

Report Reference Number: 2021/0101/FUL

To: Planning Committee
Date: 9 February 2022
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APPLICATION NUMBER:	2021/0101/FUL	PARISH:	Newland Parish Council
APPLICANT:	Mr Neil Smith	VALID DATE:	8th February 2021
		EXPIRY DATE:	5th April 2021
PROPOSAL:	Restoration of Rusholme Hall back to Residential Use (Use Class C3)		
LOCATION:	Rusholme Hall Rusholme Lane Newland Selby North Yorkshire YO8 8PW		
RECOMMENDATION:	APPROVE		

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 that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises Rusholme Hall on Rusholme Lane, an abandoned detached former farmhouse which sits in a group of traditional farm buildings, located in open countryside to the east of Drax village. The site is flanked to the west and north by the former agricultural buildings currently being converted and Rusholme Bungalow is located immediately adjacent to the east.

The site is located outside the development limits and is therefore located in the open countryside. It is within Flood zone 3.

The existing dwelling is a two-storey property of approximately 25 metres in length by 8 metres in width under a pitched roof with chimneys and stone course. It has two storey additions to the western end and a further addition to the front (former rear) end. The roof is natural slate with stone copings and the walls are red brick with concrete render. The dwelling is currently in a disused derelict state and has been abandoned. Council tax payments ceased in 2002 due to the house being uninhabitable and incapable of occupation.

The Proposal

- 1.2 The proposal is for the restoration of Rusholme Hall back to residential Use (Use Class C3). The proposal is stated to be to restore and create a 5 bedroomed detached dwelling.

Relevant Planning History

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

- CO/1988/0857: Erection of Boarding Kennels: Rusholme Hall Farm, Rusholme Lane, Newland, Selby, North Yorkshire, YO8 8PW: **Refused**: 07-APR-88
- 2019/0525/HPA: The addition of a first floor over existing bungalow and rendering of existing and proposed, Address: Rusholme Hall Bungalow, Newland, Drax, Selby, North Yorkshire, YO8 8PW. Decision: **Permitted** 28-AUG-19
- 2019/1039/HPA: Proposed demolition of existing two storey front extension and two storey side extension and erection of two storey front extension and two storey rear extension: Rusholme Hall, Rusholme Lane, Newland, Selby, North Yorkshire, YO8 8PW. Decision: **Withdrawn** 18-DEC-19

NB: This latter application could not be determined as it was clear that the residential use had been abandoned.

2. CONSULTATION AND PUBLICITY

The Environment Agency

2.1 Flood Zone

The site lies within Flood Zone 3. The application is for the restoration of a building to residential use, which is classified as a 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. A site-specific Flood Risk Assessment is required (FRA). The EA have reviewed the FRA submitted and provided the proposed development is built in accordance with the submitted FRA (with no ground floor sleeping accommodation, and the described flood resistance / resilience measures we have no objections.

2.2 Foul Drainage

No objections to a new package treatment plant provided that the General Binding Rules for releases into ground or surface water are complied. Where connection to main sewer is not possible, under the Environmental Permitting Regulations 2016, any discharge of sewage or trade effluent made to either surface water or

groundwater will need to hold a permit issued by the Environment Agency in addition to planning permission.

Planning Yorkshire Water

2.3 No response received following consultation.

Selby Area Internal Drainage Board

2.4 Makes comments & recommends a condition:

Advice given on various surface water drainage options of soakaway system, main sewer system or watercourse.

NYCC Highways

2.5 No objections to the proposals.

Contaminated Land Consultant

2.6 The Screening Assessment Form shows that the site is currently occupied by a dilapidated residential dwelling, and it is proposed to renovate this back into residential use. No fuel or chemicals are known to have been stored on site and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. Advise one condition to cover for unexpected contamination being detected during the works.

Natural England

2.7 No comments to make. Has not assessed impacts on protected species and advise consultation with SDC ecology services.

North Yorkshire Bat Group

2.8 From the ecology report and photographs available on the Council's planning website it is apparent that the building that is the subject of this planning application has some moderate bat roost potential. This is stated in the ecology report and photographs show the presence of gaps between roof slates and elsewhere that would permit access to bats. Disused and boarded-up buildings of this type in a rural area may be used by both hibernating and breeding bats. Therefore, we would recommend an internal inspection of the building be undertaken before the end of February to search for hibernating bats and two bat emergence surveys during the period May-August inclusive to determine whether any bats are using the building for roosting during the breeding season.

Yorkshire Wildlife Trust

2.9 No response received following consultation.

NY County Ecologist

2.10 Final comments following Bat Survey on the house and barn

The report concludes that the farmhouse and barn do not currently support roosting bats and there is no evidence of recent occupation. No licence is required for works to proceed. Slight chance of a small number turning up during approach and therefore the precautionary approach in the report is supported. Support the suggested enhancement measures for bat boxes. In view of bird nests, would support the recommendations for timing of works outside the bird nesting season and provision of artificial nesting structures to compensate for the loss.

Conservation Officer

- 2.11 Rusholme Hall is a linear range which dates to the 19th century. There are remains of a moat to the south and west of the property. The outline of moat can be seen on the OS map of 1890 and it is likely that there was an earlier hall on this site from the 14th century which was when moated properties were prevalent. The land in the area was most likely marshy and prone to flooding due to being close to the Ouse, therefore a moat would have been constructed to protect the original hall. There may also be ridge and furrow located to the south of Rusholme Hall. Although the current frontage is considered to be the northern elevation which faces towards the road, the principal elevation may have originally been the southern elevation which faced on to a treed area on the island. To the north are the farm buildings which were ancillary to the hall and would have been located at the historic rear.
- 2.12 Due to the age and simple plan form of this building, it is a non-designated heritage asset and even though it has not been maintained, it contributes positively to the local distinctiveness and historic character of the area. NPPF paragraph 203 is relevant:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 2.13 The Structural Report highlights issues with the two extensions that remain. It also identifies an area of bulging to the southern elevation wall that requires rebuilding. Rising damp is identified but the cause and source of the damp is not discussed. There is also mention of dry rot in a lintel.

Detailed comments made on the original submitted scheme:

- extensive changes proposed which essentially was almost a complete demolition and rebuild.
- concern that the proposed central extension to the northern elevation and the projecting extension to the southern elevation would have an adverse impact upon the linear form of the building.
- Historically extensions have been located to the northern elevation (which I presume is the historic rear) therefore it is advised that the extensions are maintained to this elevation rather than to the historic principal elevation (southern).
- Plastic windows inappropriate
- Door openings excessive and style inappropriate
- Traditional windows/doors should be maintained
- Ideally the internal walls and partitions and staircases should be retained to preserve some of the historic interest of this historic building
- advised that the cement render is removed and replaced with lime render to reduce the amount of dampness within the structure and to improve the breathability of the walls

2.14 Comments on revised scheme:

- need for details to be agreed in relation to fenestration (design and materials), roof damp proofing methods, grouting, use of lime mortar for rendering.
- Still some concerns over internal alterations and loss of staircases

Urban Design Team

- 2.15 Initially commented recommending refusal. Agree with the Conservation Officers assessment. Summary of comments as follows:
- 2.16 The existing building is a substantial vernacular dwelling, which has been negatively impacted by unsympathetic overcladding/cement render, but still possessing a great presence.
- 2.17 This character is neither captured nor conveyed in the submitted drawings, which are simply incorrect. Windows are misaligned, incorrectly sized, and openings (on the southern elevation) incorrectly profiled. Chimneys are not shown. Details such as the water tables are shown at a scale that makes them appear inconsequential. Windows on at least one gable end are missing, as well as the gable end lean-to seen on earlier photos, if this has not already been removed.
- 2.18 An overlay comparison of Existing and Proposed drawings reveals that virtually none of the existing building will remain untouched, which suggests that very little will be retained either. The extent to which windows are relocated and resized implies substantial rebuilding, which also suggests a possible reliance on render to cover the many structural alterations. Features such as water tables, chimneys disappear. The ridge line also appears lower.
- 2.19 Internally, the building is simply gutted. The original building and its meaning in the landscape will be obliterated and replaced with a generic *idea* of a farmhouse in the country.
- 2.20 Amendments are based on a fundamentally flawed approach to the reuse of this building. With the right treatment (simple, sensitive restoration), the building would represent the epitome of a classic, rambling country farmhouse, of a type eagerly sought in more affluent areas. Recommend a historic buildings survey at the first opportunity, in order to properly understand the existing building.

Comments on re-submitted scheme

- 2.21 A significant improvement. Query the need for removing all of the staircases bar one, which appear to be a key feature of the property, and its history, character and development.
- 2.22 The extent to which the existing building fabric has been worked with is good, original layouts can be read where internal walls originally stood, while still accommodating the desire for open-plan arrangements on the ground floor. Any remaining historic features are retained in situ where possible.
- 2.23 Attention to detail will be important – materials, depth of reveals for openings, window styles, and so on. Conservation officer for advice on these should be followed especially regarding window styles/details, and appropriate types of mortar/render. Equally, boundary treatments should be sympathetic and

complementary to the building, incorporating the same materials and details, so that the entire site is conceived and improved as a coherent whole.

Parish Council

No comments received.

Publicity

The application was advertised by the erection of a site notice resulting in no letters of representation.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site is located outside of the settlement hierarchy and as such outside of any defined Development Limits and therefore within the open countryside.
- 3.2 The site is entirely within Flood Zone 3.
- 3.3 There are no environmental designations on or near the site.

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 (July 2021) (NPPF) replaced the February 2019 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 2021 NPPF.

- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) 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
SP9 Affordable Housing
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan

- 4.7 The relevant Selby District Local Plan Policies are:

T1 Development in Relation to the Highway network
T2 Access to Roads
ENV1 Control of Development
ENV2 Environmental Pollution and Contaminated Land
H12 Conversion to residential use in the Countryside

5 APPRAISAL

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

1. Principle of Development
2. Conservation & Historic Environment
3. Character and Appearance of the Locality
4. Impact on Nature Conservation
5. Flood Risk & Drainage
6. Residential Amenity
7. Highway Safety
8. Contamination and Ground Conditions

Principle of the Development

- 5.2 CS Policy SP1 states 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. CS Policy SP1 is therefore consistent with national policy set out in the NPPF.
- 5.3 CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

“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.”

- 5.4 As the residential use has been abandoned, it currently does not have a use. As such the replacement of an abandoned building with a new dwelling would not be consistent with SP2 c). Moreover, the NPPF at para 79 advises that the planning decisions should avoid the development of isolated new homes in the countryside unless it falls within a limited range of circumstances. These include criterion (c) which states:

“the development would re-use redundant or disused buildings and enhance its immediate setting.”

Therefore, the re-use of the existing building for a dwelling would be consistent with SP2c) and the NPPF provided it would enhance the immediate setting.

- 5.5 SDLP Policy H12 of the Local plan controls proposals for the conversion of rural buildings to residential use in the countryside (outside defined Development Limits) and stipulates the criteria in which conversions will be permitted, where relevant – which in this instance is criteria 1 to 7 and these are considered in greater detail in the following sections of this report below.

- 5.6 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) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF merely setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. It is therefore considered that Policy H12 (1) 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 less onerous approach set out both in the Core Strategy and within the NPPF. The remaining criteria of H12 can still be given full weight as it is a saved policy and does not conflict with the advise in the NPPF.

- 5.7 In principle the conversion and re-use of this building to a dwelling within the countryside (outside development limits) is acceptable subject to meeting the requirements of Policy H12 criteria 2-7 and other relevant development plan policies.

Conservation & Historic Environment

- 5.8 Policy SP18 of the Core Strategy sets out that the high quality and local distinctiveness of the natural and manmade environment will be sustained by, amongst other things safeguarding and, where possible, enhancing the historic and natural environment. Criteria 2 of SP18 seeks to conserve those historic assets which contribute most to the distinct character of the district and realising the potential they can make towards the economic regeneration, tourism, education and quality of life.
- 5.9 There are no statutory listed features of architectural or historical significance on or in proximity to the site. However, as seen from the Conservation Officers and Urban Design Team comments, although in a deteriorated condition with unsympathetic alterations, the building still contributes positively to the local distinctiveness and historic character of the area. Rusholme Hall is a linear range dwelling which dates to the 19th century. A review of historic maps reveals the building has been in existence since 1853. The current rear south elevation is considered to be its original front elevation which would have faced towards the early moat. Due to its local historic and architectural character, the building is considered to be a no-designated historic asset.
- 5.10 NPPF paragraph 203 states that;
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application...a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.*
- 5.11 SDLP Policy H12 criterion (2) allows the conversion of rural buildings to residential use in the countryside 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”*
- 5.12 Criteria 3) of H12 requires that;
- “The building is structurally sound and capable of re-use without substantial re-building”*
- 5.13 Criteria 4) of H12 requires that;
- “The proposed use or adaptation will generally take place within the fabric of the building and not require extension alteration, rebuilding and/or extension”*
- 5.14 A structural appraisal has been submitted which concludes that the main walls appear sound with minor cracks in the render. The extension to the front is not bonded into the brickwork of the main house and has moved. This is indicated to require further investigation to assess the foundations which may require underpinning to prevent further movement and stitch repairs to close gaps and bond across masonry walls. The extension at the west end of the house has also some movement and stitch repairs will be necessary. Other defects include some minor cracking to brickwork which can be repaired and timber lintels in need of

replacement. The wall on part of the rear elevation is out of plumb and a section (stated to be 10% of wall area) will need to be locally demolished and rebuilt up to first floor level. The structural survey also anticipates that some of the roof and floors will need to be stripped out and structural timbers repaired or replaced. In general, the structural survey found the farmhouse to be in fair condition with localised defects but capable of bringing back into use as a dwelling.

- 5.15 Bearing in mind the historic interest of the building and the careful repairs needed to parts of the structure, there were significant concerns over the original scheme submitted as it utilised very little of the original fabric. Although the proposed plans indicated a dwelling on a similar footprint, an overlay of the existing plans with the proposal indicated that the level of new building was so significant as to amount to the construction of a new dwelling. The scheme would have removed the two existing extensions and provided for a large new central extension with projecting gable. The change in fenestration and insertion of large modern window openings in different positions to the originals would have required the virtual almost complete re-construction of the building. The design was that of a large modern dwelling at odds with this rural location and the surroundings. Moreover, the design bore very little resemblance and retained none of the features of the original hall. As such it did not comply Policy SP2 c) or SP18 of the Core Strategy and failed to comply with the criteria of Local Plan Policy H12 criteria 2,3, and 4 of H12 resulting in the loss of a non-designated heritage asset.
- 5.16 Although lacking in detail, an amended scheme has now been submitted and the plans provide for a much simpler conversion of the existing structure retaining most of its original features. The proposed plans indicate the retention in position of all the original smaller scale window and door openings, the roof chimneys and stone copings. A structural method statement for the conversion has also been provided to carry out repairs to sections first. Some internal walls on the ground floor are to be removed to create a more open modern kitchen living area. The Conservation Officer and the Urban Design Team consider the removal of internal staircases (3 out of 4 internal stairs to be removed) to be regrettable and would prefer their retention. However, much of the internal timber is in need of replacement due to its condition and the removal of the stairs would facilitate a better internal and useable arrangement.
- 5.17 The existing chimneys would be retained although some of the roof timbers and the slate coverings will need replacement. There are also concerns about the proposed use of cement render to replace the existing. Part of the reason the building has deteriorated is due to damp. Ensuring the building is secured for the future requires the use of a lime mortar for breathability. However, conditions can be imposed to require approval of appropriate roof materials, other features, window design, reveals, joinery, heads and cills and types of mortar/render. All of these are required to ensure the buildings unique character is retained. Further details of the boundary treatments will be needed to ensure they are appropriate for the setting of this building.
- 5.18 As this is not a listed building a balanced approach is needed which secures the retention of the building whilst allowing some changes to secure its continuation as a modern dwelling. Subject to the details as required by condition the level of changes proposed is acceptable.
- 5.19 Overall, the resubmitted drawings represent a significant improvement and subject to satisfactory detailing as outlined above, the scheme has the potential to conserve

a local building of interest and enhance its immediate setting. In this respect the scheme complies with SP2 and SP18 of the Core Strategy, H12 criteria 2),3) & 4) of the Local Plan and with the NPPF.

Character and Appearance of the Locality

- 5.20 SDLP Policy H12(5) allows the conversion of rural buildings to residential use in the countryside where:
- “The conversion of the building and ancillary works, such as the creation of a residential curtilage and the provision of satisfactory access and parking arrangements, would not have a significant adverse effect on the character or appearance of the area or the surrounding countryside”
- 5.21 CS Policy SP18 seeks to safeguard and, where possible, enhance the historic and natural environment. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings including the open countryside.
- 5.22 Selby District Local Plan ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.
- 5.23 Relevant policies within the NPPF, which relate to design, include paragraphs 126 to 136. Para 130 of the NPPF states that planning decisions should, amongst other things be visually attractive because of good architecture, layout and appropriate and effective landscaping.
- 5.24 The building sits centrally within the existing group of buildings and the redline boundary on the site location plan and layout plan provides for a front forecourt area and a rear curtilage. At present there is no landscaping or boundary features. The proposed curtilage area is of a reasonable scale and extent without projecting further into the surrounding countryside. Parking will be provided to the front of the dwellings. Although a detailed layout has not been provided, this can be the subject of a condition in relation to hard and soft landscaping in the interests of ensuring the details enhance the site and are appropriate to the rural locality. These are important to the setting of the site and the building.
- 5.25 The detached single storey farm outbuilding at the front of the site within the red lines area is indicated to be used for storage in association with the dwelling. Planning permission would be needed if it was to be used for any other purpose other than ancillary to the dwelling or for any alterations which materially affected its external appearance. As such no further control is considered necessary in terms of conditions.
- 5.26 The sympathetic conversion and re-use of the existing building will contribute positively to the site and its immediate setting. As such, subject to the condition described, above the scheme is considered consistent with the aims of SP19, SP19, H12(5) and with the NPPF.

Nature Conservation and Protected Species

- 5.27 Policy in respect to impacts on nature conservation interests and protected species is provided by Policy ENV1(5) of the Local Plan, Policy SP15 and SP18 of the Core Strategy and advise within the NPPF.
- 5.28 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. The presence of protected species is a material planning consideration.
- 5.29 A Preliminary Ecological Appraisal (PEA) has been submitted. This identified that the farmhouse has moderate potential to support roosting bats and emergence/return survey were required. A bat emergency survey has been subsequently undertaken on the farmhouse and the barn with no evidence of recent occupation. It was noted that there is a slight chance of small number turning up during works and therefore the precautionary approach suggested in the report is supported. A condition can be imposed to ensure the advice and recommendations are followed.
- 5.30 Survey work was undertaken on the required search area in relation to Great Crested Newt and concluded no further survey work or mitigation is required. Advise is given in relation to checking for nesting birds during works.
- 5.31 Subject to receipt of an amended site plan and the conditions suggested above, the scheme is considered acceptable with respect to the impacts on the character and appearance of the locality and complies with policies SP15, SP1 of the CS, ENV1 of the LP and with the NPPF.

Flood Risk & Drainage

- 5.32 Relevant policies in respect to flood risk and climate change include Policy ENV1 (3) of the Selby District Local Plan and Policies SP15 and SP19 of the Core Strategy and the advice in the NPPF.
- 5.33 The site lies within Flood Zone 3, benefitting from flood defences. Flood zone 3 relates to land having a 1 in 100 or greater annual probability of river flooding or 1 in 200 or greater annual probability of sea flooding. The flood zones do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding.
- 5.34 SP15 makes clear that development in areas of flood risk should be avoided wherever possible through the application of the sequential test and exception test and ensure that, where development must be located in areas of flood risk, it can be made safe without increasing flood risk elsewhere. Detailed guidance on dealing with applications in flood risk areas is set out in the NPPG.
- 5.35 In addition, paragraph 159 of the NPPF supports directing development away from areas of a higher probability of flooding. It advises that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 5.36 The NPPF advises that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where

appropriate, applications should be supported by a site-specific flood-risk assessment (FRA). Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

- 5.37 The site is within Flood Zone 3 and in accordance with guidance a site-specific flood risk assessment has been provided. The Environment Agency have been consulted and comment that provided the proposed development is built in accordance with the submitted FRA (with no ground floor sleeping accommodation, and the described flood resistance / resilience measures) they have no objections.
- 5.38 In terms of a sequential test, paragraph 167 of the NPPF sets out that applications for some minor development and changes of use should not be subject to the sequential test or exception tests but should still meet the requirements for site specific flood risk assessments. Minor development is defined at the footnote 56 of the NPPF and includes changes of use and alterations that do not increase the size of the building. This approach is also supported in the Selby District Council Sequential Test Developer Guidance Note (October 2019).
- 5.39 The proposed development re-uses an existing building without increasing the size. No ground floor sleeping accommodation is proposed. All the bedrooms are on the first floor. Conditions can be imposed to ensure the development is implemented in accordance with the advice and mitigation measure in the FRA. Since there is an existing floor, the emphasis is on measures to keep water out of the property rather than raising levels and raised height electricity sockets. Additionally, the occupants will be required to sign up to EA Flood Warning Alerts.
- 5.40 In terms of drainage a package treatment plant is proposed with surface water to soakaways. If the surface water disposed of via soakaway system, the IDB have no objection but advise that the ground conditions in this area may not be suitable. Percolation tests are necessary to establish if the ground conditions are suitable for soakaway drainage throughout the year. Neither the EA or the IDB have required this to be prior to determination and disposal to a watercourse may be an alternative subject to consent from the IDB. A condition can therefore be imposed requiring the full details of surface water disposal to be agreed.
- 5.41 Overall, subject to the appropriate conditions advised by the consultees and relating to FR Mitigation measures, surface water drainage, the development is considered acceptable with respect to its impacts on flood risk, climate changes and drainage. The development can be safe for its lifetime taking into account the vulnerability of its users without increasing flood risk elsewhere. As such the development complies with Policies SP15, SP19 of the Core Strategy, Policy ENV1 of the Local Plan and with the advice in the NPPF.

Residential Amenity

- 5.42 Policy ENV1 (1) of the Selby District Local Plan sets out the approach in respect of the impact of the proposal on residential amenity. Significant weight should be afforded to Policy ENV1 as it is broadly consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants. Policy ENV1 seeks to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.43 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighboring properties, overshadowing/overbearing of neighboring properties and whether oppression would occur from the size, scale and massing of the development proposed.
- 5.44 The site is adjacent to a dormer bungalow to the east and there are barns being converted to the west. The building already exists, and no extensions are proposed. As such in terms of overshadowing or oppression will occur from the buildings scale and massing. In terms of overlooking, views from the ground floor windows can be screened by boundary treatment. The first-floor windows will face south and although views could be afforded into the neighboring garden to the east, the relationship is no different to any two dwellings sitting side by side. Moreover, there would be no new first floor side windows inserted in the development. The existing adjacent dwelling and barn conversions would not adversely impact on the future amenity for occupants of the resulting dwelling.
- 5.45 Overall, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the area or surrounding properties and that an acceptable standard of residential amenity would be achieved within the development for future occupants in accordance with Policy ENV1(1) of the Local Plan and the NPPF

Highway Safety

- 5.46 Policies ENV1 (2), of the Local Plan require development to ensure that there is no detrimental impact on the existing highway network or parking arrangements. Policy T1 of the Local Plan relate to consideration of the highways impacts of development. Policy T1 notes that development should be well related to existing highways networks and will only be permitted where existing roads have adequate capacity otherwise off-site highways works may be required. It is considered that these policies of the Selby District Local Plan should be given significant weight as they are broadly in accordance with the emphasis within the NPPF.
- 5.47 The layout plan does not provide a parking arrangement. However, the open site frontage is directly onto the road which is a quiet rural lane. There is ample space for offsite parking provision within the site. The Highways engineer raises no concerns or comments. However, in order to secure a satisfactory scheme for the future provision for the dwelling and to prevent parking on the road which might obstruct adjacent users, it is recommended that a condition be imposed for a site plan to be agreed which includes a minimum of two off street parking spaces within the front curtilage area.

Contamination and Ground Conditions

- 5.48 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application is supported by a contamination assessment that has been reviewed by then Council's contaminated land consultant.
- 5.49 The Council's Contaminated Land Consultant has confirmed that the report and proposed site investigation works are acceptable. The Screening Assessment Form shows that the site is currently occupied by a dilapidated residential dwelling, and it is proposed to renovate this back into residential use. No fuel or chemicals are known to have been stored on site and no past industrial activities or waste disposal activities have been identified onsite or nearby, so contamination is not suspected to be present. It is advised that just one condition be imposed to cover for unexpected contamination being detected during the works.
- 5.50 Therefore, on the basis of the details set out in the report and the comments from the Contaminated Land Consultant it is considered that, subject to a suitably worded condition the development is acceptable with respect to contamination impacts.
- 5.51 The proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

6 CONCLUSION

- 6.1 The application is considered to be acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP1 and SP2 of the Core Strategy and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as 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).
- 6.2 The building is capable of re-use subject to the repair work identified in the structural appraisal and subject to the work being carried out in accordance with the method statement. The revised scheme is a more sensitive re-use of this abandoned dwelling which is of some local architectural and historic interest and is considered to be a non-designated heritage asset. The details of the conversion are satisfactory and would enhance the immediate locality subject to the conditions mentioned in the report to ensure the finer details are appropriate to this building.
- 6.3 The impacts of the development with respect to the character and appearance of the area, Nature Conservation interests, Flood Risk & Drainage, residential amenity, highway safety and contamination and all other material considerations are considered to be acceptable subject to appropriate conditions.

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 and documents listed below:

- Location Plan Ref. 2833-02-02
- Existing Block Plan Ref: 2833-01-02
- Existing Plans and Elevations Ref: 2833-01-01B
- Proposed Plans and Elevations Ref. 2833-03-01
- Method Statement for Proposed Refurbishment dated November 2021 (Tillet Consulting Engineers)
- Structural Survey (Tillet Consulting Engineers June 2020)
- Preliminary Ecological Appraisal (Curtis Ecology 16 December 2019)
- Bat Survey (Wold Ecology Ltd June 2021)
- Flood Risk Assessment (Tillet Consulting Engineers August 2020)

Reason:

For the avoidance of doubt.

03. The development hereby approved shall be carried out in full accordance with the advice and recommendations of the Method Statement for the Proposed Refurbishment by Tillet Consulting Engineers dated November 2021

Reason

To ensure the stability of the building during the restoration/conversion works and because this permission only permits the re-use of the existing building without re-construction except the minimal areas as indicated in this Method Statement.

04. Full details and/or samples of the following must be submitted for the written approval the Local Planning Authority:

05.

- Any replacement roof materials which must be natural slate and include stone copings to match the original existing roof materials
- Materials for the heads and cills of any windows and doors
- Detailed design and joinery details for the windows and doors
- Rainwater goods

Once approved only the agreed details shall be implemented on this scheme and shall be maintained for the lifetime of the development.

Reason

In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

06. The external face of the frames of all windows and doors of the dwelling hereby approved shall be set in reveals of at least 75- 100mm from the front face of the walls and brickwork.

Reason

In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

07. All replacement and new render or mortar to the external facing of the dwelling hereby approved shall be a lime render or mortar and no alternative shall be used without the prior written approval of the Local Planning Authority. The mix of the lime mortar and render shall be agreed prior to work commencing on these elements.

Reason In the interests of restoring and maintaining the character, appearance and integrity of the original Rusholme Hall dwelling.

08. The dwelling shall not be occupied until a detailed layout plan for front curtilage area has been submitted for the written approval of the Local Planning Authority to provide for vehicle access and parking to the front of the property, full details of boundary treatments, hard surfacing materials and landscaping. Thereafter the approved details shall be implemented within 3 months of occupation and maintained for the lifetime of the development.

Reason:

To ensure the adequate parking provision, site landscaping and boundary treatment appropriate for the setting of Rusholme Hall.

09. The development shall be carried out in full accordance with the advice, recommendations, mitigation and enhancement measures set out Preliminary Ecological Appraisal (Curtis Ecology 16 December 2019) and the Bat Survey (Wold Ecology Ltd June 2021).

Reason:

In the ecological interests of the site, protected species and the surrounding area and to comply with policies SP15 and SP18 of the Core Strategy and ENV1 of the Local Plan.

10. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by (Tillet Consulting Engineers August 2020) and the mitigation measures indicated on page 5 shall be incorporated into the development prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. These measures include a requirement for all future occupants to sign up to Environment Agency Flood Warning Alerts. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

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

11. Prior to the occupation of development, a scheme for the provision of surface water drainage works, including any treated foul water discharge, shall be submitted to the Local Planning Authority for written approval. The approved scheme only shall be implemented before the dwelling is occupied and thereafter maintained for the lifetime of the development.

The following criteria should be considered in designing the scheme:

- 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 30% 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 and most possible sustainable means of drainage and to reduce the risk of flooding.

12. 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 off-site receptors

INFORMATIVES

ANY surface water discharge into ANY watercourses in, on, under or near the site requires CONSENT from the Drainage Board.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 **Financial Issues**

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

10 **Background Documents**

Planning Application file reference 2021/0101/FUL and associated documents.

Contact Officer: Fiona Ellwood (Principal Planning Officer)

Appendices: None