accepted as being unlawful are on the western elevation and where it adjoins the northern elevation and the drawing confirms that these will be removed. This drawing also confirms the approach to the roof cladding / retention, wall cavity construction and external surface treatments.

Relevant Planning History

- 1.18 Consent for the building was granted as an agricultural building under Application Reference CO/1998/0077 (Alt Ref 8/60/5G/PA) on the 12 March 1998 when it was in the curtilage of Isle Farm and Condition 3 noted that the building could only be used for purposes incidental to the enjoyment of the dwelling and not for any commercial purpose.
- 1.19 The original consent for the conversion of the building to a dwelling was considered under Application Number 2019/0578/FUL, with consent being issued subject to conditions following consideration of the application by the Planning Committee on the 5th March 2020. This application was considered by Planning Committee on the basis that the proposal was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it was considered there were material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable. The initial consent was considered to be acceptable on the basis that it was a conversion / re-use of redundant or disused building which was considered acceptable in the countryside. The building was considered to be structurally capable of conversion within the fabric and not to require extensive alteration, rebuilding and / or extension. The side extension was considered to tie in with the main building to be converted and replicated the character and form of the structure that was to be removed. As such, the scheme was considered to result in a proposal that would generally take place within the fabric of the existing building and be acceptable as a conversion with a limited extension.
- 1.20 There is also an application pending with the Council (under Application Number: 2020/1221/FUL) for the erection of an oak framed car port, field access and

domestic drive (retrospective) adjacent and part within the application site. These building and the access are proposed to serve the dwelling known as “Willow Barn” but these will be considered on their merits separate to this application.

2. CONSULTATION AND PUBLICITY

2.1 **NYCC Highways** – Confirmed no objections to the submission.

Yorkshire Water Services Ltd – No response received.

Selby Area Internal Drainage Board - No response received.

Environmental Health – No objections.

Enforcement Team – No response received.

Environment Agency (Liaison Officer) – No response received.

Little Fenton Parish Council – No response received.

Publicity – the application was advertised via a site notice and in the Press (as a Departure) erected on the 26th February 2021. As a result, comments were received from **one** nearby property in objection to the scheme and **ten** submissions of support have also been received from a mix of neighbours and other third parties who do not live within the immediate vicinity of the site.

Objections

Initial comments (26th February 2021) related specifically to the submitted “Construction Progress Report” and the scheme shown within this, which has been subsequently changed by the latest drawing. The comments made at this stage can be summarised as follows:

- The new window and door openings on the northern elevation have been partially concealed in the applicant’s photos even though these are on the drawings – these impact on upper bedrooms of the objector’s property.
- There is no information of what has been built on site and the plans do not reflect the reality – if it was built in accordance with that approved would not object and it is considered that the proposal aims to build outside of the original barns’ footprint with blockwork walls, clad with steel and timber.
- There is no justification given for the alternative and fundamentally different approach to the construction and why the internal cladding approach that was proposed was not used.
- Materials samples should be supplied as part of the S73 application for all walls and the roof.
- Windows on the northern elevation can see directly into the upper floors of the neighbouring property, and vice versa.
- Reference to the requirements of the Building Inspector not evidenced.
- The FRA does not require floor levels in single storey element to match main so no justification for changing and impacts on roof height which impacts further on neighbours.

- The original building is not retained it is built around on the outside and it is not a conversion.
- The only part of the superstructure being retained now is the "Portal Frame". The existing cladding is going to be replaced with a traditional blockwork wall construction which is being re-clad.
- The extension is 100% new build, so it is not a conversion and it has a changed roof design making it visible to neighbours especially when combined with the ground level changes.
- No detail on how the existing roof structure will be tied into the new external blockwork walls and this should be sought at this stage.
- The structural evidence is not credible, and the information is not detailed so as to establish that the building frame is not being compromised by the works.
- The integrity and professionalism of the information should be questioned.

Subsequent comments received (12th March 2021) post submission of Drawing Number 2781-02-01-D to the Council added the following comments, which can be summarised as follows: -

- The drawing includes no dimensions.
- Use of obscure glass does not address impact of the window / door on the northern elevation.
- The introduction of a new skylight on the scheme will result in overlooking into bedrooms even if obscured.
- The revised plan still does not show the detailing correctly in terms of the relationship to the steel frame.
- The submitted drawing is misleading as Note 1 shows the insulation is between the new built external breeze block walls and the existing inner steel / existing breeze block, and complete opposite of the drawing.
- The overall plan footprint of the extension is also not as currently constructed.
- If the single pitch roof is such and the height is as previously consented, then objection is removed.
- The now proposed finished floor level is driven by the Flood Risk Assessment findings, and evidence of the AOD should be provided.

Further comments (29th March 2021) noted comments of other parties in terms of the proposed windows on the northern windows and notes that none of the neighbours will be affected by these windows and restating that the windows will impact on the privacy of upper floors.

Additional comments were received post the publication of the 12th May 2021 Officers Report (dated 10th May 2021), which can be summarised as follows:

- Section 5.4 of the 12th May 2021 Officers Report makes reference to material considerations that made the application as a conversion acceptable in the original planning application "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". 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.

- 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. How is therefore the proposed form of construction in this current proposal considered sustainable?
- 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 Officers Report of the 12th May 2021 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. How is it therefore considered by the officer that this material consideration has not significantly changed?
- 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. 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 ?
- 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. How has this highway safety matter been determined in this S73 application?
- All of the original considerations have now been removed from the proposals, and a further one (highways) been overlooked, therefore how has your officer determined that these original considerations have been carried forward this application?
- Photographs show that the Officers Report of the 12th May 2021 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.
- The 12th Many 2021 Officers Report makes 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:-
 - 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?
- 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 of the 12th May 2021 Officers Report includes 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.
- Section 5.8 of the 12th May 2021 Officers Report – The key item here is the removal of PD rights in the original application, “in the interests of amenity of adjacent occupiers the consent did not remove permitted development rights for any further outbuildings, extensions and new windows other than those shown on the submitted drawings.” The internal amenities that now require openings, are largely unchanged from the previous plans, on the original application internally along the northern 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. 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?
- Section 5.10 of the 12th May 2021 Officers Report – 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. Please can the officer provide their rationale for this statement “would not result in a significant adverse impact on residential amenity so as to warrant refusal”
- Section 5.13, of the 12th May 2021 Officers Report states that “. . . . if the scheme had been considered still to be a conversion, which is clearly not accepted”. In the officers own words they are stating that this conversion isn’t acceptable, therefore why is this not been reflected in the officers recommendation?
- Section 5.18 of the 12th May 2021 Officers Report states “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”. And 5.19 makes this statement “to maximise light from the rooflights, which were part of the initial consent“. Please can the officer clarify using extracts and drawings and design 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. 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.

- Section 5.19 of the 12th May 2021 Officers Report notes 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. 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?
- Condition 4 in the of the 12th May 2021 Officers Report - 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 "The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details". 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. Please can the officer provide clarity as to why this has been added to the conditions of this S73?
- 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 demolished this wall, there would be nothing to see, as the original structure at that height was just steel cladding.

Support

As noted above **ten submissions of support** have been received on the application, including from some immediate neighbours and others from outside the settlement, these can be summarised as follows:

- The development will allow the applicants to remain in the village.
- The scheme is sympathetic to the area and context and is not a new build and it will not impact on adjacent neighbours.
- The new windows on the northern elevation will not impact on the neighbouring properties, are at ground floor level and are behind a fence to the immediate neighbour so maintain the privacy into adjacent gardens. In addition, these windows are obscured.
- Design and specification of the proposed property is outstanding and totally in keeping with the surroundings.
- The layout and elevational treatment appear to have been carefully considered, without affecting the privacy of any neighbouring structures.
- The scheme will enhance the area.
- Changes focus on re-roofing and some changes to the windows, primarily to the northern elevation – both are minor amendments to the original planning and unobtrusive.

- The roofing works are beneficial and may mean don't need as much maintenance.
- The buildings are very sympathetic to the style and feel to our hamlet and enhance the overall ambiance.
- The conversion has already massively enhanced outlook, with no overlooking windows, and a promised finish to the building is appreciated.
- Cannot see that the amendment will incite any issue to any surrounding properties due to their location and taking into account the height of all fences and bushes, it would be unreasonable to state otherwise.
- Reduces the carbon footprint of lighting what would be dark rear rooms whenever inhabited and also seeks to protect the privacy of the neighbour affected.
- Scheme is a sustainable design and will be an aesthetic improvement on what was existing to make an old eyesore into a modern and beautiful home. There should be the option to replace outdated ugly and old materials to match the new design.
- The amendments noted are going to improve the look and feel of the whole property. Allowing more light into dark areas whilst being obscure so there are no privacy issues This makes the back corners more usable. Light is such an important feature for people's mental health and well-being.
- Replacing the roof cladding will improve not only the functionality from the delapidated panels but also improve the look of the whole house. This will also be improving the outlook to neighbours as the rusted panels are only deteriorating.
- The scheme accords with the National Framework and should be supported.
- The new insulated roof cladding with a higher thermal insulation value has been requested because the current roofing has deteriorated. In line with Standard Assessment Procedures (SAP) calculations and promoting eco-friendly buildings, it clearly makes sense to build the property with the best thermal materials and fits with the overall design.

A re-consultation was sent out on the **1st June 2021**, and as of the **16th June 2021**, no further comments of objection had been received, however **eight** comments in support had been received which can be summarised as follows:

- The development can only enhance the area
- The proposed building work is sustainable, eco-friendly, fits in with the various types of houses in Little Fenton and is hidden away.
- Clear that Mr & Mrs; Watson and their architect have gone to every length to satisfy all parties concerned after some initial errors and conflicting advice.
- Believe that the proposed new access onto Sweeming Lane should not present any difficulty for the Highways Authority there is good visibility in both directions onto this unclassified road.
- The applicants have contributed significantly to community life and wellbeing in this tiny hamlet over nearly 20 years.
- This property and amendments to uphold and preserve the local agricultural style building.
- Agree and support based upon this but also the section 73 highlights that the old building is not fit for materials and the new materials to be procured and used will be in line with this style of building, we need this building to be safe and support the family that dwells within hence the need for improvements and safer materials.

- Including an improved visual aesthetic will be beneficial to all neighbours in the village as well as the local housing market.
- The North Elevation of Willow Barn is some distance away from a 2m high fence, which happens to be the boundary fence between Willow Barn and the Courtyard. There is then a further distance of garden before reaching the boundary fence of Granstable House. The distance between the proposed windows and Granstable House being approximately 20m as estimated in C.Finn's Architectural report
- The view from these North Elevation windows of Willow Barn do not pose a privacy problem given the line of sight, fence and vegetation and as such, therefore, Support the proposed addition of the North Elevation windows.
- Regarding the access, this has been an agricultural access into the fields for over 50 years, which to my knowledge has not caused any problems in the past. Therefore, provided the line of sight is kept clear to ensure safety for those egressing the drive and other road users, also support this proposal
- The proposal to use new modern, insulated materials on Willow Barn at this stage makes environmental sense. It is fair to say that if they are not replaced now, they will need replacing in the not too distance future due to decomposition
- Deem it pertinent to replace now as this practice inextricably falls within remit of Selby District Council's Council Plan 2020-30, 'A Great Place to Enjoy' objectives to foster local resilience and assurance through identifying and promoting low carbon - including aiming for the Council to be Carbon neutral before 2050 and identify and promote public and private sector low carbon projects, initiatives and funding schemes to support the District's transition to a low-carbon economy.
- Were initial comments considered by the councillor - can't understand why this request has not been approved when it is supported by the planning department. It is a right for all homeowners to renew defective aspects of their property.
- It would seem that there is significant bias to the 1 objection and reports from the architect and in fact the planning department are not being considered in the panels decision making
- Still support the application having watched the Planning Meeting.
- As a neighbour and resident of Little Fenton, am aware that there were a number of letters in support of this development but did not hear these mentioned during the meeting.
- The Committee meeting appeared to be focused on the previous breaches in planning, and although accepted, the panel called for a site visit. Cannot see what benefit such a visit will have, as the issues are clear. It will now only delay matters further.
- Consider that with no objections from the Planning Officer and conditions which can be imposed to protect the privacy of a direct neighbour, the meeting should have been focused on resolution and paving a way forward by applying the appropriate conditions to safeguard all parties concerned. Request that that this matter is resolved at the earliest convenience so as to allow all parties concerned to move on with their lives.
- Wish to reiterate original letter of support, having watched the last meeting left wondering where was my view and the other supporters views considered by what should be the impartial committee members. This has been fully supported by Selby planning department along with many members of the village and the local community.

- Following my earlier comments and level of local support, am confused that this application is still only at this stage, especially when Planning has already been approved. - am adding further support in the event that my previous comments have not been included.
- As a neighbour sharing a boundary with the applicants, would much prefer the building to be completed to the high standard am confident it will be and in a timely manner, rather than completing construction at this juncture, then undertaking remedial works to renew defective aspects at a later date.

Should any further comments be received prior to Committee, then Members will be updated at the meeting through the Officer Update Note.

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 is located within Flood Zone 2, which has a medium probability of flooding.
- 3.3 The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.

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
- SP9 - Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

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

5 APPRAISAL

- 5.1 The Town and Country Planning Act 1990 Section 73 allows for applications to be made to undertake development without complying with conditions attached to such an approval. Paragraph (2) of Section 73 states "On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and —

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application."

As such the only consideration of this application is in relation to the proposed variation to the plans and the impact the proposed changes would have and

whether a new planning consent for the development with the proposed variation to Condition 2 (plans) of consent 2019/0578/FUL would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were not retained in their present form.

5.2 As noted above the original consent for the conversion of the building to a dwelling was considered under Application Number 2019/0578/FUL, with consent being issued subject to conditions following consideration of the application by the Planning Committee on the 5th March 2020. This application was considered by Planning Committee on the basis that the proposal was considered to be contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but that there are material considerations which would justify approval of the application, namely that the scheme as a conversion was acceptable. The initial consent was considered to be acceptable on the basis that it was a conversion / re-use of redundant or disused building which would be considered acceptable in the countryside. The building was considered to be structurally capable of conversion within the fabric and not to require extensive alteration, rebuilding and / or extension. The side extension was considered to tie in with the main building to be converted and to replicate the character and form of the structure that was to be removed. As such the scheme was considered to result in a proposal that would generally take place within the fabric of the existing building and be acceptable as a conversion with a limited extension and consent was accordingly issued.

5.3 The works that occurred on site prior to the submission of the S73 to the Council which was made following input from the Enforcement Team were as follows: -

1. Removal of the upper sections of blockwork / wall structure on the original building which was to be retained under the approved scheme.
2. The removal of the side elevation wooden lean to element which was to be removed to facilitate the new single storey extension.
3. Addition of a new external blockwork outer leaf which was not part of the consent as the conversion was to be undertaken using an internal skin with external wall retained
4. Addition of openings over those consented on the original scheme.

However, the applicants have now removed the majority of 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. The only remaining added outer block work is that on the western elevation which can be seen in profile on the front / rear elevation. This has been shown on **Drawing 2781/02/04A** as submitted on 1st June 2021.

5.4 As such the scope of the changes under this S73 submission (as shown on **Plan 2781-02-01E**, scale 1:100 at A2) can be summarised as -

- Front / Southern Elevation – change in the ground levels for the single storey element but height retained to match consent issued under 2019/0578/FUL.
- Side / Eastern Elevation – windows changed to utilise a three-pane window and double doors rather than a five-pane glazed door.
- Side / Western Elevation – door and small window removed and elevation now showing as blank.

- Rear / Northern Elevation - addition of 3 small windows, 1 larger window and a door. The 3 small windows are to be obscured glazed, but the larger window will be standard glazing.

The ground levels are also shown as level across the building on the revised plans specifically to provide a single floor level through the building.

Further internal changes have also been shown on the revised **Plan Ref 2781-02-01E** to the internal layout as follows:

- Reorganisation of internal floor plan to reorientate and create open plan layout with lounge area facing towards south rather to the east and to reorganise internal rooms; and
- Addition of staircase accessed mezzanine floor.

5.5 It is the scope of the work undertaken on site and the scope of the changes to the scheme that need to be considered under this S73 submission. In terms of both the principle of the development and the acceptability of the detailed design changes and whether these are acceptable as a conversion and also whether the resultant scheme is acceptable in design and amenity terms against the relevant Development Plan policies.

Taking these aspects in turn.

Is the scheme still a conversion of a building that can be supported under Policy H12 of the Local Plan?

5.6 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.

5.7 As noted at Paragraph 5.3 then there have been works undertaken on site to the original structure which were not wholly in accordance with the consent but since the issues were first investigated by the Council, the applicants have sort to rectify matters and have not only removed the majority of the outer leaf blockwork wall but have also rebuilt the walls in the original locations on top of retained blockwork. There are elements of the added outer blockwork still in place on site as shown on **Drawing 2781/-02-04A** but the applicants have reinstated key elements of the building and other than the changes to the window opening the building now on site is of a scale and character that was expected to result from the original consent other than in terms of the western elevation which is shown to be removed on the submitted drawing. The applicants have not removed this to date pending the determination of this application.

5.8 Objections made to the application and comments made in terms of Policy H12 are set out above arguing in summary that the scheme is not a conversion and therefore is contrary to Policy H12, but also that the scheme as now proposed impacts on residential amenity.

5.9 The applicants have set out the changes that have been made to the scheme under the S73 in terms of the internal changes and outlined the changes to the approach

on the conversion works as part of the information submitted on the 1st June 2021 as outlined above noting that many of the external cladding elements of the building were upon closer investigation in poor condition and that the approach now shown does not materially alter the resultant external appearance of the building and will ensure that the materials will not need replacement in the short-term. The submitted plans also confirm that the works will take place within the skin of the original building and how works will be undertaken.

- 5.10 As such having assessed the approach against Policy H12 Officers consider that the scheme can still be considered to be reuse of a building, and the changes that are shown to the construction approach are acceptable and have been justified. The scheme as consented included a single storey extension element and this was considered to acceptable given the only change is that on the ground level then this is also considered acceptable. In addition, even with the construction changes the building will be largely as consented and will reflect that which was shown on the initial scheme granted. On this basis it is the view of the Officers that 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.

Are the changes to the windows / opening acceptable in design and residential amenity terms?

- 5.11 The changes to the scheme in terms of windows has not only changed the window detailing on the eastern elevation facing towards the garden area for the conversion but also on the western elevation. A series of windows and an entrance door to the northern elevation which adjoins neighbouring residential properties are shown on the revised drawings and space has been left in the elevation for these in terms of the work undertaken on site to date. the smaller high level windows and the door are shown on the submitted drawings to be obscured glazed in response to comments from the neighbour.
- 5.12 The Officers Report on the original consent noted that all windows on the scheme faced away from the adjacent residential properties and as such it was concluded that there would not be a significant adverse impact on the amenity of these dwellings. However, in the interests of amenity of adjacent occupiers the consent did remove permitted development rights for any further outbuildings, extensions and new windows other than those shown on the submitted drawings without consideration by the Local Planning Authority. The removal of Permitted Development Rights via a Condition on the permission does not mean that a later application for such works would not be supported by the Authority, such conditions are utilised to allow for control only and to allow schemes to be assessed should consent be sought.
- 5.13 Objections have been made on the S73 submission to the inclusion of these windows as part of the changes to the scheme.
- 5.14 Having considered their siting, the relationship to the neighbouring property, boundary treatments and having taken account of the fact that they are obscured glazing of all but the bedroom window, it is the view of Officers that their inclusion would not result in a significant adverse impact on residential amenity so as to warrant refusal, and the obscured glazing which is confirmed on the plans can be controlled via a condition to ensure that a minimum obscurity level was utilised and that this was retained for the lifetime of the development.

Are the proposed materials acceptable in design and character terms to the Local Planning Authority?

- 5.15 The mix of materials to be utilised on the external skin of the building are noted on the submitted drawings although no specific colours have been stated nor have the details of any colour stain for the timber cladding been shown.
- 5.16 The Application Form on the initial submission noted that materials for the walls and roof would match existing and the host building was at this stage a mix of profiled steel sheeting, over cladding and block work, with the timber single storey side extension.
- 5.17 The materials shown on the S73 plans would reflect the mix of materials that were present on the original building at the time of the granting of the original consent and before works were undertaken.
- 5.18 The applicants Agent has outlined the issues with the cladding that was on the building and the issues with the roof and have set out a justification for the revised approach. This is considered to be acceptable and it is not considered that the proposed approach now shown on the S73 plans would result in an external appearance that would be unacceptable but details of colour finishes for all materials can be controlled via condition so as to ensure that the colour palette of the scheme is appropriate and reflects that which was previously on the building.

Are the changes to the floor levels acceptable in design, amenity and character terms to the Local Planning Authority?

- 5.19 The S73 plans have been amended to show a single floor level across the building as a whole, and the roof heights have been retained at a level to reflect that of the original consent.
- 5.20 This has been argued by the applicants to be required as a direct result of the FRA context, a fact disputed by the Objectors.
- 5.21 The Officers Report on the original consent confirmed consultations with the EA on the submitted FRA and that the FRA included a range of measures on flood resilience. Condition 6 on the consent also required development to be undertaken in accordance with the measures in the FRA.
- 5.23 The applicants Agent has in their 1st June 2021 submission noted that the change to the floor levels within the building arose as part of the consideration of this FRA after the consent was initially issued but also as a result of the review of the internal layout.
- 5.24 The change to the scheme shown on the S73 plans and thus the single level floor is considered to accord with the measures in the FRA and the use of a single level floor without any increase in the roof height of the single storey element is considered acceptable in design, amenity and character.

Is the addition of the mezzanine floor acceptable?

- 5.25 As part of the changes to the internal layout, the revised drawing shows the provision of an internal mezzanine floor which is a partial floor and does not create

a full floor within the upper part of the building. There are no external changes required to facilitate this element.

- 5.26 The addition of a mezzanine floor would have been possible as an internal alteration once the building was occupied without the need for any additional planning permission. As an internal change, the LPA would have no control over this. However, as this is shown as a change as part of the S73 plans it should however be assessed at this stage and it is considered that the introduction of this element within the unit there would be no impact on neighbouring amenity and is acceptable.

Are there any other aspects arising from the Neighbour Comments or Consultations that mean the Scheme is unacceptable to the Council on any other grounds as a S73 submission?

- 5.27 The objector has made a series of additional points relating to the works that have been undertaken on site to date and noted that they consider the drawings are not to scale. The applicants have accepted that the works initially undertaken on site are not in accordance with the 2019/0578/FUL consent hence 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 and the submission of the S73 application to the Council. In terms of the submitted drawings then these are scale and sufficient detail it is considered that these are sufficient for planning purposes where we to accept that a conversion was being undertaken, which we do not.
- 5.28 In terms of the structural integrity of the building, a concern raised by the Objector, when application 2019/0578/FUL was consented then the Council had no reason to request additional justification for the scheme and details were provided that showed the use of an internal structure to facilitate the construction. This was reported to Members as part of the assessment of the application and the scheme was assessed on its own merits accordingly. The approach shown for the conversion has not been what has occurred on site hence the S73 submission, but the external blockwork outer leaf has now been largely removed and a commitment is in place to remove what remains which is confirmed on the submitted plans. Again, as shown the applicants have 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 and as a result the scheme will as be as was expected under the original consent in appearance and scale except for the minor changes shown on the submitted drawing.
- 5.29 In terms of the accuracy of the plans and what has been built on site to date, then it is considered that the plans are sufficient to ensure that works are undertaken in accordance with the plans.

Other Matters arising from Comments on the Application

- 5.30 Comments from the Objector to the application have noted that the change to the access. Under the original consent improvements were sought via Condition to the access point from Sweeming Lane to serve the conversion. 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.

- 5.31 The Objector has raised matters pertaining to creation of a new access further along Sweeming Lane, 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.
- 5.32 Comments from the Objector to the application have noted that works have continued on site. The Council has received assurances from the Applicants that work ceased on site on the 19th May 2021 and that they will not undertake any works to the building till such time as this application is determined. Whether work has been undertaken on site is not a matter that can be taken into account in considering the S73 submission as this an enforcement matter.
- 5.33 The Agents letter of the 1st June 2021 states that the applicant has erected a 2m boundary fence in front of this proposed window so it is not considered that this window will cause any loss of amenity to the neighbour. This fence is outside the red line of the S73, but it is considered that this would be permitted development as within the curtilage of The Courtyard and not immediately adjacent to a highway.

Conditions

- 5.34 In terms of the proposed Conditions set out below then as development has commenced on site there is no condition noted requiring commencement of development within 3 years of the date of the 2019/0578/FUL consent as would be the case had development not commenced.
- 5.35 The proposed Condition 01 also references the latest plans as follows
- Proposed Plans and Elevations (Ref 2781-02-01E),
 - Construction Work Plan has been added as a referenced plan (Drawing 2781-02-04A, received 1st June 2021)
 - Amended Location Plan (Drawing Reference 2781/01/03E received 9th June 2021)
 - Amended Block Plan (Drawing Reference 2781/01/02E received 9th June 2021)

The Amended Location Plan and Block Plan take account of the ownership changes for land in the blue line as outlined earlier in the Officers Report.

- 5.36 Condition 02 removing Permitted Development Rights is as per the approach on the initial consent. The removal of Permitted Development Rights via a Condition on the permission does not mean that a later application for such works would not be supported by the Authority, such conditions are utilised to allow for control only and to allow schemes to be assessed should consent be sought.
- 5.37 There is also a noted change to the wording of what is now noted as Condition 04 to state that the works to improve the access should be undertaken prior to the occupation of the dwelling.
- 5.38 In addition, as noted above Conditions have been added on materials and obscure glazing in proposed Conditions 07 and 08 for the avoidance of doubt and in the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

6 CONCLUSION

- 6.1 It is the conclusion on balance that Officers consider that the revisions that will result from the S73 submission are acceptable as the eventual building will be as consented and will reflect that which was shown on the initial scheme granted. The application is therefore recommended for approval subject to the revised plans list and with the addition of Conditions pertaining to agreement of materials and the use of obscure glazing to the additional small windows on the rear / northern elevation that would be required to be retained for the lifetime of the development. So, it is the view of the Officers that 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.

7 RECOMMENDATION

This application is recommended to be **APPROVED** subject to the following conditions and informatives:-

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

- Location Plan (Drawing Reference 2781-01-03E, received 9th June 2021)
- Existing Block Plan (Drawing Reference 2781-01-02E, received 9th June 2021)
- 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)
- Works Completed Elevation (Drawing 2781-02-04A, received 1st June 2021)

Reason:

For the avoidance of doubt.

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

Reason:

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

03. In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

04. The dwelling shall not be occupied until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6d.g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 and ENV1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

05. The site shall be developed with separate systems for surface water and foul water.

Reason:

In the interest of securing satisfactory drainage of the site.

06. The development 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 20th January 2020 as submitted under Application 2019/0578/FUL.

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.

07. Within three months of this consent full details of all external materials to be used for the construction of the external surfaces of the shall be submitted to the Local Planning Authority for agreement. The agreed materials should then be used and retained for the lifetime of the development.

Reason:

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

08. 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.

INFORMATIVES

- 01.NPPF – The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.
- 02.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.
- 03.You are advised that separate consent will be required from the Internal Drainage Board for any discharge into an existing watercourse of surface water and there shall be no development within 9m of any such watercourse.

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 2021/0129/S73 and associated documents.

Contact Officer:

Yvonne Naylor (Principal Planning Officer)

ynaylor@selby.gov.uk

Appendices:
None