



Report Reference Number 2021/0868/FUL

To: Planning Committee
Date: 17 August 2022
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Lead Officer: Hannah Blackburn (Interim Planning Development Manager)

APPLICATION NUMBER:	2021/0868/FUL	PARISH:	Healaugh Parish Council
APPLICANT:	Mr J Richardson/JAG A Properties Ltd	VALID DATE: EXPIRY DATE:	6th September 2021 1st November 2021
PROPOSAL:	Conversion of agricultural building to 2 dwellings, removal of concrete hardstandings and impermeable outside storage and circulation areas, provision of car parking and landscaping		
LOCATION:	Oakwood Barns Main Street Healaugh Tadcaster		
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 site is located on the east side of Wighill Lane, between the villages of Wighill and Healaugh. It is a farmstead comprising a range of substantial modern farm buildings. The dwelling known as Oakwood lies to the north of the site. To the south is a range of brick barns which have been converted to dwellings under a previous planning permission.
- 1.2 The site consists of four large detached agricultural buildings. Two of the buildings on the west side are the subject of a Part Q permitted development application for conversion to 5 dwellings. This has been resubmitted following a previous refusal.

This application relates to the single largest agricultural building on the east side of the site and is proposed for conversion to 2 dwellings. The building comprises a large steel portal frame with a corrugated asbestos cement panel roof. The walls are clad with profiled steel cladding.

The Proposal

- 1.2 The proposal is to convert the building to two 4 bedroom dwellings with integral garaging. The scheme includes the removal of concrete hardstandings and impermeable outside storage and circulation areas together with the provision of car parking and landscaping.

Relevant Planning History

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

CO/1978/32017, AltRef: 8/82/15/PA: Erection of an agricultural building, Address: New Buildings Farm, Main Street, Healaugh, Tadcaster, LS24 8BU. Permitted 05-JUL-78

2017/0706/FUL-Proposed conversion of existing disused agricultural buildings to form two residential dwellings with associated garaging. Approved 08/12/2017
Subject to a condition which states:

No buildings on land to the north and east of the application site as shown on Plan Reference R075.01.04 REV A dated 12th October 2017 are to be used for animals, or livestock or agricultural purposes which would give rise to noise and odour nuisance.

Reason: In accordance with policy ENV1 and in the interest of the amenity of occupants of the scheme hereby approved.

The above condition relates to the farm site and buildings which are now the subject of this planning application and the Part Q Prior Notification applications.

2021/0870/ATD: Prior notification for the change of use of agricultural buildings to 5 dwellings (Use Class C3) and associated operational development. Oakwood Barns, Main Street, Healaugh, Tadcaster. Decision: Refused 17 Sept 2021- Not PD

2022/0207/ATD: Resubmission of the above- decision pending

2. CONSULTATION AND PUBLICITY

2.1 NYCC Highways

There are no local highway authority objections to the proposals.

2.2 Yorkshire Water Services Ltd

No comments received

Environmental Health

- 2.3 As all agricultural activities will be removed from the site as part of the application, I have no comments to make.

Historic England

- 2.4 No comments

Natural England

- 2.5 No objections Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

North Yorkshire Bat Group

- 2.6 No comments received

Yorkshire Wildlife Trust

- 2.7 No comments received

County Ecologist

- 2.8 The current application refers to the metal barn near the eastern edge of the farmyard, referred to as Building 4 in the Bat, breeding bird and Barn Owl scoping survey (MAB Environment & Ecology Ltd, November 2020). This was assessed as unsuitable for roosting bats; it was, however, used occasionally by a roosting Barn Owl. Should Selby District Council be minded to approve this application, we recommend a Condition to adhere to the Method Statement set out in section 9.2 of the Bat, breeding bird and Barn Owl scoping survey. This includes installation of 1 integral bat box and 1 integral Swift box as well provision of temporary and permanent Barn Owl boxes.

Contaminated Land Consultant

- 2.9 Agricultural buildings and land often lead to the presence of contamination on a site. Additionally, the proposals involve the introduction of an end use to the site that is more sensitive to the presence of contamination than the existing use. As a minimum, a Phase 1 preliminary contaminated land risk assessment, consisting of a desk top study and site walkover survey will need to be carried out. It is likely that intrusive site investigations will also need to be carried out in order to demonstrate that the site is safe and suitable for the proposed use. I would therefore recommend that the following planning conditions;

- (i) Investigation of Land Contamination Prior to development (excluding demolition)
- (ii) Submission of a Remediation Strategy
- (iii) Verification of Remediation Works
- (iv) Reporting of Unexpected Contamination

Ainsty (2008) Internal Drainage Board

- 2.10 The Board has assets close to the site in the form of The Foss. This watercourse is known to be subject to high flows during storm events. Consent is needed for any connection, discharge or works into, within or over a board watercourse. Consent may also be needed from the landowner. Detailed comments made about the requirements and options for dealing with surface water and foul sewage and recommends the wording for a condition for drainage works to be agreed and an informative regarding consent to discharge into any watercourse,

Parish Council

2.11 No Comments received

Publicity

2.12 The application was publicised by site notice and press notice resulting in no letters of response.

3 SITE CONSTRAINTS

Constraints

3.1 The site is outside the development limits of any settlement in the open countryside. There are no environmental designation 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
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. 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:

"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."

Therefore, this policy supports the re-use of existing buildings in the countryside. It does state a preference for employment uses but does not set this as a

requirement. The re-use of this farm building for two dwellings would therefore not conflict with the aims of CS SP2c) provided it would enhance or maintain the vitality of rural communities. The provision of housing on this site would increase the housing provision of the parish and enhance its vitality in this respect.

- 5.4 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, which in this instance is criteria 1 to 7. Criteria 1 is considered in this section. Criteria 2-7 are considered in greater detail in the following sections of this report.
- 5.5 Criterion (1) of Policy H12 relate to the principle and 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 advice in the NPPF.

- 5.6 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.

Character and Appearance of the Locality

- 5.7 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. 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. In this case LP Policy H12 sets out that the conversion of rural buildings will only be permitted subject to criteria. Criterion 3,4,5 require consideration in this case.

- 5.8 LP Policy H12, Criteria 3) of requires that;

“The building is structurally sound and capable of re-use without substantial re-building”

A structural appraisal has been submitted which concludes that the building is structurally sound and capable of reuse without substantial rebuilding. The condition of the structural elements are stated to be capable of full retention and re-use without additional structural elements being added. The proposal is therefore compliant with this criteria.

- 5.9 H12 Criteria 4) permits the conversion of rural buildings to residential use in the countryside where;

The proposed use or adaptation will generally take place within the fabric of the building and not require extension alteration, rebuilding and/or extension”

The existing floor slab will be retained and over boarded with insulation incorporating damp proofing. The existing external walls will be retained with a self-supporting insulated partition sitting on the concrete slab and behind the perimeter walls. The roof materials would be removed and replaced with new profiled steel insulated panels which can be fixed to the existing structural steel purlins without the need for further structural support. The building only currently has one large opening in its gable end. The proposal will result in new windows and doors being inserted on all elevations. Overall, the proposed use will take place within the fabric of the existing building with no further extensions. The changes will be the provision of new roof materials and the insertion of the fenestration where none exists at present. Although these changes are at the upper limit of the degree of alteration which could be accepted under this policy, overall, the level of alterations is considered acceptable and compliant with criteria 4 of H12.

- 5.10 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”

The existing farm buildings are currently within an established farmyard area with yard area the majority of the surface area in concrete or crushed aggregate. The proposal utilises the existing site access and farmyard without encroaching onto surrounding agricultural land. Parking arrangements are within this area and the garden areas proposed are not excessive and contained within the farmyard area. Subject to satisfactory boundary treatment appropriate to the rural locality, then the scheme is acceptable in these respects.

- 5.11 H12 also advises that to control future extension or alteration and to restrict activities within the curtilage which might be harmful to the character of the area in the future, appropriate conditions can be imposed including the withdrawal of permitted development rights. In this case, it is considered that the curtilage should be limited to the garden area shown on the plans to prevent encroachment into remainder of the surrounding farmyard land which would have a much more urbanising impact on this rural location. The building itself is already a significant size and height with the conversion creating two generous sized four bedroom

dwellings with integral garaging. It is therefore considered appropriate to impose a permitted development restriction to prevent the further extension should be imposed to prevent the further extensions which could result in a very significant size building overly prominent and dominant in size to the adjacent detached dwellings and an obtrusive feature in this rural location. It is also considered that the integral garages should not be converted to living accommodation to ensure there is no need for separate garaging in the future. A condition can be imposed to secure their retention.

- 5.12 The scheme includes a landscaping scheme encompassing the farmyard site areas outside the intended curtilage. These provide for a landscape enhancement scheme which retaining existing hedging and providing new planting. Subject to its implementation, this would enhance the site visually. The conversion and re-use of the existing building will contribute positively to the site and its immediate setting. As such, subject to the conditions described, above the scheme is considered consistent with the aims of SP19 of the CS and ENV1 and H12 of the LP and with the NPPF.

Nature Conservation and Protected Species

- 5.13 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. 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.
- 5.14 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.
- 5.15 A Preliminary Ecological Appraisal (PEA) has been submitted which inspected the 4 main farm buildings on the site. This application relates to the largest building on the east side. The development site is in an area of moderate to high quality bat foraging habitat. The PEA however, identified negligible potential risk of the building supporting bats and no evidence of bat roost habitat. The building had one active pigeon nest and a low number of relatively old barn pellets in the back corner of the shed, but this was evidence of roosting not nesting barn owls. A condition is recommended that work is timed to avoid disturbance to nesting birds. Mitigation measures advise the provision of a permanent owl box on site and the incorporation of integral bird boxes into the new build. A condition can be imposed to ensure the advice and recommendations are followed.
- 5.16 Policy SP18 3.b) of the CS also seeks to ensure development seeks to produce a net gain in biodiversity by designing in wildlife and retaining the natural interest where appropriate. The proposed landscaping plans provide within the blue line land area of the farmyard site for a wildlife pond, amenity grass and wildflower mix. This would increase the biodiversity of the site compared with the existing and would therefore comply with Policy SP18 in this respect. It is stated this would be transferred to a management company. As this area would be outside the curtilage of the dwellings and might otherwise be incorporated into the curtilages, it is considered reasonable and necessary to impose a condition requiring the full

details of the scheme and its subsequent management arrangements to be the subject of a planning condition.

- 5.17 Subject to the abovementioned condition and its adherence, the scheme is considered acceptable with respect to the impacts on nature conservation and complies with policies SP15, SP18 of the CS, ENV1 of the LP and with the NPPF.

Flood Risk & Drainage

- 5.18 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.
- 5.19 The site does not lie within the flood zone. In terms of drainage a package treatment plant is proposed with surface water potentially to soakaways. If the surface water disposed of via soakaway system, the IDB have no objection but advise percolation tests will be necessary to establish if the ground conditions are suitable for soakaway drainage throughout the year. The IDB have not 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 impose requiring the full drainage details to be agreed.
- 5.20 Overall, subject to the appropriate conditions advised by the IDB for surface and foul water drainage, the development is considered 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

- 5.21 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.
- 5.22 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.
- 5.23 The site is positioned between Oakwood, a large detached farmhouse to the north and brick converted farm buildings to the south. The building to be converted is positioned over 33 meters from Oakwood and over 45 meters from the converted barns. Although there will be new windows in first floor elevations, given the distance and the offset position of the building, it is not considered that overlooking would occur to an unacceptable degree.
- 5.24 In terms of an overshadowing or an overbearing impact, the building already exists, and no extensions are proposed. Moreover, it is positioned sufficient distance so as not to result in any adverse impacts from overshadowing or oppression. The existing adjacent dwelling and barn conversions would not adversely impact on the future amenity for occupants of the resulting dwelling. Given the separation

distances and the curtilage areas around the dwellings, an adequate level of privacy and amenity can be achieved for future occupants.

- 5.25 Overall, it is considered that the proposed development would not result in a significant detrimental impact on the residential amenities of the nearby dwellings 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

- 5.26 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.
- 5.27 The layout plan does make use of an existing access from Wighill Lane and 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 the parking areas to be provided before the dwellings are occupied and maintained thereafter.
- 5.28 Overall the site achieves a satisfactory standard of parking and access and will not lead to a reduction in road safety conditions in the vicinity. The development complies with LP Policies ENV1 (2), H12 (7), T1 and T2 and with the NPPF.

Contamination and Ground Conditions

- 5.29 Policies ENV2 of the Local Plan and SP19 of the Core Strategy relate to contamination. The application has been reviewed by then Council's contaminated land consultant.
- 5.30 The Council's Contaminated Land Consultant advises that due to the Agricultural buildings and land there could be contamination on a site. Additionally, the proposals involve the introduction of an end use to the site that is more sensitive to the presence of contamination than the existing use. The Councils consultant recommends a condition requiring a Phase 1 assessment to be submitted along with other standard contamination conditions. The applicants have submitted a report, and comments from the consultant are awaited at the time of writing this report. Therefore, as a safeguard a condition has been imposed requiring a contaminated land investigation risk assessment, consisting of a desk top study and site walkover survey is provided before any work commences. It is likely that intrusive site investigations will also need to be carried out in order to demonstrate that the site is safe and suitable for the proposed use. An update will be given at the committee.

- 5.31 Therefore, subject to these and subsequent adherence with any advice the development is acceptable with respect to contamination impacts. 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 conversion taking place in accordance with the structural appraisal and method statement. The conversion scheme makes use of the existing structure and materials with the main changes being the new roof materials and fenestration insertion. There would be no extensions and future changes which could lead to an overdevelopment and urbanisation of the site can be controlled by condition as discussed in the report. 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, landscaping and boundary treatments are appropriate to the locality.
- 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 **APPROVED** 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:

(To be inserted)

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 Structural Appraisal and Construction Methodology Method Statement by Chris Finn Architects Ltd.

Reason

To ensure the stability of the building to enable its conversion in accordance with the submitted details because this permission only extends to allow the re-use of the existing building without further replacement or re-construction except those areas as indicated in this Method Statement in accordance with saved policy H12 of the Selby District Local Plan and policy SP2 of the Selby District Core Strategy.

- 04 Before the development commences, a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. The report must be prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination saved policy ENV2 Environmental Pollution and Contaminated Land of the Selby District Local Plan and policy SP18 of the Selby District Core Strategy.

04. Submission of a Remediation Strategy where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors saved policy ENV2 Environmental Pollution and Contaminated Land of the Selby District Local Plan and policy SP18 of the Selby District Core Strategy.

05. Prior to first occupation or use, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason:

To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 saved policy ENV2 Environmental Pollution and Contaminated Land of the Selby District Local Plan and policy SP18 of the Selby District Core Strategy. .

06. 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, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason:

To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination in accordance with saved policy ENV2 Environmental Pollution and Contaminated Land of the Selby District Local Plan and policy SP18 of the Selby District Core Strategy.

07. No development approved by this permission shall be commenced until the Local Planning Authority, in consultation with Foss (2008) Internal Drainage Board, has approved a scheme for the disposal of surface water and foul sewage. Any such scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered for the disposal of surface water:

- The suitability of soakaways, as a means of surface water disposal, should first be ascertained in accordance with BRE Digest 365 or other approved methodology.
- If soakaways are not feasible, then the Board may consider a proposal to discharge surface water to a watercourse (directly or indirectly).
- For the redevelopment of a brownfield site, the applicant 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 140 litres per second per hectare or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from "greenfield sites" taken as 1.4 litres per second per hectare (1:1 year storm).
- Storage volume should accommodate a 1:30 year event with no surface flooding and no overland discharge off the site in a 1:100 year 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.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding in accordance with policy SP15 of the Selby District Core Strategy.

08. The development shall fully adhere to the recommendations and mitigations set out in section 9.1 the MAB Environment & Ecology Ltd Bat, Bird and Barn Owl

Scoping Survey dated November 2020 and to the Method Statement set out in section 9.2 of the report. This includes the installation of 1 integral bat box and 1 integral Swift brick as well provision of temporary and permanent Barn Owl boxes.

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.

09. Before work starts on the building conversion, a detailed Landscaping scheme shall be submitted for the written approval of the Local Planning Authority in accordance with the Landscaping Plan submitted. The detailed scheme shall include:-

- (i) Identification of all existing trees and shrubs to be retained setting out measures for their protection throughout the course of development
- (ii) Details of the species, location, planting density and stock size in respect of all tree, hedgerow and shrub planting to include native species suitable to the local area and to provide additional biodiversity benefits.
- (iii) Details of the surface materials for the parking areas and access
- (iv) Details and provision of boundary fencing to separate the landscaped areas from the curtilages of the dwellings.
- (v) All boundary fencing details to be post and rail with indigenous hedgerows
- (vi) A detailed Management Plan for the future retention and maintenance of the landscaped areas of the site.

The agreed scheme shall be implemented in full and thereafter maintained for the lifetime of the development. No work shall take place on site until the agreed measures for tree and hedge protection are in place.

Reason:

To enable the Local Planning Authority to ensure the protection of vegetation on the boundaries of the site, the provision of landscaping and boundary treatments appropriate for the rural locality in the interests of visual amenity and biodiversity in accordance with policy SP 18 of the Selby District Core Strategy.

10. All planting, seeding or turfing comprised in the approved landscape plan and landscaping, tree planting scheme shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or shrubs which die, are removed or become seriously damaged or diseased within the first ten years following completion of the development shall be replaced in the next planting season with others of similar size and species.

Reason - in order to ensure retention of existing boundary trees and hedgerows and the successful implementation of a detailed landscaping scheme in the interests of visual amenity and the character and appearance of the areas and in order to comply with saved Policy ENV1 of the Selby District Local Plan.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or

re-enacting or amending those Orders with or without modification), no development within Schedule 2, Part 1, Classes A to G inclusive shall take place on the dwellinghouse hereby permitted or within its curtilage.

Reason:

In the interests of the character and appearance of the site and to avoid the extension of this substantial building conversion in the open countryside which could lead to a proliferation of development on the site and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in accordance with Saved Policy ENV 1 of the Selby District Local Plan.

12. The integral garages shall not be converted to living accommodation without the prior written approval of the local planning authority and shall be permanently retained for a domestic garage for the dwelling.

Reason

In the interests of the character and appearance of the site and to avoid the construction of additional outbuildings in the open countryside which could lead to a proliferation of development on the site and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions, extensions or enlargements in accordance with Saved Policy ENV 1 of the Selby District Local Plan.

INFORMATIVES

1 INFORMATIVE

The Local Planning Authority worked positively and proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2 INFORMATIVE

As a reminder to the applicant, under the Land Drainage Act 1991 and the Board's byelaws, the Board's consent (outside of the planning process) is needed for any connection and / or discharge, or change in the rate of discharge, into a Board maintained watercourse, or any ordinary watercourse, in the Board's district. This applies whether the discharge enters the watercourse either directly or indirectly. Full details of the Consent process can be found on the Board's website:- <http://www.yorkconsort.gov.uk/index.html>

3 INFORMATIVE - BIRD NESTING

All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September. If it is necessary for work to

commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out by an experienced ecologist. Work should only commence if there are no active nests present.

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 2021/0868/FUL and associated documents.

Contact Officer: Fiona Ellwood (Principal Planning Officer)

Appendices: None