



Report Reference Number 2019/0712/FUL

To: Planning Committee
Date: 7 July 2021
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0712/FUL	PARISH:	Cawood Parish Council
APPLICANT:	Mr Joc O'Connor	VALID DATE:	16th July 2019
		EXPIRY DATE:	10th September 2019
PROPOSAL:	Conversion and alteration of storage building to form a single dwelling		
LOCATION:	The Workshop Ryther Road Cawood		
RECOMMENDATION:	Grant		

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

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located off Ryther Road at the north-eastern edge of the settlement of Cawood. The site lies outside the development limits of the settlement and, as such, is located within the open countryside.
- 1.2 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site benefits from a sizable plot at the edge of the settlement of Cawood.

The Proposal

- 1.3 The application is seeking permission for the conversion and alteration of a storage building to a residential dwelling. The proposed works would include raising the ridge height of the building to 7.5 metres.

- 1.4 It is noted that two applications have previously been granted (2016/0171/FUL and 2014/1147/COU) to convert the storage building to a residential dwelling. Permission was also granted under 2014/0096/FUL to convert the building to tourist accommodation. However, these have all since expired.
- 1.5 It is noted that the current proposals are similar to what was approved under planning permission 2016/0171/FUL. The main difference being the increase in ridge height by a further 0.5 metres to address the concerns raised by the Environment Agency. This included the reskinning of the building in brick and a much larger curtilage was permitted in 2016, compared with the original 2014 permission.
- 1.6 The Environment Agency also raised concerns over the initial Flood Risk Assessment and the proposed flood mitigation measures. However, these have subsequently been addressed by the revised Flood Risk Assessment and amended plans to raise the floor level of the building.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.

2018/1358/DOC (COND – 24/01/2019) Discharge of condition 02 (drainage) of approval 016/0171/FUL for change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.

2016/0171/FUL (PER – 23/08/2016) Change of use of services waste land to residential curtilage and conversion of storage building to a single dwelling.

2014/1147/COU (PER – 08/01/15) change of use of storage building to single dwelling.

2014/0096/FUL (PER – 18/03/2014) Proposed conversion of storage building to provide tourist accommodation.

CO/1991/0757 (PER – 29/07/1991) Proposed erection of a storage shed to house two vintage commercial vehicles and the construction of a new vehicular access.

2. CONSULTATION AND PUBLICITY

- 2.1 **Neighbour summary** – The application has been advertised by site notice and neighbour letter resulting in no objections being received.
- 2.2 **Parish Council** - No objections
- 2.3 **NYCC Highways** – No comments received within the statutory consultation period.
- 2.4 **Yorkshire Water** – No comments received within the statutory consultation period.
- 2.5 **Internal Drainage Board** – No comments received within the statutory consultation period.
- 2.6 **Natural England** – No comments received within the statutory consultation period.

- 2.7 **North Yorkshire Bat Group** – No comments received within the statutory consultation period.
- 2.8 **Environment Agency** – No objections to the amended Flood Risk Assessment.
- 2.9 **County Ecologist** – No objections.

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 3, which has a high probability of flooding.

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
SP4 - Management of Residential Development in Settlements
SP8 - Housing Mix
SP9 - Affordable Housing
SP15 - Sustainable Development and Climate Change
SP19 - Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development
T1 - Development in Relation to Highway
T2 - Access to Roads
H12 - Conversion to Residential (Countryside)

5 APPRAISAL

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

- 1) The principle of the development
- 2) Design and impact on the character and appearance of the area
- 3) Impact on residential amenity
- 4) Flood Risk and Drainage
- 5) Highways
- 6) Nature Conservation and Protected Species
- 7) Contamination

Principle of Development

- 5.2 Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with Paragraph 11 of the NPPF.
- 5.3 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 5.4 Policy SP2A (c) of the Core Strategy states that *"Development in the countryside (Outside Development Limits) will be limited to the replacement or extension of existing buildings, the re-use of buildings preferably for employment purposes, and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities, in accordance with Policy SP13; or meet rural*

affordable housing need (which meets the provisions of Policy SP10), or other special circumstances.”

- 5.5 Paragraph 79 of the NPPF states; “Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
- c) the development would re-use redundant or disused buildings and enhance its immediate setting.*
- 5.6 This proposal would result in the re-use of an existing building and would therefore comply with Policy SP2A (c) of the Core Strategy and the NPPF.
- 5.7 Policy H12 of the Selby District Local Plan specifically relates to conversion and the conversion of rural buildings to residential use in the countryside and sets out that such proposals would be acceptable in principle subject to a number of criteria.
- 5.8 Criterion (1) of Policy H12 allows proposals for the conversion of rural buildings to residential uses provided *“it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality”*. The proposal does not meet this criterion and is therefore, contrary to the requirements of the development plan. However, the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the approach set out both in the Core Strategy and within the NPPF.
- 5.9 Notwithstanding the above, Criterion (3) and (4) of Policy H12 require that *“the building is structurally sound and capable of re-use without substantial rebuilding”* and *“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”*.
- 5.10 In terms of Criterion (3), from the site visit that was conducted it was noted that the building appeared to be in a good condition and has been previously supported for conversion and extension. On this basis, it is considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.11 In terms of Criterion (4), the proposals would involve raising the ridge height of the existing building from 5.6 metres to 7.5 metres and raising the floor levels to comply with the Flood Risk Assessment. These changes are relatively significant and do alter the character and form of the building, however have been previously permitted under 2016/0171/FUL and regarded to comply with Criterion (4) of Policy H12.
- 5.12 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report.
- 5.13 Having regard to the above, the proposal would be acceptable in principle and represent appropriate development in the countryside. The proposal has some

conflict with H12 (1), however is compliant with the Policies SP1 and SP2 of the Core Strategy, and the remaining parts of Policy H12 of the Selby District Local Plan and national policy including paragraph 79 of the NPPF.

Layout, scale and design and Impact on the character and form of the area

- 5.14 Relevant policies in respect to design and the impact of development on the character and appearance of the area include Policy ENV1 (1) and (4) of the Selby District Local Plan. This is a general considerations policy and supports good development taking account of the effect upon the character of the area or amenities' of adjoining occupiers and the standard of layout, design and materials in relation to its surroundings. Policy H12 (5) states conversions of rural buildings will only be permitted where the provision of access, curtilages and works would not have a significant adverse effect on the character and appearance of the area or surrounding countryside. Policy SP19 of the Core Strategy seeks to enhance community cohesion by high quality design and having regard to local character. Further to this, relevant policies within the NPPF include paragraphs 124, 127, 128, 130, 131 which seek to achieve well designed places.
- 5.15 The application site consists of a render finished storage building, which measures approximately 9.2 metres in length by 8.3 metres in depth and has a ridge height of approximately 5.6 metres and eaves to 4 metres. The application site is situated off Ryther Road and benefits from a sizable plot at the edge of the settlement of Cawood.
- 5.16 The application proposes the change of use of the storage building to a residential unit, the increase of the roof height by approximately 1.9 metres and alterations to the fenestration. It is noted that permission was previously granted under 2016/0171/FUL for the conversion of the storage building to a residential dwelling and to raise the roof height by approximately 1.4 metres.
- 5.17 The proposed plans show that the roof lift would raise the ridge height and would include the installation of 2no roof lights to the front elevation, 2no roof lights to the rear and would also include the formation of a new chimney stack at each gable end. The 2no large storage doors to the front elevation, would be replaced by 2no. windows and 1no doorway. The 2no. existing windows to the rear elevation would be replaced with 1no door and 1no set of patio doors, which would all be domestic in appearance. The building would be finished in brickwork with clay rooftiles.
- 5.18 The proposed changes to the building would significantly alter the appearance of the existing storage building, which is a simple block and render structure. The conversion would include reskinning the building in brick and would also include additions such as, domestic windows and doors and 2no. chimneys. These would all further erode the character of the existing building and would lead to the development being read as a new dwelling, rather than the conversion of an existing building. However, whilst these changes may be regarded as going beyond what is regarded as a conversion, they were previously approved under the 2016 permission. Both applications have been assessed against the same local plan policies and this therefore would be unreasonable to now refuse this element.
- 5.19 In terms of the impact on the countryside, this submission seeks to create a large residential curtilage to the proposed dwelling. The garden area to the rear would measure more than 45 metres in length. However, this was also considered to be acceptable in the 2016 approval. A condition, which removes Permitted Development Rights for outbuildings would allow the Local Planning Authority to

control development at the site. Furthermore, the application does not propose making changes to the existing landscaping or the existing boundary treatments, which consist of a mature hedge along the front and along the boundary which runs parallel to the neighbouring field.

- 5.20 Having had regard to all of the above elements and the character and form of the locality and area it is considered that the design and materials are appropriate to ensure that no significant detrimental impacts are caused to the character of the area in accordance with Policy ENV 1 of the Local Plan, Policies SP4, SP8 and SP19 of the Core Strategy and the NPPF.

Residential Amenity

- 5.21 In considering residential amenity the key considerations are overlooking, overshadowing, overbearing impacts and separation distances.
- 5.22 The proposal includes the conversion of an existing storage building into a single detached dwelling. There are no first-floor windows on the side (south) elevation that would overlook any of properties to the east of the site on Anson Grove. The rooflights on the front and rear roof slope would not give rise to adverse overlooking as separation distances to dwellings on Ryther Road are acceptable. It is therefore considered the conversion and extensions would not raise adverse residential amenity issues for neighbours.
- 5.23 Given the nature of the development, the limited increase in ridge height and the separation distances between the existing building and the neighbouring dwelling, 1 Anson Grove, it is not considered that there would be any increase in overshadowing.
- 5.24 Having regard to the above, it is considered that the proposal would not have any significant adverse impact on the amenities of the occupiers of any neighbouring residential properties. The amenities of the adjacent residents would therefore be preserved in accordance with Policy ENV1 (1) of the Selby District Local Plan

Flood Risk and Drainage

- 5.25 Relevant policies in respect to flood risk and drainage include Policy ENV1 (3) of the Local Plan and Policy SP15 of the Core Strategy and Section 14 of the NPPF. Paragraph 155 of the NPPF states that “Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere”.
- 5.26 The application site is located within Flood Zone 3 which has a high probability of flooding. The NPPF defines it as having between a 1 in 100 or greater annual probability of river flooding (>1%) or a 1 in 200 or greater annual probability of flooding from the sea (>0.5%) in any one year.
- 5.27 The applicant has submitted a revised flood risk assessment which recommends that the internal floor level is raised 300mm. This will also ensure that the building is protected to the maximum historical flood level of 7.6m AOD and above the adjacent road level. As the application is for a change of use of an existing building, the Sequential and Exception Tests do not need to be applied as outlined in the NPPG.

- 5.28 The Environment Agency were consulted on the amended Flood Risk Assessment and raised no objections to the proposal. It is, therefore, considered that the FRA and mitigation measures are acceptable and can be secured by condition.
- 5.29 Yorkshire Water has raised no comment. The Selby Area Internal Drainage Board has responded and raises no objection. Having had regard to the above, the proposed scheme is therefore considered acceptable in accordance with Policy SP15 of the Core Strategy and the NPPF with respect to drainage, climate change and flood risk, subject to conditions to control flood risk and drainage.

Highways

- 5.30 Policies ENV1 (2), T1 and T2 of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements.
- 5.31 With respect to parking, paragraph 39 of the NPPF states that when setting local parking standards for residential and non-residential development, local planning authorities should take into account the accessibility of the development; the type, mix and use of development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles.
- 5.32 Policy "SP19 - Design Quality" states that both residential and non-residential development should meet a series of noted criteria. These include the criteria relating specifically to highways and access. There is an existing access to the site and adequate turning within the plot to enter and leave the site in a forward gear. Space exists for 3 vehicles to park off street.
- 5.33 North Yorkshire Highways were consulted and raised no objections to the proposed scheme. As such, it is considered that the scheme is acceptable and in accordance with policies ENV1(2), T1 and T2 of the Local Plan and the NPPF.

Nature Conservation and Protected Species

- 5.34 Protected Species are protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of a protected species is a material planning consideration.
- 5.35 The previous application was accompanied with a bat survey. The survey concluded that there was no evidence to suggest the presence of bats within the building and in its current condition, it is extremely unlikely that the building supports a bat roost. It is therefore considered that the proposed development would have negligible impacts on bat species. It is also noted that the building has been undergoing some external cleaning and general preparation work for development under the extant planning permission for change of use.
- 5.36 There are no trees on the application site that would be affected by the proposal.
- 5.37 Having had regard to the above it is noted that the application site does not contain significant areas of semi-natural habitat and is not subject to any formal or informal nature conservation designation or known to support any species given special protection under legislation. It is therefore considered that the proposal would accord with Policy ENV1 of the Local Plan and the NPPF with respect to nature conservation.

Contamination

- 5.38 The previous use of the site was for storage purposes and the land to the north is used for underground services for Yorkshire Water. Given the history to the site, it is not considered there are historic contamination issues for future occupants. However, in this context it would be reasonable to attach a condition requiring notification of any unexpected contamination at the construction stage of the proposal. The proposal is therefore considered to accord with Policy ENV2 of the Selby District Local Plan.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the character or appearance of the area, the residential amenity of the occupants of the neighbouring properties, flood risk, highway safety, protected species or contaminated land. The application is therefore considered to accord with Policies ENV1, H12 and T1 of the Selby District Local Plan, Policies SP1, SP2, SP4, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drawing no. 2514-01-01A	Existing Plans and Elevations	Dated 10/07/2019
Drawing no. 2514-03-02	Proposed Layout Plan	Dated 16/06/2021
Drawing no. 2514-02-01G	Proposed Floor Plans	Dated 10/07/2019
Drawing no. 2514-02-04	Drainage Plan	Dated 10/07/2019
Drawing no. 2514-02-04H	Proposed Elevations	Dated 13/11/2019
Drawing no. 2514-03-01	Existing Layout Plan	Dated 09/06/2021

For the avoidance of doubt.

03. The materials to be used in the construction of development hereby permitted shall match the existing materials as stated on the application form received by the Local Planning Authority on 10th July 2019.

Reason:

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

04. The development shall be carried out in accordance with the submitted flood risk assessment (ref TCE-1827-FLA-01 Issue 03, dated November 2020) and the

following mitigation measures it details: Finished floor levels shall be set no lower than 7.6 metres above Ordnance Datum (AOD)

- The flood resistant and resilient measures detailed within the FRA are to be incorporated into the development.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons:

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

05. 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.

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 **2019/0712/FUL** and associated documents.

Contact Officer: Jac Cruickshank (Planning Officer)

Appendices: None