



Report Reference Number: 2019/0110/COU

To: Planning Committee
Date: 9th October 2019
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APPLICATION NUMBER:	2019/0110/COU	PARISH:	Ryther Cum Ossendyke Parish Council
APPLICANT:	Spinko Ltd	VALID DATE: EXPIRY DATE:	15th February 2019 12th April 2019
PROPOSAL:	Proposed change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn		
LOCATION:	Far Farm Mill Lane Ryther Tadcaster North Yorkshire LS24 9EG		
RECOMMENDATION:	REFUSE		

This application has been brought back to planning committee following further discussions with the applicant to address concerns raised by legal.

The report to July 2019 Planning Committee (Appendix 1) stated that, *"This application is to be determined by the Planning Committee since it does not accord with Policy EMP8 (1) and (2) of the Selby District Local Plan. This requires that the conversion of rural buildings to recreational uses, including appropriate farm diversification activities in the open countryside will only be permitted where (amongst other criteria) it can be demonstrated that the building is structurally sound and capable of re-use without substantial rebuilding and where the proposed re- use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re- building and/ or extension. Since the proposal would comply with all other relevant criteria, it is considered that there are*

material considerations which support the application and the recommendation is for approval.”

However, following further conversations with legal it has been brought to light that we would be unable to meet Environmental Health’s condition to tie the occupancy of the neighbouring dwelling, Ryden House. Therefore, without this condition there is a fundamental Environmental Health objection to the proposed development in respect of impacts on residential amenity in terms of noise. Where officers have tried to work positively and proactively to resolve the concerns, without a condition linking the occupancy of the two dwellings within the blue line to the use of the wedding venue Environmental Health’s objection still stands.

Therefore, in considering all of the above the recommendation has been amended to a recommendation for refusal on the grounds of significant adverse impacts on the residential amenity of the neighbouring dwelling within the blue line boundary, Ryden House.

1. Introduction and background

Site and Context

- 1.1. The proposal is as described above and as shown in the accompanying plans and drawings.
- 1.2. The application site is located outside any defined development limits and is therefore located within the open countryside. The application site is located within an agricultural setting with a number of dwellings within proximity. Furthermore, the majority of the application site is located within Flood Zone 1 with part of the access lying within Flood Zone 2. However, it is noted that the application site would be accessed from an existing access point and road.
- 1.3. Further to this, the application site includes agricultural land and farmstead, which was previously associated with a piggery. However, it is noted that there are two residential properties within the blue line boundary of the application to show that this is also owned by the applicant. Further to this, the application site is located within proximity to other part residential and part agricultural properties which are surrounded by open fields.

The Proposal

- 1.4. The application is for a proposed change of use of land and buildings previously in use as a piggery to that of a wedding venue. The proposal includes the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.
- 1.5. It is noted from a site visit that the application is part retrospective, which includes key changes such as the demolition of a number of buildings, the creation of a new access and the significant re build of the venue building.
- 1.6. Further to this, it is evident from a review of the plans and drawings and a site visit that the proposed scheme involves works significant rebuilding to an existing portal frame barn, due to the retrospective insertion of new structural beams. The retrospective

rebuilding and alterations have taken place inside and outside the fabric of the existing building and the works have removed some of the fabric and character of the existing building. In addition, works include site clearance for the car parking area and alterations to the road into the farm stead. It should be noted that there is no new access to the site from the adopted highway proposed.#

1.7. The proposed scheme would involve significant external changes.

Planning History

1.8. The following historical applications are considered to be relevant to the determination of this application:

- 2007/0549/FUL, Single storey extension to the north elevation and 1st floor extension above existing garage, Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: WDN, Decision Date: 07-JUN-07
- CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80
- CO/1980/27549, Erection Of A Pig Weaner House, Far Farm Moor Lane Ryther, Decision: PER, Decision Date: 09-JUN-80
- CO/1991/1172, Outline application for the erection of an agricultural workers dwelling on land adjacent to Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, LS24 9EG, Decision: PER, Decision Date: 25-APR-91
- 2007/0975/FUL, Resubmission of withdrawn application 8/65/4D/PA (2007/0549/FUL) single storey extension to side following demolition of existing garage Far Farm, Mill Lane, Ryther, Tadcaster, North Yorkshire, Decision: PER, Decision Date: 16-OCT-07

2. Consultations and Publicity

2.1. The application has been advertised by site notices and adjoining neighbours have been notified directly, in order to comply with the Council's commitment with regard to publicity for planning applications.

2.2. **Parish Council** – The Ryther Parish Council have raised no objections to the proposed development however have commented that they *“wish to highlight the need for careful consideration of planning regulations to provide for appropriate drainage from the site. Schemes that provide some water storage at times of high rainfall may be helpful to slow flows into water courses.”*

2.3. **NYCC Highways Canal Rd** – NYCC Highways most up to date comments have raised no objections subject to a condition relating to the access and verge crossing construction requirements. Further to this, an informative has been suggested which relates to a separate license being required from the Highway Authority in order to allow any works in the adopted highway.

2.4. **Selby Area Internal Drainage Board** – The IDB have raised no objections to the proposed development subject to a condition relating to the any surface water discharge into any watercourse in, on, under or near the site requires consent from the IDB.

2.5. **Yorkshire Water**– No comments have been received from Yorkshire Water within the statutory consultation period.

2.6. **SuDS And Development Control Officer** – The LLFA have raised no objections to the proposed development in principle. However, have stated that, “No details of the existing or proposed drainage network, the proposed permeable area that will replace hard standing or the current and proposed rates of discharge have been submitted.”

SuDs have stated that, “only very basic drainage information has been submitted” and have requested that existing and proposed drainage rates be submitted. Further to this, it is advised that a “greenfield” rate should be achieved.

The LLFA has recommended that the applicant provides further information before any planning permission is granted by the LPA. The following should be submitted and approved by the Local Planning Authority;

- Infiltration testing to BRE 365 standard to confirm infiltration rates and suitability for permeable surfacing.
- Details of the permeable surfacing to replace hard standing areas.
- Confirmation of proposed drainage network, including pipe sizes, gullies, outfalls etc.
- Confirmation of existing and proposed drainage rates.

2.7. **Environmental Health** – Environmental Health’s original comments from the 11th March 2019 raised objections to the proposed development. The concerns raised relate to “unacceptable disturbance, most notably from noise pollution”. However, the Environmental Health Officer advised that they would be able to remove their objection should the mixed residential and commercial uses within the application boundary be formally linked to the properties within the blue line.

Further to this, the following informatives have been suggested:

(1) The applicant has indicated the use of a package treatment plant for the disposal of foul sewage. I would advise that the installation of a new foul drainage system will require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency. You may wish to consult the Environment Agency to ensure that the necessary consent will be granted.

(2) The aggregated net rated thermal input of the biomass boiler is not specified and, therefore, may be subject to an environmental permit under the Environmental Permitting (England and Wales) Regulations 2016.

Following conversations with legal and the applicant the LPA were unable to link the occupancy of the two dwellings within the blue line to the use of the wedding venue.

However, the applicant provided a Preliminary Noise Report which the Environmental Health Officer provided comments on the 8th August which state that their objections still remains.

Further to this the applicant submitted a full Acoustic Report of which Environmental Health provided comments on the 16th September 2019. In summary these confirm that Environmental Health up hold their objection to the proposed development without a condition linking the occupancy of the two dwellings within the blue line to the use of the wedding venue.

2.8. **North Yorkshire Bat Group** – No comments have been received from the North Yorkshire Bat Group within the statutory consultation period.

2.9. **Yorkshire Wildlife Trust** - No comments have been received from Yorkshire Wildlife Trust within the statutory consultation period.

2.10. **County Ecologist** – NYCC Ecology have raised no objections to the proposed development subject to the following conditions: (1) compliance with recommendations set out in the Bat Emergence Survey and (2) Invasive Weed Management Plan to be submitted prior to commencement. Further to this, an informative is suggested relating to works taking place outside bird nesting season (March to August) or after a competent person has confirmed that no active nests are present.

2.11. **Public Rights Of Way Officer** – The public rights of way officer has raised no objections subject to an informative relating to, no works being undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

2.12. **Network Rail** – Network rail have raise no objection to the proposed development.

2.13. **Ainsty (2008) Internal Drainage Board** - The IDB have raised concerns for the proposed development and have advised that the following information would be required prior to any permissions being granted:

- This includes details of surface water drainage which would not adversely affect the surface water drainage of the area and amenity of adjacent properties.
- Appropriate testing to consider the usage of soakaways (existing or newly constructed).
- Confirmation of permissions to discharge into an existing water course.
- Details of the existing capacity of the water course intended to be used and whether it can be demonstrated that there is currently positive drainage and a proven connection to the water course or sewer.

If the above can be satisfied the IDB would advise that the rate of discharge should be constrained at greenfield rates, as detailed within the planning comments submitted.

2.14. **Neighbour Summary** – All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. It is noted that 32 letters of support were received in relation to the original proposals relating to the design and sustainability of the proposal. However, following re consultation on the amended scheme no comments were received.

It should be noted that none of the letters of support received were from residents within the vicinity of the application site. Further to this, four letters of support were received from the application Architect and his family members and a number of letters were received from residents outside the Selby District. Therefore, limited weight has been applied to these.

2.15. **Contaminated Land Consultant** – The contaminated land consultant has raised no objections to the proposed development. It is confirmed that the contaminated land reports are acceptable. However, a condition is advised relating to unexpected contamination.

2.16. **Environment Agency** – The EA have raised no objections to the proposed development.

3. Site Constraints and Policy Context

Constraints

3.1. The site is in the open countryside without allocation.

Policy Context

3.2. 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.

3.3. 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.

3.4. 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 would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.

3.5. The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 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 2019 NPPF.

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

“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 principal Core Strategy Local Plan Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP13 - Scale and Distribution of Economic Growth
- SP15 – Sustainable Development and Climate Change Enhancing the Environment
- SP16 – Improving Resource Efficiency

- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

3.8. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 11 of the NPPF in relation to the presumption in favour of sustainable development and decision taking.

3.9. Development in the countryside is limited in SP2 to the replacement or extension of existing buildings, the re-use preferably for employment and well-designed new buildings of an appropriate scale which would contribute towards and improve the local economy.

3.10. Policy SP19 promotes high quality design and provides that development proposals should have regard to local character, identity and context including being accessible to all.

Selby District Local Plan

3.11. The relevant Selby District Local Plan Policies are as follows:

- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- EMP2 – Location of Economic Development
- EMP8 – Conversion to Employment Use in the Countryside
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads
- RT10 – Tourism Related Development
- RT11- Tourist Accommodation

4. Appraisal

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

- The Principle of the Development
- Conversion/ not require substantial rebuilding or extensive alteration
- Impact on Residential Amenity
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Waste and Recycling
- Rural Economy

The Principle of the Development

4.2. Policy SP1 of the Core Strategy outlines that *"when considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework"* and sets out how this will be undertaken. Policy SP1 is therefore consistent with the guidance in Paragraph 14 of the NPPF.

4.3. The application site is located outside any defined development limits and is therefore located within the open countryside

4.4. Policy SP2A (a) of the Core Strategy states, *“The majority of new development will be directed to the towns and more sustainable villages depending on their future role as employment, retail and service centres, the level of local housing need, and particular environmental, flood risk and infrastructure constraints”*. Further to this, the Policy SP2A (b) states, 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.

4.5. Policy EMP8 of the Selby District Local Plan states the following:

“Proposals for the conversion of rural buildings for commercial, industrial or recreational uses, including appropriate farm diversification activities, will be permitted provided:

- 1) The building is structurally sound and capable of re-use without substantial re-building;*
- 2) The proposed re-use or adaptation will generally take place within the fabric of the building and will not require extensive alteration, re-building and/or extension;*
- 3) Conversion would not damage the fabric and character of a building of architectural or historical interest, or a traditional building which makes a positive contribution to the character of the countryside;*
- 4) The form, bulk and general design of the building is in keeping with its surroundings;*
- 5) The conversion of the building and ancillary works, such as the creation of incidental outside areas, and the provision of satisfactory access and parking arrangements, would not have a significant effect on the character and appearance of the area, or encroach into open countryside; and*
- 6) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity.”*

4.6. Policy RT11 of the Selby District Local Plan relates to proposed for serviced or non-serviced tourist accommodation. Although this proposal is for a Wedding Venue it is considered that this policy would hold some weight in terms of providing a form of accommodation. Policy RT11 outlines the following:

“Proposals for serviced or non-serviced tourist accommodation, including extensions to existing premises, will be permitted provided:

- 1) The proposal would be located within defined development limits or, if located outside these limits, the proposal would represent the use of either;*
 - i. A building of either architectural or historic interest, or;*
 - ii. An existing structurally sound building which is suitable for its proposed function without major rebuilding or adaptation, or;*
 - iii. An extension to an existing hotel or other form of accommodation; and*

2) The proposal would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;

3) In meeting car parking and access requirements, there would not be a significant adverse effect on the setting of the building or the character of the area; and

4) The size and scale of the proposal would be appropriate to the locality.

In granting permission for self-catering accommodation, the local planning authority will ensure that a condition restricting the maximum period of occupation of the premises is applied.

4.7. The proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park with a capacity for 67 cars and the construction of a wedding venue building following works to an existing portal framed agricultural building.

4.8. Given that the application site is located outside any defined development limits and therefore within the open countryside and the proposals would involve the conversion of two existing buildings for employment use. The proposals would be acceptable in principle in terms of Policy SP2A (b). However, proposals that are acceptable in principle are still required to meet the policy tests set out within this policy. This includes whether the proposed development would contribute towards or maintain the vitality of rural communities, in accordance with policy SP13.

4.9. Where the proposed scheme may be acceptable in principle it would be required to meet the policy tests set out in in Local Plan Policy EMP8 (1), (2), (3), (4), (5), (6) and Policy RT11 (1), (2), (3) and (4) and all other relevant local and national policy tests.

4.10. The impact on acknowledged interests against the above policy tests is considered in the following parts of the report, including the issue of scale.

Conversion/ not require substantial rebuilding or extensive alteration

4.11. The principal tests in Policy EMP8 of the Selby District Local Plan of relevance are summarised below together with officer comments:

1) Structurally sound and capable of re-use without substantial rebuilding

In respect of the proposed accommodation building, it is noted from a site visit that the building in question is a brick built agricultural building of substantial construction. This building is proposed to be converted and extended. Overall, it is considered that this building is of a substantial construction and capable of re-use without substantial rebuilding.

In respect of the proposed venue building, having carried out a site visit it is evident that the building on site was a portal frame building and not of substantial construction. It appears from the photographic evidence that substantial works would have been required. However, this work has already been carried out on site.

It is noted that the application is accompanied by a brief Structural Survey Report prepared by Finn and Finn Architects that identifies that the existing Venue buildings structural frame has been designed to support "all or part of" the cladding. Further to this, the report concludes that the timber frames were in good condition and no repair or replacement works were necessary. Overall, the report concludes that, the existing buildings are structurally sound.

In considering the building proposed to be used as the venue building this was a portal frame building and was not of a substantial construction. Further to this, from a site visit the works to this building are retrospective and it is evident that the works involve rebuilding and the inclusion of additional structural elements resulting in this building now being structurally sound. Overall, it is not considered that the venue building was of substantial construction and is evidently not capable of re-use without substantial rebuilding.

Therefore, it is not considered that the proposals on a whole do not comply with these criteria of the policy EMP8.

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

The scheme is considered to be the conversion of two existing rural buildings to employment use as a wedding venue. The works to the building proposed to be used for accommodation involved the demolition of a single storey portal frame projection and a two storey extension and the insertion of a numerous window and door openings. The works to the building proposed to be used for the venue building involve the demolition and rebuilding of part of the block work in brick around the outside and the re cladding of the external surfaces.

Overall it is considered that both buildings to be converted involve works with take place outside the fabric of the existing buildings and therefore the part retrospective development does not comply with this criteria.

- 3) Conversion would not damage the fabric and character of a building of architectural or historic interest.

In respect of the building proposed to be used as accommodation this is considered to be a traditional brick built barn building of interest. The proposed development would reasonably conserve this building and would 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.

In respect of the building proposed to be used as the venue building the original portal frame barn was not considered to be a building of architectural or historical interest.

Overall, 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. The scheme is therefore in accordance with Policies EMP8 (3) and ENV1 of the Selby District Local Plan and SP19 of the Core Strategy.

- 4) Form, bulk and design in keeping with the surroundings.

The overall scheme including the improved design to the existing buildings on site, the proposed landscaping and the overall improved design and appearance of the site from the previous use as a piggery.

The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this the proposed development would be in keeping with the surroundings of the open countryside.

- 5) The conversion of the building and ancillary works, including creation of parking without impacting on the open countryside.

The proposed development would include the creation of a large car park with a capacity for 67 cars. It is noted that this it would be in the location of previously demolished structures. Further to this, the parking area has been designed in such a way that the landscaping limits the impact on the open countryside and would appear in character with the surrounding area by way of high quality landscaping.

6) Highway Safety

District Local Plan, Policy SP19 of the Core Strategy and paragraphs 34, 35 and 39 of the NPPF. The policies of the Local Plan referred to above should be afforded significant weight as they do not conflict with the NPPF.

NYCC Highways have provided comments on the proposed development of which the latest comments following a site visit confirm that highways have no objections to the proposed development subject to a condition regarding, Private Access/Verge Crossings: Construction Requirements. Further to this, an informative has been suggested regarding, a separate license being required from the Highway Authority to allow for works in any adopted highway.

From a site visit it is noted that the un-adopted access road is very narrow with limited room for passing. However, following discussions with the applicant details have been provided, drawing reference, 18038.GA.01, and can be secured by way of condition.

Subject to the aforementioned conditions, it is considered that the proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Local Plan and the advice contained within the NPPF.

Overall in respect of Policy EMP8 of the Selby District Local Plan on balance the proposed development would be contrary to criteria (2) of the policy and acceptable in all other respects.

Design

- 4.12. The application is for the proposal involves the part retrospective change of use of land and buildings to include the conversion and extension of an existing brick built agricultural building to an accommodation block to create 20 bedrooms in total; the erection of two lynch gates; formation of a car park and the construction of a wedding venue building following works to an existing portal framed agricultural building.

- 4.13. In respect of the proposed accommodation block this relates to the conversion and extension of an existing traditional brick built agricultural building. The proposal would involve the retention of all brick elements of the existing building. However, would involve the demolition of the pole barn and the erection of a metal clad extension with a pantile gable roof.
- 4.14. In respect of the proposed venue building this relates to the conversion of a portal frame barn building with a metal clad roof and part breeze block and part wooden clad walls. The works to this building are part retrospective and involve the demolition of some of the breeze block walls and the erection of traditional brick walls, new wooden cladding and metal sheet roofing.
- 4.15. The retrospective works as seen from a site visit are considered to improve the buildings design and appearance which would be more in keeping with the traditional brick built barn building on site. Overall, resulting in an improved and more attractive design. In considering this the proposed development would be in keeping with the surroundings of the open countryside.
- 4.16. In respect of the lynch gates these would be simple in form and small in scale. These would be simple structures and would be of a brick and timber construction.
- 4.17. In respect of the car park with capacity for 67 cars, this would be located in the place of a number of buildings which have now been demolished. It is noted that a car park of this size would not be typical of this location, within the open countryside. However, a detailed landscaping plan has been submitted which shows boundary treatments involving native species and a wide variety of different planting throughout the site. It is considered that the scheme of landscaping submitted would provide sufficient screening to the car park and the site as a whole in order to ensure the proposed development would be in keeping with the character and appearance of the area and would not appear to visually encroach into the open countryside in compared the proposed scheme to the previous structures and use of the site.
- 4.18. In terms of the proposed alterations although these would be extensive in terms of extensions, re cladding and new openings, it is considered that these would result in an overall improved design. Therefore the proposed development would be in accordance with Policy SP19 "Design Quality" of the Core Strategy and Section 12 "Achieving well- designed places" of the NPPF.

Impact on Residential Amenity

- 4.19. The neighbours have made no comments in relation to the current proposals. However, a number of letters of support have been submitted though none of which are from any of the neighbouring properties or from within the vicinity of the application site.
- 4.20. Environmental Health were consulted on the application who have raised no objections to the proposed development subject to the linking both of the residential properties within the red and blue line boundary to the proposed development and new business use. This is so as to prevent concerns for unacceptable disturbance and noise pollution for any future users. However, through further discussions with legal it has come to light that there is an agricultural tie on one of the dwellings within the blue line boundary, Ryden House. It is considered unreasonable to attach a link to a dwelling requiring the present and future occupier to work at the wedding venue and also within agriculture. As such the Local Planning Authority would be unable to attach

a condition linking the two dwellings within the blue line boundary to the use of the wedding venue. Therefore, there is a fundamental Environmental Health objection.

- 4.21. It is noted that a Management Plan has been submitted regarding the restrictions intended to be applied to the proposed Wedding Venue in terms of noise management. In summary, this includes the link between the two residential dwellings on site and the proposed development, no fireworks will be allowed on site and no amplified music will be allowed outside the insulated Venue barn.
- 4.22. In considering all of the above, where the local planning authority have tried to work positively and proactively with the applicant resulting in a Preliminary Noise Report being submitted to the LPA on the 8th August 2019 and a full Acoustic Report being submitted to the LPA on the 16th September 2019. However, the applicant has been unable to overcome Environmental Health's objection.
- 4.23. Overall, without a condition linking the two dwellings within the blue line boundary to the use of the wedding venue there is a fundamental Environmental Health objection to the proposed development in respect of impacts on residential amenity in terms of noise.
- 4.24. Therefore, in considering all of the above the recommendation has been amended to a recommendation for refusal on the grounds of the impact on the residential amenity of the neighbouring dwelling, Ryden House.
- 4.25. The proposed development would have significant adverse impacts on the occupiers of Ryden House and would therefore be contrary to policy ENV1 of the Selby District Local Plan.

Flood Risk and Drainage

- 4.26. Firstly addressing the issues of flood risk, the application site is within Flood Zone 1 and part of the access road is within Flood Zone 2. In considering this the Environment Agency advice that there standing advice is followed for more vulnerable developments within Flood Zone 2. This includes: (1) surface water management, (2) access and evacuation for any parts of a building below estimated floor levels and (3) Ground floor levels. In considering the standing advice details of a surface water management plan could be secured by way of condition.
- 4.27. In terms of drainage, the submitted application form sets out that surface water would be disposed of via existing water course and the foul sewage would be disposed of via a package treatment plant.
- 4.28. The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals and neither have raised objections to the proposed development
- 4.29. The Selby Area IDB have raised no objections to the proposed development. It is also noted that the Selby Area IDB welcome the approach to reduce surface water run-off.
- 4.30. The Ainsty IDB have raised no objections to the proposed development. It is noted that the IDB have raised concerns that there would be an increase in impermeable

surfaces on site. However, it should be noted that proposed development demonstrates a reduction in hard surface area.

- 4.31. Further to this, Environmental Health have advised that two informatives be attached to any permissions granted: (1) Package treatment plant shown outside of the red line boundary requiring approval and consent from the Environment Agency; and (2) Biomass boiler Environmental Permit.
- 4.32. It is also noted that the Environment Agency have raised no objections to the proposed development.
- 4.33. Foul water is going to a new package treatment plant which is shown on the drawings so does not need conditioning since it will be on any approved drawings. It is noted that, limited information has been provided in terms of the scheme for surface water drainage. However, it is considered that an acceptable scheme of drainage can be achieved therefore notwithstanding the information submitted further information can be requested and subsequent measures secured by way of condition.

Nature Conservation and Protected Species

- 4.34. The application site is not a protected site for nature conservation nor is it known to be in close proximity to any site supporting protected species or any other species of conservation interest.
- 4.35. It is noted that a number of ecology surveys were submitted with this application including a Preliminary Ecological Appraisal Report and Bat Emergence Survey Report.
- 4.36. NYCC Ecology have been consulted and have commented that, the site is of low ecological value and there are no objections to the proposed development subject to the following conditions: (1) Compliance with the recommendations contained within the Bat Emergence Survey Report and (2) Submission of an Invasive Weed Management Plan. Further to this, an informative has been suggested regarding taking place outside of bird nesting season.
- 4.37. It should be noted that an Invasive Weed Management Plan has been submitted and comments have been sought from NYCC Ecology. In summary NYCC Ecology have no objections to this.
- 4.38. 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.

Land Contamination

- 4.39. Relevant policies in respect of land contamination include Policy ENV2 of the Selby District Local Plan and Policy SP19 "Design Quality" of the Core Strategy.
- 4.40. The application is supported by the following: (1) Phase 1 Geoenvironmental Appraisal, (2) Remediation Strategy and (3) Verification Report.
- 4.41. Having sought comments from the Contaminated Land consultant, they have confirmed that the information provided is sufficient. However, it has been advised that a condition be attached relating to unexpected contamination.

4.42. Subject to the aforementioned condition, it is considered that the proposal would be acceptable in respect of land contamination and is, therefore, in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Waste and Recycling Facilities

4.43. With respect to Waste and Recycling, a contribution for such provision would not be required for a scheme of this scale. However there are areas where bin storage could be provided in the application site.

Rural Economy

4.44. The proposal is for the change of use of land and buildings to that of a wedding venue including the creation of a total of 15 bedrooms for wedding guests, erection of 2 No lychgates, formation of a car park, demolition of some existing buildings, and formation of extension to accommodate 5 bedrooms, common room and kitchen to be constructed following the demolition of the pole barn.

4.45. Relevant policies within the NPPF, which relate to employment uses within rural areas, include paragraphs 83 and 84.

4.46. In considering this, the applicant has submitted a number of supporting documents including a Design and Access Statement, Planning Statement and brochures from an existing wedding venue run by the applicants regarding the benefits of the proposed development in relation to the rural economy. In summary this demonstrates that extensive rural economic benefits which would be associated with the proposed development. The proposed scheme will provide further employment and, support local rural businesses i.e. florists, caterers, makeup artists, hairdressers, taxi firms and other small service businesses.

4.47. It is noted that the applicant states that the proposed scheme would have environmental and sustainability benefits and further to this would involve farm diversification opportunities.

4.48. It is considered that the proposals will result in a number of employment opportunities associated with the operation of the wedding venue which will benefit the local economy. As such are acceptable in terms of impacts on the rural economy in accordance with Policy SP13C of the Selby District Core Strategy and paragraphs 83 and 84 of the NPPF.

4.49. It is noted that a number of support letters have been received in relation to the proposed development.

5. Conclusion

5.1. This type of conversion of existing rural buildings to business use is acceptable in principle in the NPPF and in development plan policy. Though it is noted that the proposal would conflict with criteria 1 and 2 of Policy EMP8 of the Core Strategy, it is considered that the NPPF is a material consideration and in line with Paragraph 83 and 84 of the NPPF relating to the further reuse of the building and the diversification of agricultural business and the recognition of business and community needs in rural

areas would be acceptable. Furthermore, the Framework is more up to date and more flexible.

- 5.2. The works are appropriate to these agricultural buildings in terms of improved design, new openings and all other alterations.
- 5.3. However, where it is noted that there are a variety of economic benefits associated with the proposed wedding venue, as set out above. There are fundamental concerns relating to the significant adverse impacts the use of the wedding venue would have on the residential amenity of the present and future occupiers of Ryden House which warrant the refusal of this application.
- 5.4. Therefore, on balance the application would be refused due to the combined impact of noise, general disturbance and traffic generation from the part retrospective wedding venue which would result in an unacceptable form of development which would give rise to significant and demonstrable harm to the character of the open countryside, providing substantial and compelling evidence that there has been considerable detriment to the present and future amenity of Ryden House. This development is therefore contrary to Policies, ENV1(1) and ENV2(A) of Selby District Local Plan, Policies SP13(D), SP19(K), the PPG for Noise, the Noise policy statement for England and paragraphs, 170(e), 180(a) the NPPF.

6.0 Recommendation

This application is recommended to be refused for the following reason(s):

01. The combined impact of noise, general disturbance and traffic generation from events held has resulted in an unacceptable form of development which has given rise to significant and demonstrable harm to the character of the open countryside, providing substantial and compelling evidence that there has been considerable detriment to the present and future amenity of Ryden House. No satisfactory scheme of mitigation or remedial measures has been implemented or proposed to overcome such detriment and the Council is not satisfied that this resulting harm could be controlled by way of planning conditions or management plans. The Council has given significant weight to the cumulative harm that would continue to be caused, with the resultant continuing detriment to amenity, and concludes that this would outweigh any benefits of the proposed development. This development is therefore contrary to Policies, ENV1(1) and ENV2(A) of Selby District Local Plan, Policies SP13(D), SP19(K), the PPG for Noise, the Noise policy statement for England and paragraphs, 170(e), 180(a) the NPPF.

3.1 Legal Issues

3.1.1 Planning Acts

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

3.1.2 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.

3.1.3 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.

3.2 Financial Issues

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

4. Conclusion

4.1 As stated in the main body of the report.

5. Background Documents

5.1 Planning Application file reference 2019/0110/COU and associated documents.

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Appendices: Appendix 1 – 2019/0110/COU, 10th July 2019, Planning Committee Report