



Report Reference Number 2019/1222/LBC

**To:** Planning Committee  
**Date:** 4<sup>th</sup> March 2020  
**Author:** Rebecca Leggott (Senior Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/1222/LBC	PARISH:	Selby Town Council
APPLICANT:	Abbey Dental Practice	VALID DATE:	28th November 2019
		EXPIRY DATE:	23rd January 2020
PROPOSAL:	Listed building consent for change of use of former bank (A2) to dental practice (D1) and associated internal and external works		
LOCATION:	Former NatWest Bank The Crescent Selby YO8 4PE		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as Selby District Council is the landowner.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1. The application site is located within the defined development limits of Selby, which is a Principle Town as identified in the Core Strategy.
- 1.2. The application site is located within the Selby Town Conservation Area and within the setting of a number of listed buildings. The former bank occupies a prominent position on the corner of Park Street and The Crescent.
- 1.3. The host building is part of a Grade II Listed Building, The Crescent. The Historic England listing entry describes each unit within The Crescent in detail. Details specifically relating to the former bank building, are as follows, *“The bank building has a mid C19 ashlar bank front: segment-headed windows (3 to Park Street, 2 to The Crescent) with moulded imposts, voussoirs and keystones, one canted bay to Park Street, and parapetted hood over door taken on tapering Ionic pilasters and fluted consoles.”*
- 1.4. This application is to control the internal alterations to the building and is accompanied by a full application (also on the agenda reference 2020/0012/COU), which deals with the change in the use of the building.

### The Proposal

- 1.5. The Listed building consent application is for the for change of use of former bank (A2) to dental practice (D1) and associated internal and external works

### **Relevant Planning History**

- 1.6. The following historical application is considered to be relevant to the determination of this application.
- CO/1990/0567 (PER - 17.01.1991) Listed Building Consent for proposed installation of a service till and resiting of a night safe.
  - CO/1998/0898 (PER - 15.03.1999) Listed building consent for the display of three illuminated fascia signs and replacement externally illuminated projecting sign.
  - CO/2002/0877 (PD - 16.01.2003) Application for consent to display 3 No. internally illuminated strip fascia signs, 2 No. internally illuminated projecting signs, 3 No. non-illuminated curved face panels, alterations to the existing ATM and 1 No. ATM receipt bin all to the front and side.
  - CO/2002/0878 (PER - 12.02.2003) Listed building consent for the display of 3 no. non illuminated fascia signs, 1 non illuminated projecting sign above door, alterations to the existing ATM kiosk and 1 No. ATM receipt bin all to the front and side elevations.
  - 2013/0194/TEL (T3TEL - 01.05.2013) Prior notification of proposed development by telecommunications code system operator for the installation of a dark green DSLAM cabinet.
  - 2015/0737/ADV (PER - 02.09.2015) Installation of external shop front signage consisting of 3no. NatWest fascias with 3no. sets of non-illuminated NatWest lettering and chevron logos, NatWest non illuminated hung projecting sign, NatWest opening hour sign.
  - 2015/0738/LBC (REF - 26.02.2016) Listed building consent for installation of external shop front signage consisting of 3no. NatWest fascias with 3no. sets of non-illuminated NatWest lettering and chevron logos, NatWest non illuminated hung projecting sign, NatWest opening hour sign.
  - 2017/0635/FUL (WDN - 06.07.2017) Remove existing NatWest brand signage, ATM and night safe. Infill existing ATM and Night Safe apertures with new stainless-steel blanking plate.
  - 2020/0012/COU (PCO) Proposed change of use of former bank to dental practice and associated works.

## **2. CONSULTATION AND PUBLICITY**

- 2.1. **Conservation Officer** – The Conservation Officer has raised no objections to the proposed development subject to conditions.

- 2.2. **Parish Council** - Selby Town Council have raised no objections to the proposed development subject to the works not involving alterations to the external appearance of a listed building unless these are in keeping with the surrounding area and any internal alterations/modifications should be reversible, i.e. stud walls separating rooms not brick walls.
- 2.3. **Neighbour Summary** - All immediate neighbours were informed by letter, a site notice was erected and an advert placed in the local press. This has resulted in no letters of representation being received.
- 2.4 Following receipt of the amended plans all immediate neighbours have been re consulted on the amended proposals resulting in no letters of representation being received.

### **3. SITE CONSTRAINTS**

#### **Constraints**

- 3.1 The application site is located within the defined development limits of Selby, which is a Principle Town as identified in the Core Strategy.
- 3.2. The application site is located within the Selby Town Conservation Area and within the setting of a number of listed buildings. This includes the Grade I Listed, Church of St Mary and St Germain (Selby Abbey) and 36 other Grade II Listed Buildings along, the Crescent, Park Street and Market Cross.

### **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 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.
- 4.4. 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.

- 4.5. 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).”*

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

- 4.6. The principal Core Strategy Local Plan 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

- 4.7. 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.

- 4.8. 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**

- 4.9. The relevant Selby District Local Plan Policies are:

- ENV1 – Control of Development
- ENV24 – The Conservation, Alteration, Extension or Change of Use of a Listed Building
- ENV25 – Development within or Affecting a Conservation Area
- SEL/10 - Services and commercial uses in the Town Centre

## **5. APPRAISAL**

### **Impact on Heritage Assets**

- 5.1. The sole issue in the consideration of a Listed Building application is the impact on the heritage asset.
- 5.2. The Planning, Listed Buildings and Conservation Act 1990 includes a general duty as respects listed buildings in the exercise of planning functions. In considering whether to grant planning permission for development which affects a listed building

or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 5.3. Planning (Listed Building and Conservation Areas) Act 1990, Section 16(2) requires, when considering whether to grant listed building consent for any works to a listed building, that special regard be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
- 5.4. Section 72 (1) of the Act states that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 5.5. Relevant policies within the NPPF, which relate to development within a Conservation Area and listed buildings, include paragraphs 189, 190, 191, 192, 193 and 194. Relevant policies within the NPPF, which relate to general design principles, include paragraphs 53, 124, 127, 128, 130 and 131.
- 5.6. The NPPF states in paragraph 193 that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...'
- 5.7. It is noted that a number of constraints apply to the application site including, the Selby Town Conservation Area and the Commercial Zone- Selby Town Centre.
- 5.8. This application is for Listed Building Consent for consent for the change of use of former bank (A2) to dental practice (D1) and associated internal and external works. The works are to a Grade II Listed building, which is located within the Selby Conservation Area. The key changes to the Grade II listed building include:
  - Conservation style rooflights windows to the rear
  - A small section of raised platform on the first floor
  - Changes to staircase arrangements
  - Changes to wall arrangements
- 5.9. It is noted that a Heritage Statement has been submitted with the application. In summary, this highlights the key constraints within the building specifically the threshold steps on the first floor of the building. This also advises that the amended proposals, such as the raised access steps, ensure that there are limited impacts on the Listed Building. This as a feature will be independent of the buildings structure and could be removed without damaging the building. Furthermore, impact statement highlights the proposed works are essential for practicality and to ensure the long-term use of the building.
- 5.10. It is noted that throughout the course of the application, amended plans have been received in order to remove a number of concerns in the respect that the original proposal. This concern originated from the proposed replacement of part of the first floor and all the second floor, in order to raise the floor levels, due an existing structural beam across the thresholds of a number of rooms on the first floor.
- 5.11. The Conservation Officer originally raised significant concerns over this as it would remove a large proportion of historic fabric and involve significant alternations to the

internal layout. However, a solution was found, and the amended proposals are much more sympathetic to the special architectural and historic interest of the Listed Building. The proposals no longer aim to remove the second floor or parts of the first floor and instead proposes a raised section of floor to provide more level access into the rooms on the first floor. Furthermore, the new room layouts and staircase layouts will ensure that the building is fit for purpose and easily accessible.

5.12. Furthermore, the Conservation Officer advises that, *“...the works will cause no harm to the significance of the designated heritage asset... The works would not result in removal of historic fabric and will therefore sustain the significance of the designated heritage asset and meet the requirements of the NPPF 2019, Section 16.”* A number of conditions have been suggested as follows:

- *Notwithstanding the submitted plans and details, the conservation rooflights must fit flush with the roof slope, be black painted metal, top hung and have a central glazing bar. Details and exact sizes of the proposed rooflights must be submitted to and approved in writing before works commence and retained thereafter.*
- *Any re-plastering of internal solid walls and re-pointing of external walls must be carried out using lime mortar. A specification for lime mortar to be used for the re-plastering and re-pointing shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the approved details and thereafter so retained.*

5.13. Overall it is considered that, the works to the Listed Building have been kept to a minimum and will preserve the special architectural and historic interest as required by the Planning (Listed Buildings and Conservation Areas) Act 1990, section 66.

5.14. Paragraph 196 of the NPPF requires that any harm should be weighed against the public benefits of the proposal. It is considered that the continued use of the building, contribution of the proposals to the business use and the way it functions would be considered to contribute public benefits towards enhancing the vitality of Selby Town Centre and outweighs any less than substantial harm identified.

5.15. The proposal would therefore comply with Policies ENV1, ENV24 and ENV25 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy. Further to this, regard has been had to S16 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the policies contained within section 16 of the NPPF.

## **6. CONCLUSION**

6.1. 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 works would sustain and enhance the Grade II Listed Building and positively contribute to the conservation and the local distinctiveness of the listed building. The development would lead to less than substantial harm to the former NatWest Bank building which is considered to be outweighed by the public benefits of the proposals. The proposal would therefore comply with Policy ENV24 of the Selby District Local Plan, Policies SP18 and SP19 of the Core Strategy, S16 (2) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the policies contained within the NPPF.

## 7. RECOMMENDATION

7.1. This application is recommended to be GRANTED subject to the following conditions:

1. 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 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

- Existing Site Plan – 2631 L(100)03 Rev /
- Proposed Site Plan – 2631 L(100)04 Rev /
- Existing Plans and Elevations - 2631 ACU L(100)01 B
- Proposed Plans and Elevations - 2631 ACU L(100)02 B
- Internal Raised Access Step Elevation - ACU L (100)05 Rev /
- Planning Heritage Statement - November 2019 Revision A – January 2020

Reason:

For the avoidance of doubt.

3. The Listed building consent hereby permitted shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

Reason:

In order to ensure that they do not harm the significance of the listed building and in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

4. Details of the roof lights shall be submitted to and approved in writing by the Local Planning Authority prior to this phase of the works.

Reason:

In the interest of preserving the existing building without which permission would not have been granted and in the interests of visual amenity and to comply with Policy ENV24 of the Selby District Local Plan.

5. Details of any plaster or mortar to be used shall be submitted to and approved in writing by the Local Planning Authority prior to this phase of the works.

Reason:

In the interest of preserving the existing building without which permission would not have been granted and in the interests of visual amenity and to comply with Policy ENV24 of the Selby District Local Plan.

## 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**

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

**10. Background Documents**

10.1. Planning Application file reference 2019/1222/LBC and associated documents.

**Contact Officer: Rebecca Leggott (Senior Planning Officer)**

**Appendices: None**