

**Report Reference Number:** 2018/1220/FUL

**To:** Planning Committee  
**Date:** 24<sup>th</sup> April 2019  
**Author:** Simon Eades (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/1220/FUL	PARISH:	Hensall Parish Council
APPLICANT:	Mr and Mrs Welsh	VALID DATE:	25 <sup>th</sup> October 2018
		EXPIRY DATE:	20 <sup>th</sup> December 2018
PROPOSAL:	Proposed construction of pitched roof and conversion of former showroom to create a dormer bungalow		
LOCATION:	Hazel Grove Farm Weeland Road Hensall Selby Goole North Yorkshire DN14 0RL,		
RECOMMENDATION:	GRANT subject to conditions		

This application is to be determined by the Planning Committee as the application is a Departure from the Development Plan and there are material considerations which would support the recommendation for approval.

## 1. Introduction and background

- 1.1 The application site is a former showroom used for selling fires, stoves, coal buckets, and related goods. This business has now ceased and no longer operates.

### The Site

- 1.2 The application is located outside the defined development limits for Hensall and is located within the open countryside. The application site is located within flood zone 1.

## **The proposal**

- 1.3 The proposal is for the change of use of the building together with the construction of a pitched roof to create a dormer bungalow. The existing building has a footprint of 13.6 metres by 10.1 metres and a roof height of 3.3 metres. The roof is currently flat. The proposal does not increase the footprint but will result in an increased ridge height to 6.9metres

## **Planning History**

- 1.4 The following historical applications are considered to be relevant to the determination of this application.
- 1.5 CO/1979/17508 - House Conservatory & Porch – PER - 22-NOV-79
- 1.6 CO/1982/17144 - Outline For Two Dwellings – REF -12-MAY-82
- 1.7 CO/1985/0026 - Proposed change of use of existing buildings and land to form screened yard area for six H.G.V. vehicles, workshop etc., and restoration of remaining land – REF -10-DEC-85
- 1.8 CO/1989/1058 - Proposed construction of new access to existing coalyard – PER - 02-JUN-89
- 1.9 CO/1991/0819 - Outline application for the erection of a showroom, office and dwelling - REF - 15-AUG-91
- 1.10 CO/1992/0768 - retention of a prefabricated building for a period of twelve months for use as an office – PER - 15-APR-92
- 1.11 CO/1992/0769 - erection of showroom, office and toilets with car park – PER- 21-JAN-93
- 1.12 CO/1993/0770 - proposed erection of a shower block - Application Not Proceeded With -: 31-DEC-95

## **2. Consultations**

- 2.1 The application has been statutorily advertised by site and press notice and by letter to adjoining properties.
- 2.2 **Hensall Parish Council** – No objections.
- 2.3 **NYCC Highways** – No objections.
- 2.4 **Yorkshire Water** - No objections.
- 2.5 **NYCC Highways Canal Rd** - No objections.
- 2.6 **Danvm Drainage Commissioners Shire Group Of IDBs** – No objections.
- 2.7 **Environmental Health** – It is noted that there are a number of commercial uses on land surrounding the application site which may give rise to a loss of residential

amenity. However it is has been noted in Sections 2.11 and 2.12 that the applicant owns this area of land and intends to live in the proposed dwelling.

### **Representations**

- 2.8 No neighbour representations have been received.

### **3. SITE CONSTRAINTS AND POLICY CONTEXT**

- 3.1 The application is located outside the defined development limits and is located within the open countryside. The application site is located within flood zone 1.

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

- 3.2 The National Planning Policy Framework (February 2019) replaces the July 2018 NPPF, first published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that "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 National Planning Policy Framework (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.
- 3.4 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 (CS)**

- 3.5 The relevant CS Policies are as follows:

SP1 - Presumption in Favour of Sustainable Development  
SP19 - Design Quality

#### **Selby District Local Plan (SDLP)**

- 3.6 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework.

Annex 1 of the NPPF provides as follows:-

“213. ....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the

closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

3.7 The relevant Selby District Local Plan Policies are:

ENV1 - Control of Development

H12 - Conversion to Residential (Countryside)

T1 - Development in Relation to Highway

T2 - Access to Roads

## 4.0 APPRAISAL

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

- Principle of the use
- Conversion not requiring substantial rebuilding or extensive alteration
- Impact on the Character and form of the area and other benefits of the scheme
- Impact upon amenity
- Flood Risk and Drainage
- Ecology and Protected Species
- Contamination

### Principle of the use

4.1 The principle of the re-use of this former showroom for residential use is supported by Policy SP2 and its commentary (para 4.31). The re-use of redundant or disused buildings that would lead to an enhancement to the immediate setting is seen as an exception to avoiding isolated new homes in the countryside. Policy SP2 (c) qualifies the re-use as '*preferably for employment purposes*' whereas the Framework which is more up to date, at para 79, has no such qualification. Policy H12 of the Selby District Local Plan requires a more detailed assessment of the conversion of rural buildings in the countryside.

4.2 The principal tests in SDLP Policy H12 of relevance here are summarised below together with officer comments:

#### H12)1) Unsuitable for business use.

4.3 The application site was a former showroom used for selling fires, stoves, and associated goods. This business has now ceased due to lack of demand and no longer operates. The location of the site next to an existing residential property and the footprint and appearance of a building are such that employment uses may be limited. It is further considered that whilst no evidence has been provided of the marketing of the site for employment purposes, the location of the site away from other businesses is likely to be a limiting factor. Officers do not consider that a marketing exercise would be reasonably necessary given these locational factors highlighted above.

#### H12) 2) Best reasonable means of conserving a building of interest

4.5 It is not considered that the building is of architectural or historic interest, and as such the proposed alterations would not harm the building's character.

### H12) 3 Structurally sound and capable of re-use without substantial rebuilding

- 4.6 The application is accompanied by a brief Structural Survey Report prepared by an architectural technologist that identifies that the existing building is structurally sound having been constructed with permission during the 1990's to, it is assumed Building Regulation requirements at that time. The report identifies that there are no changes to the external walls and the existing buildings has both wall and foundations that are capable of load bearing the proposed roof extension. Officers consider that on the basis of the information submitted that it can be reasonably concluded that the building is structurally sound.

### H12) 4) Re-use and adaptation generally take place within the fabric and not require extensive alteration/ rebuilding or extension

- 4.7 The development comprises the conversion of an existing rural building to a dwelling which includes changing a flat roof to a pitched roof extension together with the inclusion of dormer windows. Even though the proposal includes a large roof extension to the existing building, the extension is kept within the footprint and the external walls of the existing building. The extension to the roof allows the efficient use of a vacant redundant building to be brought back in to use. However, because the works would result in an extensive alteration/extension the development fails to comply with criteria 4. And is therefore contrary to that part of Policy H12

### H12) 5) Conversion and creation of curtilage not to have a significant adverse effect on local character

- 4.8 It is considered that the replacement of the existing flat roof with a pitched roof would result in a visual improvement that better reflects the rural character of the area. The scheme provides an ample amount of rear amenity space to the rear of the property and it is recommended to impose condition for landscaping and boundary treatments to the rear of the property. To the front elevation of the proposed dwelling there is ample amount of existing hardstanding which provides a sufficient parking and turning area to the front of the property. The retention of the existing elements and the proposals to create the rear curtilage is considered not to have significant adverse effect on the character and form of the open countryside. The scheme is therefore in accordance with Policy H12 of the Local Plan.

### H12) 6) Not create conditions prejudicial to highway safety

- 4.9 To the front elevation of the proposed dwelling there is ample amount of existing hardstanding which provides a sufficient parking and turning area to the front of the property. Access from the site is from Weeland Road where there is an in and out access point. Submitted plans have demonstrated how the existing access would be used and utilised for the proposed dwelling.
- 4.10 NYCC Highways were consulted on the application and no objections were raised to the proposal. The proposed scheme is therefore considered to be acceptable in terms of highway safety and in accordance with Policies H12 and ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.
- 4.11 Having identified the fact that the proposed development does not accord with Policy H 12 (1) and (4), it is necessary to determine whether there are any material

considerations that would outweigh the non-compliance with these development plan policies. The NPPF includes policies which support the proposed development. At paragraph 79 C) the NPPF supports the re-use of redundant or disused buildings that enhance their immediate setting. In this case the incorporating of a new roof is considered to improve the building's design and appearance and would be more in keeping with a dwelling that would be found in a countryside setting. The scheme is considered to be in keeping with the character and form of the local vernacular and the scheme would conserve its appearance and bring it back into use in the local environment. It is also key to the consideration of the application that the building is set back from the road with an existing access and curtilage and it is to the rear of an existing dwelling and other buildings. The building which is proposed to be converted is currently surrounded by hardstanding. The scheme does not change the form, layout and densities of the building and the proposal does not create the expansion of footprint of the building therefore there is no further erosion of the open countryside. The existing building is surrounded by several other buildings and the proposal does not create any further urbanising features or urbanising erosion to the open countryside.

As well as the benefits to impact on the character and appearance of the area the scheme is considered to create other benefits which cumulatively outweigh the non-compliance with H12) 1 and 4). These are as follows:

- Brings a vacant building back into use
  - Re-uses an existing building rather than the creation of a new dwelling
  - Provides an additional dwelling to the district
- Provides a visual improvement by the works to the building that better reflects the rural character.

- 4.12 Having had regard to the above, is considered to create other benefits which cumulatively outweigh the non-compliance of H12) 1) and 4). It is further considered that the development accords with the development as a whole notwithstanding the non-compliance with Policy H12 1) and 4) of the Local Plan.

### **Flood Risk and Drainage**

- 4.13 Firstly addressing the issues of flood risk, the application site is within Flood Zone 1. The application form states the proposed scheme will dispose of foul sewerage via the mains sewerage and surface water via a soakaway and SuDs. The application has received no response from Yorkshire Water and the IDB has no objections. On the basis of the above the proposed scheme is considered to be acceptable in terms of flood risk and drainage and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and the advice contained within the NPPF.

### **Ecology and Protected Species**

- 4.14 The site is not a protected site for nature conservation nor is it known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. As such it is considered that the proposed would not harm any acknowledged nature conservation interests and therefore accords with ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the NPPF.

### **Contamination**

- 4.15 Given the past use of the site and the submitted screening form, there is no evidence of the site being contaminated and if it was minded to approve the

application it would not be considered necessary to impose a condition in event of contamination found during construction to be imposed.

### **Affordable Housing**

- 4.16 Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 4.17 However, in the context of the West Berkshire decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

### **Legal issues**

#### Planning Acts

- 4.18 This application has been recommended in accordance with the relevant planning acts.

#### Human Rights Act 1998

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

#### Equality Act 2010

- 4.20 This application has been recommended 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.

### **Financial issues**

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

## **5. SUMMARY and CONCLUSIONS**

- 5.1 The scheme is for the proposed construction of a pitched roof and conversion of former showroom to create a dormer bungalow and is therefore considered to be appropriate development in accordance with Policy SP2 of the Core Strategy and the NPPF. Having identified a failure to comply with Policy H 12 (1) and (4), it is necessary to determine whether there are any material considerations that would justify non-compliance with these development plan policies. The NPPF includes policies which support the proposed development. At paragraph 79 C) it supports the re-use of redundant or disused buildings that enhance their immediate setting. In this case the building with a new roof introduced is considered to improve the building's design and appearance which would be more in keeping with a dwelling that would be found in a countryside setting. The scheme is considered to be in

keeping with the character and form of the local vernacular and the scheme would bring it back into use in the local environment.

- 5.2 It is considered to result in other benefits which cumulatively outweigh the non-compliance of H12) 1) and 4); and is in accordance with Policy ENV1 (1) of the Selby District Local Plan and SP19 of the Core Strategy.
- 5.3 The proposals do not accord with the development plan in respect of affordable housing, but there are material considerations of sufficient weight to outweigh the provisions of policy SP9 of the Core Strategy.
- 5.4 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the proposed development would not have a detrimental effect on the form and character of the area, nature conservation interest, drainage, flood risk, land contamination, highway safety or the residential amenity of the occupants of neighbouring properties. The application is therefore considered accord with Policies ENV1, ENV2, Criteria 2,3,5,6,7,8, of Policy H12, T1 and T2 of the Selby District Local Plan, Policies SP1, SP4, SP5, SP15, SP16, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

## **6. 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 following approved plans and documents:

- Location Plan LOC01
- Site Plan dwg1894.3
- Proposed plans elevations and section
- Site Plan dwg1894.3 Caravan storage access / egress route
- Site Plan dwg1894.3 Existing dwell parking / turning garage
- Site Plan dwg1894.3 bottled gas access / egress
- Existing showroom / proposed dwelling access / egress route

Reason:

For the avoidance of doubt.

03. The development hereby approved shall use external roof materials Sandtoft terracotta red concrete double pan tiles as stated in the application form received by the Council on 23<sup>rd</sup> October 2018.

Reason:

In the interests of visual amenity and in order to comply with Policies ENV1 and ENV25 of the Selby District Local Plan.



04. All planting, seeding or turfing comprised in the approved details of landscaping 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 which die, are removed or become seriously damaged or diseased within the first five years shall be replaced in the next planting season with others of similar size and species.

Reason

In the interests the character and form of the area and in accordance with Policies H12 and ENV1 of the Selby District Local Plan

05. The dwelling shall not be occupied until a scheme of boundary treatments has been implemented in accordance with details that have previously been submitted to and approved by the local planning authority. The approved boundary treatment scheme shall be maintained and retained for the lifetime of the development.

Reason

In the interests of residential amenity and in accordance with Policy ENV1 of the Local Plan.

06. Development shall not commence until a scheme detailing foul and surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Principles of sustainable urban drainage shall be employed wherever possible. Where surface water is to drain to soakaway, the submitted details shall include confirmation of a satisfactory percolation test in accordance with BRE 365 to determine the suitability of the soakaway for surface water drainage. Should these tests indicate that the soakaway is not acceptable then details of alternative drainage for surface water either to a watercourse or to mains sewer shall be submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall be implemented.

Reason:

To prevent the increased risk of flooding; to ensure the provision of adequate and sustainable means of drainage in the interests of amenity in accordance with Policy SP15 of Selby Core Strategy.

**Contact Officer:** Simon Eades, Senior Planning Officer