



**Report Reference Number 2018/0281/COU**

**Agenda Item No: 6.5**

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**To: Planning Committee**  
**Date: 5 September 2018**  
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APPLICATION NUMBER:	2018/0281/COU	PARISH:	Hillam Parish Council
APPLICANT:	Hillam & Monk Fryston Cricket Club	VALID DATE: EXPIRY DATE:	6 April 2018 1 June 2018
PROPOSAL:	Change of use from D2 (assembly and leisure) to mixed use D1 (non-residential institution) and D2 (assembly and leisure) to provide a cricket pavilion and nursery.		
LOCATION:	Hillam & Monk Fryston Cricket Club, Chapel Street, Hillam, Leeds, West Yorkshire, LS25 5HP		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee since the application the development is not in accordance with the provisions of the Development Plan which brings it to Committee. It is considered that there are material considerations that would justify approving the application.

## **1. Introduction and Background**

### **The Site**

- 1.1 The application site is located outside the defined development limits and is located within the Green Belt. The site is bounded by mature hedgerows and trees and is situated predominantly within Flood Zone 1 - a low probability of flooding. A small portion of the site to the east of the pavilion building is located within Flood Zone 2.

### **The Proposal**

- 1.2 The proposal is for a change of use from Class D2 (Assembly and Leisure) to a mixed Class D2 and Class D1 (non-residential institution) for a weekday children's nursery.
- 1.3 The conversion includes some changes to the internal layout for the functionality of the childcare nursery. There are no extensions proposed, the scheme includes the following external changes:
- Strip off external wall cladding, install new breather membrane and wall insulation then over-clad with new fibre cement plank cladding panels to match previous appearance.
  - Install externally mounted powder coated shutters with shutter guides and electric key switch operation.
  - On the south elevation removal of a door and one new window.
- 1.4 The scheme utilises the existing access from Stocking Lane, which is situated off Chapel Street, Hillam. The access joins onto an area of stone hardstanding situated to the east of the existing building. The stone hardstanding is to be used for car parking for the nursery.

### **Planning History**

- 1.5 The following historical applications are considered to be relevant to the determination of this application.

CO/1998/0009 (PER – 16.02.1998) Proposed erection of cricket pavilion at Hillam Cricket Club, Stocking Lane, Hillam.

## **2. Consultations and Publicity**

- 2.1 The application has been advertised on site by means of a site notice. The application has received 21 representations, all of which are in support of the application and may be summarised as:
- The pavilion building has proven its worth and is in a great location to be able to deliver so much more to the community.
  - The upgrade (heating and insulation) for all year use by multiple community activities aligns with the recent village plan and consultation.
  - The proposal would provide essential income to support cricket and other sports activities at the site.
  - With the population growth in Monk Fryston and Hillam there is an ever growing need for a nursery.
  - The population of Monk Fryston are younger than North Yorkshire average with 19.9% of 30-44 year olds and 5.2% of 25-29 year olds – with most parents within these age brackets, thus there is a demand for a nursery.

- The area lacks a nursery that is near enough for convenience of parents who up until now have had to travel as far as Brotherton for the nearest nursery which is inconvenient.
- The residents of Monk Fryston and Hillam produced a Village Plan in 2008 and on the back of that the new pavilion was built; the community centre extended and lots of village initiatives were started. There is now a new Village Plan 2017 which credits past achievements and recognises what further developments are required. Part of that is for more youth activities, a play area and more multi-use sports and leisure facilities.

2.2 **Hillam Parish Council** - Supports the proposal to improve the pavilion and to provide a multi-use community space. It refers to the Village Plan and that this application will support the provision of complimentary activities. It does however have a concern over highways and access. The Parish Council says that it is a single track access and that the County Council could help alleviate any problems by reinstating and formalising the passing place that is gradually disappearing on Stocking Lane. It also requests that this Council should ensure the hedge on the boundary of this lane is reinstated after current building has ceased since it has been removed to facilitate a temporary access.

2.3 **NYCC Highways** - No objections.

2.4 **Yorkshire Water** – No comments were received within the statutory consultation period.

2.5 **Selby Area Internal Drainage Board** - The application should not increase the impermeable area to the site, therefore, no comments to make.

### 3. **Planning Policy and guidance**

3.1 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.

3.2 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.

#### **Selby District Core Strategy Local Plan**

3.3 The relevant Core Strategy Policies are:

- SP1 - Presumption in Favour of Sustainable Development
- SP2 - Spatial Development Strategy
- SP3 - Green Belt
- SP13 - Scale and Distribution of Economic Growth
- SP15- Sustainable Development and Climate Change
- SP16 - Improving Resource Efficiency

SP18 – Protecting and Enhancing the Environment  
SP19 - Design Quality

### **Selby District Local Plan**

3.4 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development  
T1 - Development in Relation to Highway  
EMP9 - Expansion to Employment Uses in the Countryside  
CS3 - Children's Nurseries

3.5 There is a Monk Fryston Village Design Statement adopted in 2012 but it does not extend to Hillam.

### **National Guidance and Policy – National Planning Policy Framework (NPPF), National Planning Practice Guide (NPPG)**

3.6 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012 and does not change the status of an up to date development plan.

3.7 The guidance in paragraphs 212 and 213 of the NPPF notes that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. Due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.8 The Framework continues that decisions should enable the sustainable growth of all types of business in rural areas both through conversion and well-designed new buildings; and the retention and development of accessible local services and community facilities (para 83).

## **4. Key Issues**

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

1. The Principle of Development within the Green Belt
2. The Principle of the Development and Sustainability of the Development
3. Flood Risk and Drainage
4. Impact on Amenity
5. Impact on Highways
6. Land Contamination

### **Principle of Development within the Green Belt**

4.2 The application site is located outside defined development limits and is located within the Green Belt. Thus national guidance contained within the NPPF and Policies SP2 and SP3 of the Core Strategy are relevant.

4.3 The decision making process when considering proposals for development in the Green Belt is in three stages, as follows:

- a) It must be determined whether the development is appropriate or inappropriate development in the Green Belt.
- b) If the development is appropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.

4.4 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

4.5 Paragraph 145 of the NPPF states that exceptions to inappropriate development include 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. In addition, 'the re-use of buildings provided that the buildings are of permanent and substantial construction;' and provided it preserves openness and does not conflict with the purposes of including land within it are a further examples of appropriate development in the Green Belt (para 146).

4.6 The proposed scheme involves the re-use of an existing cricket pavilion building, without extension and which is of permanent and substantial construction. In this respect it accords with Green Belt policy subject to preserving openness since there is no actual extension to the pavilion. The existing gravel hardstanding in front of the building will be used but there are no proposals to provide any enclosure or to site any permanent, fixed play equipment. Thus there are no effects upon openness and there is no conflict with the five purposes of Green Belt; of relevance here, concerning sprawl of large built up areas, neighbouring towns merging into one another and not encroach into the countryside.

4.7 Thus the proposal is considered to be appropriate development within the Green Belt and, therefore, accords with Policy SP3 of the Core Strategy and the advice contained within the new Framework.

### **The Principle of the Development and Sustainability of the Development**

4.8 Since the application site is located outside the defined development limits it is, for plan purposes in the open countryside. The scheme is for the proposed change of use of a cricket pavilion building to a mixed use comprising of a nursery (Class D1) and cricket pavilion (Class D2) with external alterations to windows and doors.

4.9 The submitted application states the building would remain as a cricket pavilion but also be used as a nursery during weekdays. No details have been provided in respect of how many children would attend the nursery, but it is proposed there would be a maximum of three part time staff. The proposal states that the hours of opening for the nursery would be:-

Monday to Friday: 08:00am – 10:00pm

Saturday: 09:00am – 10:00pm

Sunday and Bank Holidays: 09:00am – 10:00pm

- 4.10 Policy CS3 (1) of the Selby District Local Plan states that proposals for the development of or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within existing school or college sites:" The proposed scheme is not located within the development limits of the village, nor is it located on an existing school or college site and, therefore, fails to accord with Policy CS3 (1). The proposal would however accord with the other three subs of this Policy, relating to highway safety, amenity, adequate setting down or collection space, and adequate outdoor play space.
- 4.11 In addition, EMP9 would allow reasonable redevelopment of existing businesses outside development limits. As far as this is an expansion of the existing facilities at the pavilion, Policy EMP9 can apply and there are no effects upon amenity or highway safety.
- 4.12 There are no specific policies in relation to changes of use to day nurseries in the Core Strategy or the NPPF. Core Strategy Policy SP13(C) allows for sustainable economic growth through the re-use of existing buildings and infrastructure and the development of well-designed new buildings. Policy SP16 to do with Improving Resource Efficiency is met since the building is to be re-clad to improve insulation.
- 4.13 In addition to para 83 of the Framework (para 3.8 above), para 84 continues that decisions should recognise that sites to meet local business needs may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances development is to be sensitive to its surroundings, no unacceptable impact on local roads...sites that are well related to existing settlements should be encouraged.
- 4.14 There is thus a tension between part of SDLP Policy CS3 which would not support use as a children's nursery here and Policy SP13 and the NPPF which may support re-use of existing buildings.

#### Sustainability of the Development

- 4.15 In respect of sustainability, the application site lies outside but adjacent to the defined development limits of the village of Hillam which is a Designated Service Village, which shares some facilities with neighbouring village Monk Fryston.
- 4.16 Factors to take into account include:
- No footpath or street lighting linking the development to the village of Hillam
  - Limited bus service to the village, with a bus route situated approximately 20 minutes' walk away in Monk Fryston on Austfield Lane, and a Monday only service located in Hillam village at the Cross Keys bus stop which is available twice during the day.
  - There is no school, village hall, post office and general store, although nearby village Monk Fryston does have these facilities and Hillam is identified in the core strategy as having close links and shared facilities with Monk Fryston.
- 4.17 Paragraph 8 of the NPPF, refers to the three dimensions to sustainable development, these being of an economic, social and environmental nature. These dimensions give rise to the need for the planning system to perform a number of roles which are as follows:

#### Economic

The proposal would create 3 new part time jobs and give a use to the building outside of cricket times.

### Social

The proposal would provide nursery facilities to the village and surrounding villages. There is no footpath or street lighting linking the development to the village of Hillam; therefore a nursery would not be accessible by means other than vehicles.

### Environmental

The re-use of an existing cricket pavilion building to become a mixed use of nursery (D1 use class) and cricket pavilion (D2 use class) is a more efficient use of land. Although maybe only accessible by a private motor car, given the proximity to the settlement it could save longer journeys further afield and there are no amenity or highway safety adverse effects.

### **Design and Impact on the Green Belt and Character of the Area**

- 4.18 The site benefits from being surrounded with large mature trees around the east, west and south boundaries resulting in the site being largely screened. The proposed scheme is also situated in excess of 90 metres, across the cricket ground, from the rear boundaries of residential properties on Chapel Street to the north of the site. In addition these residential properties benefit from having mature trees and hedges along their rear boundaries.
- 4.19 Therefore, due to the size, scale, orientation, siting, location and screening by existing landscaping, the proposed scheme does not affect the openness of the Green Belt or the character of the area, principally since it is a change of use with little or no operational development. The proposed scheme proposes appropriate designs and materials and, therefore, accords with Policy ENV 1 of the Selby District Local Plan, Policies SP3, SP18 and SP19 of the Core Strategy and advice contained within the NPPF.

### **Flood Risk and Drainage**

- 4.20 The proposed scheme would be predominantly on land situated within Flood Zone 1 and, therefore, is considered to be at low risk from flooding. A portion of the existing car park is located within Flood Zone 2. The Sequential and Exception Tests are not necessary on changes of use (NPPF paragraph 104) but should still be subject to site-specific flood risk assessments. Furthermore, the use is a More Vulnerable Use in the Vulnerability Classification and is deemed appropriate by the PPG.
- 4.21 The application form states the disposal of foul sewage will be by cess pit and surface water via soakaway, as existing. Yorkshire Water and the Internal Drainage Board state they had no comments to make as the proposal should not increase the impermeable area to the site. The proposal is in accordance with Policies SP15 and SP19 of the Core Strategy and advice contained within the NPPF.

### **Impact on Amenity**

- 4.22 The application building is situated approximately 90 metres from the nearest residential properties on Chapel Street. The site is currently used as a cricket pavilion in which cricket is played on the field north of the building.
- 4.23 Taking account of the combination of the orientation of the site, location, size, scale and siting of the proposed scheme with the distance away from neighbouring properties and the existing use of the site, the proposal will not cause any significant adverse impacts upon the amenity of the adjacent residents since it is a use on an existing recreational field. The proposed scheme accords with Policy ENV1 of the Selby District Local Plan, Policy SP19 of the Core Strategy and advice contained within the NPPF.

### **Impact on Highways**

- 4.24 The scheme utilises the existing access from Stocking Lane, which is situated off Chapel Street, Hillam. The access joins onto a large area of stone hardstanding situated to the east of the existing building. The stone hardstanding is to be used for car parking for the nursery.
- 4.25 Hillam Parish Council have raised a concern in respect of the single track access road of Stocking Lane which leads to the site from Chapel Street and have suggested that NYCC Highways could help alleviate any problems by reinstating and formalising the passing place that is gradually disappearing on Stocking Lane. This is not a consequence of this application and has been raised with the Highway Authority direct. The matter about the temporary site construction access is also not a consequence of this application and an agreed solution is in place following completion of that permission.
- 4.26 Having consulted the Highway Authority, it has stated that it has no objections to the proposed development and no conditions are recommended.

### **Land Contamination**

- 4.27 The scheme proposes no disturbance to the existing ground. Given the intended use of the site and given the past use of the land as a cricket field – for in excess of 100 years and in which the cricket pavilion was a later addition, granted planning permission in 2003, it is considered that there is very limited potential for contamination to be present at the site.

## **5 Conclusion and Summary**

- 5.1 Policy CS3(1) of the Selby District Local Plan states that proposals for the development of, or change of use to a children's nursery will be permitted provided that "The proposal would be situated within the defined development limits or within the existing school or college sites". The proposed scheme in this case is not located within the development limits of a village, is not within an existing education suite and is in Green Belt. It thus, in isolation, fails to accord with subs 1 of this Policy.
- 5.2 However, there are other Plan policies in favour of this application and the more up to date guidance in the new Framework. These include EMP9 and SP13 through sustainable economic growth through the re-use of existing buildings. The application also has support from the new Framework and although not accessible safely by means other than the private motor car, the Framework recognises this



(para 4.13 above) and on balance it is considered that this use in an existing facility can reduce vehicle journeys to other further-away centres.

- 5.3 The proposed scheme is appropriate development within the Green Belt and is, therefore, in accordance with the relevant Green Belt Policies of the Core Strategy and the advice contained within the NPPF. The proposed scheme would not result in a detrimental effect on the visual amenity or openness of the Green Belt, highway safety, flood risk, nature conservation, contaminated land, character and form of the area, or the residential amenity of the occupants of neighbouring properties. Taking policy and guidance overall, any conflict with CS3 is outweighed by the other benefits of the scheme set out above. The two recommended conditions below are standard and there is no need, given the distance from neighbours and the existing use of the site, to control the hours of operation.

## **6.0 Recommendation**

- 6.1 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 listed below:

Steve Wells Dwg No 01 A Location and Proposed Site Plan  
Steve Wells Dwg No 05 B Proposed Ground Floor Plan  
Steve Wells Dwg No 06 A Proposed Elevations  
Design Studio North Flood Risk Assessment dated March 2018

Reason: For the avoidance of doubt

## **7.0 Legal Issues**

### **7.1 Planning Acts**

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

### **7.2 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.

### **7.3 Equality Act 2010**

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010.

## **8.0 Financial Issues**

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

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**Appendices:** None