



Report Reference Number 2020/0012/COU

To: Planning Committee
Date: 4th March 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/0012/COU	PARISH:	Selby Town Council
APPLICANT:	Abbey Dental Care	VALID DATE:	30th January 2020
		EXPIRY DATE:	26th March 2020
PROPOSAL:	Proposed change of use of former bank to dental practice and associated 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 use of the building and is accompanied by a Listed Building Consent (also on the agenda reference 2019/1222/LBC), which deals with the physical internal alterations to the building.

The Proposal

- 1.5. The proposal is for the change of use of former bank (A2) to dental practice (D1) and associated 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.
 - 2019/1222/LBC (PCO) Listed building consent for change of use of former bank (A2) to dental practice (D1) and associated internal and external works.

2. CONSULTATION AND PUBLICITY

- 2.1. **Conservation Officer** – The Conservation Officer has raised no comments on this application.

- 2.2. **NYCC Highways** – NYCC Highways have raised no objections to the proposed development.
- 2.3. **Parish Council** – No comments received within the statutory consultation period.
- 2.4. **Selby Area Internal Drainage Board** – The IDB have raised no objections to the proposed change of use.
- 2.5. **Land Use Planning Yorkshire Water** - No comments received within the statutory consultation period.
- 2.6. **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.

3. SITE 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
- SP14 – Town Centres and Local Services
- 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
- ENV25 – Control of Development in Conservation Areas
- ENV28 – Other Archaeological Remains
- SEL/10 - Services and commercial uses in the Town Centre

5. APPRAISAL

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

- The Principle of the Development
- Impact on the Character and Appearance of the Area and surrounding heritage assets
- Impact on Residential Amenity
- Archaeology
- Flood Risk and Drainage
- Impact on Highway Safety

The Principle of the Development

- 5.2. Policy SEL/10 of the Local Plan relates to proposals for commercial uses within the defined and commercial centre of Selby and supports in principle commercial uses such as dentists, subject to a series of criteria which will be discussed later within this report.
- 5.3. Policy SP2 of the Core Strategy states that “Selby as the Principal Town will be the focus for new housing, employment, retail, commercial, and leisure facilities”.
- 5.4. Policy SP14 of the Core Strategy states that the health and wellbeing of town centres, and local shopping facilities and services will be maintained and enhanced by, in Selby Town Centre, “focusing town centre uses on Selby including retail, commercial, leisure, entertainment, food and drink, offices, hotels, indoor sports, recreation, and arts and cultural uses” and by “promoting the continued renaissance of the town centre through environmental improvements, floor space increases, and by diversifying the range of activities present”.
- 5.5. The application site is located within the defined development limits of Selby, within the core shopping frontage and the proposal is for the change of use of a former bank to dental practice. Such uses are common within town centres and provide services for the wider community. Having regard to the above, the proposal is acceptable in principle in accordance with Policies SP2 and SP14 of the Core Strategy and Policy SEL/10 of the Local Plan.

Impact on the Character and Appearance of the Area and surrounding heritage assets

- 5.6. The application site is located within the Selby Town Conservation Area and the host property is a Grade II Listed Building.
- 5.7. 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.
- 5.8. Planning (Listed Building and Conservation Areas) Act 1990, Section 66 (1) when 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.
- 5.9. 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.
- 5.10. 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.

- 5.11. Whilst it is noted that a number of plans have been submitted within this application showing the proposed works, the impacts the proposed internal works will have are not for consideration within this application as these are being considered separately under planning application reference, 2019/1222/LBC - Listed building consent for change of use of former bank (A2) to dental practice (D1) and associated internal and external works. It is however noted that 3 No. conservation style roof lights are proposed on the existing single storey rear projection and are being considered under this planning application as well as the Listed Building Consent.
- 5.12. In respect of the 3 No. conservation style roof lights, it is considered that these are acceptable in principle, however, further details of materials and profiles would be a matter for the Listed Building Consent application.
- 5.13. The proposed use (if implemented) will provide a new use for the building which will help ensure its future longevity and help protect and maintain this heritage asset. The use and resultant footfall will have a positive impact on the vitality of the town centre and wider Conservation Area.
- 5.14. Given the nature and scale of the alterations, it is considered that the proposals would preserve the character and appearance of the Conservation Area and would not have any adverse impact on the setting of the surrounding listed buildings. The proposals are therefore in compliance with Policies SP18 and SP19 of the Core Strategy, Policies ENV1 and ENV25 of the Selby District Local Plan and the policies contained within the NPPF.

Impact on Residential Amenity

- 5.15. Relevant policies in respect of the impact of the proposal on residential amenity include Policy ENV1 (1) of the Selby District Local Plan. This is consistent with the aims of the NPPF to ensure that a good standard of amenity is achieved for all existing and future occupants of land and buildings.
- 5.16. The key considerations in respect of residential amenity are the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed
- 5.17. The surrounding area has a mix of uses including retail, restaurants and cafes, hot food takeaway, assembly and leisure and residential flats on upper floors. Due to the combination of the orientation of the site and siting of the proposed scheme and distance away from the neighboring properties, the proposal is considered not to cause any significant adverse effects on the amenities of the adjacent residents. The use, footfall and operating hours are also similar to that of the previous banking use.
- 5.18. Furthermore, in considering the 3 No. conservation style roof lights these would face towards surrounding business properties. However, given the orientation and the height of the windows in the roof plane, this is not considered that the proposed roof lights would cause any undue harm to residential amenity.
- 5.19. The proposal is therefore in accordance with Policies ENV1 (1) and SEL/10 of the Selby District Local Plan.

Impact on Archaeology

- 5.20. The application site is located within the historic medieval settlement of Selby. Given this application is for a change of use, the overall nature of the development it is unlikely to have any impacts on archaeological remains as no further excavation of below ground building is necessary. This therefore complies with Policy ENV28 of the Selby District Local Plan.

Flood Risk

- 5.21. The application site is located within Flood Zone 1, which has a low probability of flooding.
- 5.22. In terms of drainage, the proposals would have no new impacts on the foul and surface water arrangements. Whilst it is noted that the IDB and Yorkshire Water have been consulted. Officers consider that given there are no changes to these arrangements the proposals are acceptable in these respects.
- 5.23. It is considered that the proposed scheme is considered to be acceptable in terms of flood risk, drainage and climate change and therefore accords with Policies SP15, SP16, SP19 of the Core Strategy, and paragraphs 158, 159 and 160 of the NPPF.

Impact on Highway Safety

- 5.24. Policy in respect of highway safety is provided by Policies ENV1 (2) and T1 of the Selby 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.
- 5.25. It is noted that the proposed scheme would not alter any existing highway arrangements. Comments have been sought from NYCC Highways which in summary state that, whilst there is no car or cycle parking available given the location in Selby Town Centre and access to public transport the proposals are acceptable. The proposal is acceptable in terms of highway safety in accordance with Policies ENV1 (2) and T1 of the Local Plan and the policies contained within 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 development would not have a detrimental effect on heritage assets, the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, archaeology, flood risk and drainage or highway safety. The application is therefore considered to be in compliance with Policies SEL/10, ENV1, ENV25, ENV28 and T1 of the Selby District Local Plan, Policies SP1, SP2, SP14, SP15, SP18 and SP19 of the Core Strategy, S66 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 51 of the Planning and Compulsory Purchase Act 2004.

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

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 2020/0012/COU and associated documents.

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Appendices: None