



Report Reference Number: 2021/0347/FUL

To: Planning Committee
Date: 18 August 2021
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APPLICATION NUMBER:	2021/0347/FUL	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	Mr Mike Ramsay	VALID DATE:	21st April 2021
		EXPIRY DATE:	16th June 2021
PROPOSAL:	Conversion and extension to windmill to form dwelling (retrospective)		
LOCATION:	The Old Windmill Old Road Appleton Roebuck YO23 7EL		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries.
- 1.3 The windmill is on an elevated position with defined boundaries to the adjacent agricultural land.
- 1.4 Work has commenced on site in terms of works to the Windmill and construction of the extension and the Applicants are living adjacent to the site on land within the blue line and they have also installed solar panels on site outside the application red line but within the land in the ownership. These solar panels are not part of this application.

The Proposal

- 1.4 This proposal seeks full planning permission for the conversion of the windmill into residential accommodation and the addition of a single storey extension. There would be significant internal works required to the windmill due to the lack of floors/beams in order to facilitate the conversion and the works are detailed within the supporting documents submitted with the application.
- 1.5 An extension is proposed which would be attached to the windmill by virtue of a glazed link. The extension would be constructed from dark timber board with a red pantiles to the roof and timber doors and windows and cast gutters and fall pipes.
- 1.6 The scheme will provide within the extension a open kitchen dining and sitting room with a separate utility and w/c which is then linked to the main windmill structure. The ground floor of the windmill element will provide the master bedroom with en-suite. The first floor within the windmill will provide a further double bedroom with en-suite and the second floor would provide a single bedroom with en-suite.
- 1.8 Access to the site would be taken from the existing field access with a 4 metre wide drive and parking for two cars. No boundary treatments are proposed to the application site although a garden area is shown as being provided surrounding the windmill and extension and there is a defined curtilage set by the red line plan.
- 1.9 There is also a ramp shown on the submitted layout plans to allow access into the resultant property and the site layout plan also shows the proposed location for the soakaway and the foul treatment system.

Relevant Planning History

- 1.10 The Windmill has had previous permissions for conversion to holiday accommodation, prior to consent planning and listed building consent being issued for the conversion and extension of the Windmill to a dwelling in January 2018 under the following submissions

Application Number: 2016/0673/FUL (AltRef: 8/79/167J/PA)

Description: Proposed conversion of windmill to form a dwelling with new extension

Decision: PER

Date: 10-JAN-18

Application Number: 2016/0675/LBC (AltRef: 8/79/167K/LB)

Description: Listed building consent for the proposed conversion of windmill to form a dwelling with new extension

Decision: PER

Decision Date: 10-JAN-18

- 1.11 The site was then purchased by the current owner and a series of additional submissions were made to the Council, as follows:-

Application Number: 2018/0947/DOC

Description: Discharge of condition 05 (materials and flat roof) of approval 2016/0673/FUL and Condition 4 (materials / flat roof) of approval

2016/0675/LBC on for proposed conversion of windmill to form a dwelling with new extension

Decision: COND

Decision Date: 31-OCT-18

Application Number: 2019/0694/LBC

Description: Listed building consent for internal alterations, installation of a door, increase in the size of roof light and change of position of annex

Decision: PER

Officer: YVNA

Decision Date: 24-OCT-19

Application Number: 2020/1080/LBC

Description: Section 19 application to vary condition 02 (drawings) of approval 2019/0694/LBC Listed building consent for internal alterations, installation of a door, increase in the size of roof light and change of position of annex

Decision: PER

Decision Date: 13.04.2021

The LBC submissions made under the above applications sought to change the approach to the Conversion in terms of the siting of the extension and the approach to the internal layout. The applicants were advised that there would be a requirement to make changes to the Plans on the Planning Consent (2016/0673/FUL) at an early stage and an application was made in October 2021 under 2020/1021/S73 to vary conditions 2, 10 and 18 of planning permission 2016/0673/FUL however this application was not able to be determined within the extant period of the consent due to negotiations on window detailing and changes being required to the approach, so a new full retrospective application has therefore been submitted and the S73 was withdrawn.

2. CONSULTATION AND PUBLICITY

2.1 Appleton Roebuck Parish Council – Confirmed support for the application.

2.2 NYCC Highways – in commenting on the application recommended that conditions be attached to any consent on:-

- i) Private Access/Verge Crossings: Construction Requirements
 - a. The access shall be improved to give a minimum carriageway width of 4 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E50A.
 - b. Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
 - c. Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.
- ii) Visibility splay of 160 metres in a westerly direction and 160 metres in a easterly direction measured along both channel lines of the major road (Old Road) from a point measured 2.4 metres down the centre line of the access road.
- iii) Provision of the approved access and turning prior to the site being brought into use

- 2.3 Natural England** – Advised did not wish to comment on the application.
- 2.4 County Ecologist** – Initial comments raised concerns at the information that had been provided and requested a survey from a Qualified Consultant. Following receipt of a “Bat Survey Report” prepared by Brooks Ecological (July 2021) County Ecology confirmed that the survey has been undertaken in accordance with current guidance and standards and it is considered sufficient for this application to be determined. The survey report concludes that no bats were present at the time of the survey and bats are unlikely to be encountered during the proposed works. The report concludes that no further survey work is required, and no specific mitigation is required. The County Ecologist supported these conclusions, based on the findings of the survey, noting that the report recommends inclusion of a bat roost as part of the proposed works and a location for this is included in the drawings submitted with the application. As such the County Ecology Officer confirmed support for the Report and its recommendations.
- 2.5 Yorkshire Wildlife Trust** - No response received.
- 2.6 North Yorkshire Bat Group** – Supported the initial stance of NYCC Ecology Officer and although consulted on the subsequently submitted Report no further comments were provided by the Bat Group at the time of the writing of this Report.
- 2.7 Yorkshire Water Services Ltd** - No response received.
- 2.8 Ainsty (2008) Internal Drainage Board** – advised that the Board has assets in the wider area in the form of various watercourses. These watercourses are known to be subject to high flows during storm events and that any discharge to these would require the Boards consent. In this context recommended conditions on surface water drainage and that reference be made on any decision to the need to secure their consent for discharge to any watercourse
- 2.9 Environmental Health** – Advised no comments on the application.
- 2.10 Heritage Officer** - The proposal is to convert an existing windmill tower to residential use with an element of new build to the west. Historic maps indicate that there were associated buildings to the north-west, perhaps representing a miller's house and barns. The location of the proposed new build element is to the south of the former buildings, and it is unlikely that there will be any impact. Thus, confirmed that has no objection to the proposal and have no further comments make.
- 2.11 Contaminated Land Consultant** – initial comments from the Contaminated Land Consult suggested a suite of Condition pertaining to
- Condition 1: Investigation of Land Contamination Prior to development
 - Condition 2: Submission of a Remediation Scheme
 - Condition 3: Verification of Remedial Works
 - Condition 4: Reporting of Unexpected Contamination
- Further discussions with the Contamination Officer noted that given that the application is retrospective then only Condition 4 is appropriate.
- 2.12 Society for the Protection of Ancient Buildings** – Support the scheme which seems a reasonable conversion of a mill tower, recommend, however, that in order to retain the heritage appearance of the building as a mill, to consider the existing

window and door apertures. The SPAB Mills Section would like to suggest referring to their 'Damp Problems in Brick Windmill Towers' leaflet for advice if needed.

2.13 Ancient Monument Society - No response received.

2.14 Council For British Archaeology - No response received.

2.15 Georgian Group - No response received.

2.16 The Victorian Society - No response received.

2.17 Twentieth Century Society - No response received.

2.18 Publicity – The application has been advertised by way of site notice and press notice and as result two submissions of support have been received and one of objection. The comments made can be summarised as follows: -

Support

- Having looked at the plans totally support the application.
- The owners are working very hard to complete this project and can't wait to be living in the Windmill.
- It is a sympathetic conversion to a home.
- This family will preserved and protect this very important structure for many years to come

Objection

- The application form and the description of development do not match – advertised as “retrospective” yet the application form states work have not commenced.
- The proposal is contrary to the development and conflicts with national planning policy guidance and the LPA has a duty to protect listed buildings from harmful development.
- There is little in the planning history that supports the proposal currently before the Council for determination.
- The application does not consider the heritage contribution of the building and therefore the buildings significance cannot be assessed nor can the harm resulting from the conversion.
- The application does not include any assessment of the impact of the scheme when viewed from public vantage points.
- There are no detailed fenestration sections and the details provided are incomplete with what details are shown being unjustified and incomplete.
- As it stands the information before the Council is insufficient to assess the impact on the character, appearance and fabric of the listed building.
- The site is not in a sustainable location and is accessed via a narrow country road with no pedestrian linkages and therefore it is contrary to the requirements of the Local Plan, Core Strategy and the NPPF in terms of its location and the scheme should be refused on this basis.
- Any boundary definition to define the curtilage of the dwelling will introduce an alien feature in the open countryside
- No information provided on how electrical power will be provided to the dwelling – overhead cables maybe needed but this can't be assessed as it stands
- Lack of information on ducts, vents, final window design

- The proposed design of the extension is unclear and sit uncomfortably with the Windmill and will harm the building
- The building was in a poor state of repair when it was listed – so unclear what the Council are seeking to preserve on the site and it could be argued that the building should be left as it was when listed and altered.
- The scheme results in a structured urbanised landscape rather than its original informal open landscape and will result in creation of a domestic residential curtilage
- The scheme will introduce lighting and an intensity of use which will be apparent in the open countryside
- There is no confirmation of visibility splays or how service vehicles will be accommodated
- There is no information on protected species and how they will be protected.
- The scheme is considered to be contrary to Policies ENV24 and ENV1 of the Local Plan, SP2 of the Core Strategy and the aims and objectives of the NPPF.

3 SITE CONSTRAINTS

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood Zone 1 which has a low 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 (2021), 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 was updated in July 2021. 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 2021 NPPF.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF 2021) outlines the implementation of the Framework -

“219.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
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

Appleton Roebuck and Acaster Selby Neighbourhood Plan

- 4.7 The relevant Neighbourhood Plan policies are:

WB1	Re-use of Redundant Buildings
DBE2	Respecting Traditional Building Design and Scale
DBE3	Green Infrastructure
DBE4	Drainage and Flood Prevention
EHL1	Maintaining Agricultural Land
ELH 4	Historic Rural Environment.
H1	New Housing Development Design and Scale,
H3	Car Parking
ELH2	Conserving, Restoring and Enhancing Biodiversity

Selby District Local Plan

- 4.8 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV2	Environmental Pollution and Contaminated Land
ENV24	Alterations to Listed Buildings
T1	Development in Relation to the Highway Network
T2	Access to Roads
H12	Conversion to Residential in the Countryside

Other Documents

- 4.9 Other relevant policies and guidance are:

- NPPF and NPPG
- Affordable Housing Supplementary Planning Document

- Appleton Roebuck Village Design Statement

5 APPRAISAL

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

- Principle of the development
- Impact on Heritage Assets
- Design and Impact on the Character of the Locality
- Impact on Residential Amenity
- Impact on Highways Safety
- Drainage, Flood Risk and Climate Change
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Contaminated Land
- Other Issues
- Benefits of the Proposal

Principle of Development

- 5.2 Relevant policies in respect of the principle of this proposal include Policy WB1 of the AR & AS NP, Policies SP1 “Presumption in Favour of Sustainable Development” and SP2 “Spatial Development Strategy” of the Core Strategy and Policy H12 of the Selby District Local Plan.
- 5.3 In terms of the AR & AS Neighbourhood Plan, then this application is for conversion and the small scale extension of the windmill which would bring a redundant building back into use, which is in accordance with Policy WB1 per sa. The criterion in Policy WB1 do note that any such conversions should not increase levels of traffic to cause disruption, increase HGV movements or significantly increase noise associated with the new use. These elements are considered later in the report in terms of the highways impacts and amenity considerations.
- 5.4 In terms of the Core Strategy, then 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. Alongside this Policy SP2A(c) 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. Given the scheme is a conversion and extension it can therefore be concluded that the principle of re-use of the building and extension to the existing building is in accordance with both Policy SP1 and Policy SP2A(c) of the Core Strategy.
- 5.5 In terms of the Local Plan, then as noted above the key Policy H12 on “Conversion to Residential Use in the Countryside” notes a series criterion for the consideration of scheme. Criteria (1) and (3) allow 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” and that the “building is structurally sound and capable of re-use without substantial rebuilding” and Criteria 2 of Policy H12 of the Local Plan states that conversions to residential use will only be permitted where ‘The proposal would provide the best reasonable means of conserving a building of architectural or historic interest and would not damage the fabric and character of the building.’ As such Policy H12 supports the principle of conversion of the building with appropriate extensions.

5.6 It is accepted that the scheme is contrary to Policy H12 of the Local Plan, but it is considered to be in compliance with the approach of the Neighbourhood Plan and the Selby Core Strategy. It is considered that the limited weight should be attached to the Local Plan, and greater weight should be attached to the approach of the Core Strategy and the Neighbourhood Plan in considering the scheme. Then in considering the approach of the NPPF this should be a material consideration in accordance with Paragraph 38 (6).

5.7 This includes consideration of the scheme in the context of Paragraph 79 of the NPPF (2021) is particularly relevant to the application and states that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.

Also, Paragraph 79 notes that decisions should avoid isolated homes unless [amongst other things]:-

- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.”

As such, Paragraph 78 and 79 thus supports re-use of redundant or disused buildings, which is consistent with the Core Strategy and the AR & AS NP but is significantly different to that taken in the Local Plan and Policy H12 as it does not require the more onerous tests set out in H12 (1) and (2).

5.8 The windmill is a Grade II Listed Building and an assessment of securing the future of this asset is discussed later in the report. The proposal would re-use a redundant and disused building and is considered to lead to an enhancement to the immediate setting by virtue of retaining, reusing and repairing the windmill which is in a semi-derelict state. As part of the consideration of the 2016/0673/FUL the applicant submitted a Structural Survey that concluded that the building was structurally suitable for its intended use and the conversion will retain and enhance the character of this building and although work has been undertaken to the repoint the structure officers have not seen any signs that would indicate that the building is other than structurally sound.

5.9 It is considered that the policies in the Development Plan, as noted above, pull in different directions given the approach of the NP, the Core Strategy and the guidance within the NPPF which is a material consideration. As such it is considered that the Development Plan is not neutral (when applying the approach of the High Court decision R v Rochdale Metropolitan Borough Council ex parte Milne (2000). Sullivan

J) and as such the starting point as per 38(6) is that schemes should be refused 'unless material considerations indicate otherwise'.

- 5.10 In this case given that Policy H12 is inconsistent with the Neighbourhood Plan and the Core Strategy (as part of the development plan) and the guidance in the NPPF, it is considered that limited weight can be given to Policy H12 and as such it is essential that the benefits of the development outweigh any conflict such that notwithstanding the conflict with the development plan the material considerations indicate that planning permission should be granted. Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 79 / 80 of the NPPF (2021) and wholly accords with Policy WB1 of the Neighbourhood Plan. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan.

Sustainability of the Development

- 5.11 In terms of assessing the sustainability of housing development in this open countryside location, it is noted that Appleton Roebuck which is the closest village to the application site is identified as being 'least sustainable' with respect to its sustainability ranking as set out in Core Strategy Background Paper No. 5 Sustainability Assessment of Rural Settlements.
- 5.12 The application site itself is situated approximately 720 metres outside the defined development limits of Appleton Roebuck which provide local services such as a primary school, two public houses and a church. There is also a bus stop on Main Street within the village which serves the Colton to York bus route. The site is also located approximately 1.3km from Bolton Percy which benefits from a village hall, café and public house and is also on the Colton to York bus route.
- 5.13 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 80 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 80. In addition, it worth noting that the conversion of isolated agricultural buildings to residential use is supported by Government in the changes made to the permitted development regime whereby conversions, of certain scales, are able to be supported subject to there being no technical reasons such as highways, contamination, noise, flooding or the location impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
- 5.14 Comments from objectors regarding the sustainability of the site have been noted. Although, the location of the site and its sustainability was a previous one of the reasons for refusal for a holiday let proposal under reference 2009/0572/FUL, however this reason for refusal was linked to PPS7 (Sustainable Development in Rural Areas) which is no longer in place. The later application under 2012/0812/FUL did considered the use of the site for a holiday let again and the application was consented by the Council, with the assessment being undertaken in regard to the

NPPF. In addition, under 2016/0673/FUL, the principle of conversion to the residential dwelling has been supported in this location.

- 5.15 Paragraph 8 of the NPPF (2021) states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

Economic

The proposal would provide jobs during the conversion and internal works to the windmill as well in the construction of the extension and through local spending by new residents within the village and District.

Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

Environmental

The proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conversion of the windmill and its retention. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 78 / 79 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore, the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore, having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above and would represent sustainable development. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 78 / 79 of the NPPF (2021) which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 5.16 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Neighbourhood Plan, Core Strategy, NPPF and Local Plan.

Impact on Heritage Assets

- 5.17 In considering proposals which affect a listed building regard has to be made of S16 (2) and S66 (1) where a planning application affects a Listed Building or its setting of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it

possesses'. Members should note that in terms of applications for Listed Building Consent then if it is considered that a scheme affects a Listed Building per se and also affects its setting then it is the duty of Members, in line with Case Law, to give considerable importance and weight to the impact of the proposed works on the listed building and its setting.

- 5.18 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 5.19 In considering the principle of conversion under consent 2016/0673/FUL and the noted Listed Building consents then the Council has previously accepted that the building can be converted and extended and the proposed scheme now submitted under this application although including a change to the internal layout of the conversion / extension and the realignment of the extension element the proposal is still for conversion and the extension is no bigger in scale or size from that previously supported having taken account of the site history, evolution and condition at that point in time.
- 5.20 The now Heritage Statement does again assess the scheme in terms of the sites history and outlines the works that are required to facilitate the conversion / extension, as well as considering the impacts of the proposal on the asset.
- 5.21 As noted above the Council has granted Listed Building Consent for the works to facilitate the initially proposed conversion under 2016/0675/LBC and then for the revised scheme under 2020/41080/LBC which was a S19 submission change the plans approved under 2019/0694/LBC.
- 5.22 Having considered the latest Heritage Statement and the historic and extant consents for the site then it is considered that the scheme has been sympathetically designed in terms of the scale and massing and would not detract from the significance of the windmill. The proposed materials for the extension are acceptable and final details can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 5.23 As such it is considered that the application is in accordance with the NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long-term conservation of the asset for this and future generations and is therefore in accordance with NPPF.
- 5.24 In addition, the application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal and the design also ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high

quality design, and having regard to the local character, identity and context of its surroundings.

- 5.25 As such it is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use. Although, there is considered to be limited harm to the Listed Building and its setting as a result of the proposal including the addition of the extension, the harm can be considered to be “less than substantial”. Therefore, when balanced with the benefits of bringing the Windmill back in beneficial use through improvements to its fabric and the proposed extension and thus allowing its use for residential accommodation it is considered that the benefit outweighs the harm to a considerable degree and thus it is considered that proposal is on balance acceptable.
- 5.26 As such Officers would advise Members that it is therefore considered that the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with ELH4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1, ENV22, ENV24 and H12, of the Local Plan subject to appropriate conditions as per those attached to the earlier consent for the conversion under 2016/0673/FUL.

Design and Impact on the Character of the Area

- 5.27 The proposed development seeks permission to convert an existing windmill into a residential dwelling and also proposes a single storey extension. The scheme is an alternative to that which was previously consented with the rearrangements of internal layout and a re-siting of the extension. The proposed re-use is considered to generally take place within the fabric of the building and does not require an extensive extension in order to create a dwellinghouse. In addition, it should be noted that the proposals would utilise the existing window and door openings within the existing building in order to retain the character and appearance of the building.
- 5.28 The size, scale and juxtaposition of the proposed extension would appear subservient to the windmill. Furthermore, the design takes into account the circumference of the windmill and appears as a functional outbuilding to the windmill rather than a separate building. In addition, the use of a dark wood for the external walls would reflect the original tar finish of the windmill visually and as such, it is considered that on balance the proposed extension would not be harmful to the windmill’s landscape prominence and is acceptable.
- 5.29 Other design features incorporated into the proposed extension and windmill includes ducts, vents, external pipes and openings for windows and doors. The existing openings within the windmill would be utilised and the proposed windows would be recessed and all windows would be dark painted or stained hardwood to reflect the historical character of the site. Although the proposed windows would vary in size, it is considered that this approach is acceptable.
- 5.30 The Heritage Statement confirms that ducts and vents would be fitted internally, although from the plans submitted, there may be some views of the vents on the windmill. However, when taken in the context of the site, it is not considered that the services required as part of the proposal would result in a visual impact as many would be located internally and therefore views would be limited.

- 5.31 The external wall materials proposed for the single storey extension would be dark wood timber boarding with red pantiles for the roof which is considered acceptable. In addition, there would be a glazed link connecting the windmill and proposed extension in order to visually separate, but link the two structures. These materials are considered to be acceptable and can be secured by condition in order to ensure the development is carried out in accordance with the submitted details. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.
- 5.32 In terms of landscaping, a garden area is proposed to the rear of the proposed extension and windmill and the proposed hardstanding leading from the highway is proposed to be constructed of stone. There is an existing hedge to the western boundary which is proposed to have any gaps closed but no other boundary treatment is proposed which would retain the open nature of the site. This hedge planting can be conditioned to ensure it is of the same species and height as the existing hedge and a further condition can be included which removes permitted development rights for the installation of any further boundary treatments to the site under Part 2 of the General Permitted Development Order which would ensure the openness of the site is retained.
- 5.33 Although, the submitted plan shows the areas of hard and soft landscaping within the site, it is considered that a condition is attached which requires full details of the hard and soft landscaping within the site in order to ensure the site does not appear overly domesticated in nature having regard to the historical setting of the site and the surrounding area. In light of the conditions proposed, it is considered that the landscaping and boundary treatments within the site would be appropriate to the current and historical landscape in the surrounding area and would not result in a significant impact on the visual amenity of the area.
- 5.34 It is considered that it is appropriate to remove permitted development rights for any extensions to preserve the setting of the listed building thus removing rights under Classes A to E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order.
- 5.35 The letter of objection considers that insufficient information has been submitted which would allow the LPA to fully assess the proposal and its impact on the character of the open countryside. The public viewpoints of the site in the wider area have been visited and the proposal has been assessed accordingly. It is concluded that the proposals are acceptable having had regard to the impact on the character of the area subject to a series of conditions.
- 5.36 In addition, the objector considers that the use of the site as a dwelling is likely to have a significant impact on the area due to the creation of a structured urbanised landscape, introduction of lighting, residential paraphernalia and residential curtilage. This would result in the structure being more dominant in views from the more intensive use of the site. Having had regard to these issues and as set out above it is considered that an appropriate scheme can be achieved subject to conditions. In terms of the issue regarding external lighting, within the letters of support it is noted that there would have been some lighting at the site when it was in operational use, although this is likely to have been low level and the application proposes blackout

blinds in order to reduce light spillage from the site. As such, it is considered that an appropriate lighting scheme can be achieved at the site and this can be conditioned.

- 5.37 Having considered all of the above, the proposals are considered acceptable with respect to the design and the impact on the character of the area, in accordance with policies DBE 2, DBE 3 and ELH 4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1 and H12 of the Local Plan subject to appropriate conditions.

Impact on Residential Amenity

- 5.38 The nearest residential property is located in excess of 500 metres from the application site and as such, it is considered that the proposal would not have any impact on the amenity of any property. In addition, it is considered that the proposal would result in an acceptable standard of amenity for the occupants of the proposed dwelling.
- 5.39 It is therefore considered that a good standard of residential amenity for both occupants and neighbours would be achieved and that the proposal is therefore in accordance with Policy WB1 of the Neighbourhood Plan, the advice contained within the NPPF and Policy ENV1 (1) of the Selby District Local Plan.

Highway Safety Issues

- 5.40 The letter of objection raises some concerns in regards to highway safety including safe access to the site and provision for service vehicles to enter the site. The proposal would utilise an existing access into the site from Old Road and would create a new access road to the windmill.
- 5.41 The Highways Officer at North Yorkshire County Council has been consulted and has no objections to the access arrangements and impacts on the highway network subject to conditions relating to the implementation of the proposed works in accordance with the submitted plans and visibility splays. Furthermore, it should be noted in respect of accessibility by service vehicles such as refuse vehicles that it is not unusual in locations such as this for the occupiers to present their bins at the entrance to the site for collection. It is therefore considered that there are suitable provisions in place to ensure that no detriment would occur.
- 5.42 The applicants have confirmed that the required visibility spays can be met and that they accept the conditions suggested by the Highways Officer. However, one of the conditions requested by the Highways Officer relating to a construction management plan is not considered as being reasonable or proportionate given the scale of the development.
- 5.43 It is therefore considered that the scheme is acceptable and in accordance with Policy WB1 of the Neighbourhood Plan, Policy SP19 of the Core Strategy and the NPPF and Policies ENV1(2), H12(7), T1 and T2 of the Selby District Local Plan.

Flood Risk, Drainage and Climate Change

- 5.44 The application site is located within Flood Zone 1 which is at a low probability of flooding. The application forms states that the foul water would be directed to a Package Treatment Plant and surface water would be directed to a soakaway.

- 5.45 The Ainsty Internal Drainage Board has requested conditions are attached to any permission in regard to soakaways and the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.
- 5.46 Having had regard to the above and taking into consideration the proposed connections, the proposed scheme is considered to be acceptable in regard to drainage on the site subject to appropriate conditions in accordance with DBE 4 of the AR&AS Neighbourhood Plan.

Nature Conservation Issues

- 5.47 The application site is not a formal or informal designated protected site for nature conservation or is known to support or be in close proximity to any site supporting protected species or any other species of conservation interest.
- 5.48 As a result of comments from the County Council Ecologist the applicant has submitted a Bat Survey prepared by Brooks Ecological dated July 2021. The submitted Bat Survey demonstrated a likely absence of roosting within the Windmill and concluded that the proposed scheme presented little risk of impacting upon bats or their roosts. No assessment was requested in terms of other protected species, but surveys submitted as part of 2016/0673/FUL noted no impacts.
- 5.49 In commenting on the application then the County Ecologist has raised no objections to the scheme noting that “based on the findings of the survey, noting that the report recommends inclusion of a bat roost as part of the proposed works and a location for this is included in the drawings submitted with the application. As such the County Ecology Officer confirmed support for the Report and its recommendations.”
- 5.50 Having had regard to all of the above it is considered that the proposal would accord with ELH2 of the AR&AS Neighbourhood Plan, the NPPF and Policy ENV1(5) of the Local Plan with respect to nature conservation subject to conditions.

Affordable Housing

- 5.51 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District.
- 5.52 Whilst the Policy seeks financial contributions from sites below the threshold of 10 dwellings, the NPPF is a material consideration and states at Paragraph 64 that provision of affordable housing should not be sought for residential developments which are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). In respect of sites where the yield is to be less than 10 units, a financial contribution is identified as being appropriate. Policy SP9 has in this regard been superseded by the Ministerial Statement and national advice. Tariff style charges such as that identified in Policy SP9 can no longer be applied. The LPA has confirmed that this approach will be applied.
- 5.53 The application is for less than 10 units and the proposal is for a single dwelling. In addition, the proposal is not considered to be major development as defined in Annex 2 of the NPPF.

- 5.54 It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

Contaminated Land

- 5.55 The proposal involves an end use that would be particularly vulnerable to contamination and the site is identified as potentially contaminated and a Screening Assessment Form (SAF) was submitted with the application. The Council's Contaminated Land Consultant has reviewed the SAF for the above site, as well as undertaken a brief review of available online information and advised that a condition on unexpected contamination was appropriate in this case. As such, the proposal is therefore considered to be acceptable with respect to contamination and in accordance with Policy SP19 of the Core Strategy and Policy ENV2 of the Local Plan.

Other Issues

- 5.56 Criterion 1 of Policy H12 of the Local Plan 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 of that there is no demand for buildings for those purposes in the immediate locality". However, the approaches taken by Policy SP2A(c) and Paragraph 79 / 80 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) merely expressing a preference for employment uses. It is therefore considered that Policy H12 of the Local Plan should be given limited weight due to the conflict between the requirements of Criteria (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF. As such, it is considered that the applicant does not need to meet the tests set out in Criterion 1 of Policy H12 of the Local Plan.
- 5.57 Criteria 6 of Policy H12 requires that buildings are not in close proximity to intensive livestock units or industrial uses which would be likely to result in a poor level of amenity for occupiers of the dwelling. The site is located adjacent to agricultural land which is not used for intensive livestock uses and is also located at a considerable distance away from the nearest industrial use.
- 5.58 The letter of objection reference mistakes in terms of the application form. Officers have assessed the application based on a site visit, consultee responses, the submitted information and having taken into account national and local policies as well as comments received following notification of the application and not solely based on the applicant's submission and are satisfied that there is sufficient information on which to determine the application.
- 5.59 A further concern has been raised over the supply of electricity to the site and it is noted that no overhead power lines are located within the vicinity of the site. However, in many instances, an electricity supply can be made through underground cables which do not require the provision of overhead power lines and it would be up to the applicant to ensure that a supply can be provided to the property.

Benefits of the Proposal

- 5.60 In assessing the proposal, it is considered that the proposals would bring back into beneficial use a Grade II Listed Building and provides a means of ensuring the future conservation of the windmill. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with the NPPF which allows isolated homes in the countryside if such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets or where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 5.61 The proposal is not considered to inhibit an understanding of the windmill's historic function and how it would have operated and the proposed extension would appear as a functional outbuilding to the windmill, which is not alien in character in terms of the type of structure that may have been attached to the windmill historically. In addition, the proposal would result in the future conservation of the windmill which is considered to be an important structure and therefore, the proposal is considered to be acceptable in terms of its impact on Heritage Assets.
- 5.62 The proposals would make use of the environmental capital (energy and materials) that is invested in the windmill through its re-use and the design would take into account other environmental issues such as reducing carbon emissions, flooding and impacts on climate change. Furthermore, the proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.
- 5.63 In addition, the proposal would add an additional dwelling to the housing supply in the District and would provide various economic benefits from the initial conversion/construction works through to spending by new residents within the village and District.
- 5.64 Whilst the proposal would perform poorly with respect to the location of the site, the proposal is considered to comply with the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor. As such, the significant benefits of the scheme as outlined in the report are considered to outweigh this adverse impact and the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF. In addition, the scheme fully accords with the policy approach of the AR&AS Neighbourhood Plan.
- 5.65 Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role and accord with the requirements of the relevant policies and on this basis that permission should be granted subject to the conditions listed below.

6.0 Conclusion

- 6.1 The application seeks the conversion and extension of a windmill to form a single dwellinghouse. The site is located outside the defined development limits of Appleton Roebuck and is within the open countryside.
- 6.2 The proposal is considered to be appropriate development in the open countryside as it and it is considered acceptable when assessed against the development plan which includes the Neighbourhood Plan and balanced against Paragraph 79 / 80 of the NPPF.

- 6.3 The proposal is considered to provide a means of ensuring the future conservation of the windmill which is an important structure. The scale, appearance and design of the proposed extension is considered to provide a good appreciation of the circumference of the tower and give the appearance of a functional outbuilding to the windmill. As such, it is considered that the proposal is acceptable in respect of the impact on the Heritage Asset.
- 6.4 Other matters of acknowledged importance such as the impact the character of the area and open countryside, flood risk, drainage, highway safety, residential amenity, nature conservation and land contamination have been assessed and are considered to be acceptable.
- 6.5 Members should also note that the issues raised in the letter(s) of objection are not considered to justify the refusal of the application and subject to Condition the council will have sufficient control over the proposal to ensure that the development will be satisfactory.
- 6.6 So although the scheme does not accord with the Development Plan in terms of the relationship to the Local Plan Policy H12 there are material considerations in favour of the development and the scheme is considered acceptable on balance given the benefits to allow planning permission to be granted.

7.0 Recommendation

7.1 That the application be APPROVED subject to the following conditions:

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

- Location Plan (ref LOC1)
- Existing Floor Plan (Ref 1 of 20)
- Existing Elevations (ref 2 of 20)
- Layout Plan (ref 6A of 20)
- Proposed Floor Plans (ref 3 of 20)
- Proposed First Floor Plan (ref 13A of 20)
- Proposed North and South Elevations (ref 4A of 20)
- Proposed West and East Elevations (ref 5A of 20)

Reason:

For the avoidance of doubt.

02. The development hereby approved shall not be occupied until all conversion works to the Listed Building (The Old Windmill) have been undertaken and completed in accordance with the permission.

Reason:

For the avoidance of doubt and to ensure that the works to convert the Windmill are undertaken and completed prior to occupation.

03. No further works to the exterior of the extension shall be undertaken above slab level until samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension shall be submitted to

and approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building.

04. Within 3 months of the permission the materials to be used in the repairing of the external walls of the windmill, the vents and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

05. Within 3 months of the permission details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

- 06.. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. Within 3 months of the permission the approval of the Local Planning Authority is required to a scheme of landscaping and tree planting for the site, indicating inter alia the number, species, heights on planting and positions of all trees, shrubs and bushes. Such scheme as approved in writing by the Local Planning Authority shall be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes shall be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

09. The new hedge planting, as shown on Drawing Number 6A, shall be of the same species and height as the existing hedge along the western boundary of the site. The new hedge planting shall be carried out in its entirety prior to occupation of the proposed dwelling and shall thereafter be retained throughout the lifetime of the development.

Reason:

To safeguard the rights of control by the Local Planning Authority in the interests of amenity having had regard to Policy ENV1 of the Selby District Local Plan.

- 10.. Notwithstanding the provisions of Classes A to E to Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no extensions, garages, porches, outbuildings, roof additions or other structures shall be erected, nor new windows, doors or other openings shall be inserted into the windmill or extension, without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity, to ensure continued protection of the open countryside and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

11. Notwithstanding the provisions of Class A and Class C to Schedule 2, Part 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no fences, gates or walls shall be erected within the curtilage of the dwellinghouse hereby permitted, other than those shown on the approved drawings, nor shall any exterior painting of the extension or windmill be permitted without the prior written consent of the Local Planning Authority.

Reason:

In order to retain the character of the site in the interest of visual amenity and to ensure that proposals are in keeping with the Listed Building having had regard to Policies ENV1 and ENV24 of the Local Plan and the NPPF.

12. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

13. Within 3 months of the permission a scheme for the provision of surface water drainage works shall be submitted to the Local Planning Authority for approval. Any such Scheme shall be implemented prior to the development being brought into use. The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from “greenfield sites” taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

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

14. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Local Authority. If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area). If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

15. The windmill and/or extension shall not be occupied or brought into use until the site is connected to the Package Treatment Plant for the disposal of foul water.

Reason:

To ensure that no foul water discharges take place until proper provision has been made for its disposal.

16. The site shall be constructed in accordance with the published specification of the Highway Authority and the following requirements:

- a) The access shall be improved to give a minimum carriageway width of 4 metres, and that part of the access road extending 6 metres into the site shall be constructed in accordance with Standard Detail number E50A.

- b) Any gates or barriers shall be erected a minimum distance of 6 metres back from the carriageway of the existing highway and shall not be able to swing over the existing or proposed highway.
- c) Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway and shall be maintained thereafter to prevent such discharges.

INFORMATIVE

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 this condition.

Reason:

In accordance with Policies T1, T2 and H12 of the 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.

- 17. There shall be access or egress by any vehicle between the highway and the application site until splays are provided giving clear visibility of 160 metres in a westerly direction and 160 metres in an easterly direction measured along both channel lines of Old Road from a point measured 2.4 metres down the centre line of the access road, Once created, these visibility spays shall be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and in the interests of road safety.

- 18. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved have been constructed in accordance with the submitted drawing (Reference 7 of 20). Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times

INFORMATIVE

The proposals shall cater for all types of vehicles that will use the site. The parking standards are set out in the North. Yorkshire County Council publication 'Transport Issues and Development - A Guide' available at www.northyorks.gov.uk

Reason:

In accordance with Policies T1, T2 and H12 of the Local Plan and to provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

- 19 The development shall be carried out in complete accordance with the recommendations set out in the Bat Survey dated July 2021 and Extended Phase 1 Habitat Survey dated December 2015 both by Wold Ecology Ltd

which were as received by the Local Planning Authority on 6 June 2016 under 2016/0673/FUL.

Reason:

In the interests of biodiversity and nature conservation and in order to comply with the advice contained within the NPPG.

20. 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.

Informatives:

- NPPF – No Changes
- All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

8 Legal Issues

Planning Acts

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

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.

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 2021/0347/FUL and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None