

**To:** Planning Committee  
**Date:** 10 January 2018  
**Author:** Diane Wilson (Planning Officer)  
**Lead Officer:** Ruth Hardingham (Planning Development Manager)

<b>APPLICATION NUMBER:</b>	2017/0919/FUL	<b>PARISH:</b>	Catterton Parish Council
<b>APPLICANT:</b>	Elmete Developments Ltd	<b>VALID DATE:</b>	15 September 2017
		<b>EXPIRY DATE:</b>	10 November 2017
<b>PROPOSAL:</b>	Proposed conversion of existing barn to create 1no. dwelling		
<b>LOCATION:</b>	Old Street Farm, Moor Lane, Catterton, Tadcaster, LS24 8DL		
<b>RECOMMENDATION:</b>	APPROVE		

This application has been brought before Planning Committee as Officers consider that although the proposal is contrary to Criterion 1 of Policy H12 of the Local Plan, there are material considerations which would justify approving the application.

## 1. INTRODUCTION AND BACKGROUND

### Site and Context

- 1.1 The application site lies within an area of open countryside outside the defined development limits of Catterton.
- 1.2 The farmstead adjoins Moor Lane and the main entrance lies to the north along a single lane with arable agricultural fields which surround the site to the north, south, east and west.
- 1.3 Adjoining the application there are two other agricultural buildings to the north of the site have planning permission to be converted into dwellings via an agricultural to dwelling application approved in 2015/0296/ATD.
- 1.4 There are a number of established boundaries hedgerows within the surrounding landscape that screen existing buildings from public view.

- 1.5 The site is situated within Flood Zone 1 which is a low probability of flooding and there are no protected trees on or surrounding the site.

### **The Proposal**

- 1.6 This application is for full planning permission for the conversion and alteration to an existing barn to create a 3 bedroom dwelling. The barn would benefit from a sitting room, kitchen/dining room, hall, w/c and snug to the ground floor, with 3 bedrooms (one en-suite), a bathroom and landing area to the first floor. The proposal would include parking and a defined garden area to serve the property.
- 1.7 The proposed materials for the conversion unit would match that of the existing buildings and adjacent dwelling. It is proposed the vehicular access into the site would be taken from Moor Lane, the single track leads up to the farm house and other farm buildings associated with Old Street Farm.

### **Relevant Planning History**

#### **1.3 Planning History**

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

- 2014/1343/ATD (This application was withdrawn on the 6<sup>th</sup> March 2015) ;Prior approval of proposed change of use of agricultural building to 3no. dwellinghouse (use class C3) and for associated operational development
- 2015/0296/ATD (This application was approved on the 22<sup>nd</sup> May 2015) Prior approval of proposed change of use of agricultural building to 2no. dwellinghouse (use class C3) and for associated operational development
- 2017/0902/DOC (This application was withdrawn on the 21<sup>st</sup> September 2017) Discharge of conditions 02 (contamination) and 03 (remediation scheme) of approval 2015/0296/ATD for prior approval pf proposed change of use of agricultural building to 2 no. dwelling houses (use class C3) and for associated operational development
- 2017/0915/DOC (Pending Consideration) Discharge of conditions 02 (contaminated land), 03 (remediation scheme) and 04 (remediation scheme) of approval 2015/0296/ATD for prior approval of proposed change of use of agricultural building to 2 no. dwelling houses (use class C3) and for associated operational development

#### **2.0 CONSULTATION AND PUBLICITY**

- 2.1 **Parish Council** – No comments received during the statutory consultation period given.
- 2.2 **North Yorkshire Bat Group** – No objections subject to conditions attached.
- 2.3 **Environmental Health** – No objections subject to informative.

- 2.4 **NYCC Highways Canal Rd** – No objections.
- 2.5 **PLand Use Planning Yorkshire Water Services Ltd** – No comments received during the statutory consultation period given.
- 2.6 **Ainsty (2008) Internal Drainage Board** – No objections subject to conditions.
- 2.7 **Conservation Officer** - No objections.
- 2.8 **Contaminated Land Officer** – No objections subject to conditions.

### **Neighbour comments**

- 2.9 The application was advertised by site notice, and advertisement in the local newspaper for affecting the setting of heritage assets resulting no objections or support being received.

## **3.0 SITE CONSTRAINTS AND POLICY CONTEXT**

### **Constraints**

- 3.1 The application site is located outside the defined development limits therefore is set within the open countryside.
- 3.2 The site is within Flood zone 1 is a low probability of flooding.
- 3.3 The site is noted on the Council's records as potentially contaminated land as a result of the sites agricultural use.

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

- 3.3 The NPPF introduces, in paragraph 14, a presumption in favour of sustainable development, stating "At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking". National Planning Practice Guidance (NPPG) adds further context to the National Planning Policy Framework ("NPPF") and it is intended that the two documents should be read together.
- 3.4 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. 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.

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

The relevant Core Strategy Policies are:

SP1:	Presumption in Favour of Sustainable Development
SP2:	Spatial Development Strategy
SP5:	The Scale and Distribution of Housing
SP9:	Affordable Housing
SP15:	Sustainable Development and Climate Change
SP16:	Improving Resource Efficiency
SP18:	Protecting and Enhancing the Environment
SP19:	Design Quality

### **3.6 Selby District Local Plan**

Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework. As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, the guidance in paragraph 214 of the NPPF does not apply and therefore applications should be determined in accordance with the guidance in Paragraph 215 of the NPPF which states " In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans 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)".

The relevant Selby District Local Plan Policies are:

ENV1:	Control of Development
ENV2:	Environmental Pollution and Contaminated Land
ENV27	Ancient Schedule Monument
H12:	Conversion to Residential Use in the Countryside
T1:	Development in Relation to the Highway Network
T2:	Access to Roads

## **4.0 APPRAISAL**

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

- Principle of development
- Design and Impact on the Character of the Area and Heritage Assets
- Flood Risk, Drainage, Climate Change and Energy Efficiency
- Impact on Highways
- Residential Amenity
- Impact on Nature Conservation and Protected Species
- Affordable Housing
- Land Contamination
- Impacts of the proposal

## Principle of Development

- 4.2 The application site is located outside the defined development limits of any settlement and is therefore located within the open countryside.
- 4.3 In terms of the Core Strategy, then 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. Alongside this Policy SP2A(c) states that 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 or meet rural affordable housing need (which meets the provisions of Policy SP10), or other special circumstances. Given the scheme is a conversion and extension it can therefore be concluded that the principle of re-use of the building and extension to the existing building is in accordance with both Policy SP1 and Policy SP2A(c) of the Core Strategy.
- 4.4 In terms of the Local Plan, then as noted above the key Policy H12 on "Conversion to Residential Use in the Countryside" notes a series criterion for the consideration of scheme. Criteria (1) and (3) allow proposals for the conversion of rural buildings to residential uses provided it "can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality" and that the "building is structurally sound and capable of re-use without substantial rebuilding". As such Policy H12 supports the principle of conversion of the building with appropriate extensions.
- 4.5 It is accepted that the scheme is contrary to Policy H12 of the Local Plan, but it is considered to be in compliance with the approach of the Selby Core Strategy. It is considered that the limited weight should be attached to the Local Plan, and greater weight should be attached to the approach of the Core Strategy in considering the scheme. Then in considering the approach of the NPPF this should be a material consideration in accordance with Paragraph 38 (6).
- 4.6 This includes consideration of the scheme in the context of Paragraph 55 of the NPPF is particularly relevant to the application and states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as [amongst other things]:-
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting."
- 4.7 As such, Paragraph 55 thus supports re-use of redundant or disused buildings, which is consistent with the Core Strategy but is significantly different to that taken in the

Local Plan and Policy H12 as it does not require the more onerous tests set out in H12 (1).

- 4.8 Within the submitted Design and Access Statement sets out the proposed use of the buildings and from a site visit it is noted that although there is an open lean to structure attached to the side elevation which would be demolished. A Structural Report has been submitted as part of this application along with a Building Method Statement. Having considered the submitted information and visited the site Officers consider that the building is capable of being converted without substantial re-building and in addition given that the proposed re-use of the building would generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension the proposals would comply with Criterion (3) and (4) of Policy H12 of the Local Plan.
- 4.9 It is considered that the policies in the Development Plan, as noted above, pull in different directions given the approach of the Core Strategy and the guidance within the NPPF which is a material consideration. As such it is considered that the Development Plan is not neutral (when applying the approach of the High Court decision R v Rochdale Metropolitan Borough Council ex parte Milne (2000). Sullivan J) and as such the starting point as per 38(6) is that schemes should be refused ‘unless material considerations indicate otherwise’.
- 4.10 In this case given that Policy H12 is inconsistent with the Core Strategy (as part of the development plan) and the guidance in the NPPF, it is considered that limited weight can be given to Policy H12 and as such it is essential that the benefits of the development outweigh any conflict such that notwithstanding the conflict with the development plan the material considerations indicate that planning permission should be granted. Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 55 of the NPPF. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan.

#### Sustainability of the Development

- 4.11 In considering the location of the application site and its relative isolation and the subsequent reliance of the private car to serve the proposed dwelling it should be taken into account that paragraph 55 specifically allows isolated homes in the countryside provided they meet the special circumstances set out in that paragraph. Isolated homes are very unlikely, by virtue of their isolated nature, to be served by good, or any, public transport services. As such the policy envisages that there are circumstances, where on balance, the lack of public transport and consequent reliance on the private car can be acceptable. As set out earlier in this report it has been established that the proposals accord with the exceptions set out within Paragraph 55. In addition it worth noting that the conversion of isolated agricultural buildings to residential use is supported by Government in the changes made to the permitted development regime whereby conversions, of certain scales, are able to be supported subject to there being no technical reasons such as highways, contamination, noise, flooding or the location impractical or undesirable for the building to change from agricultural use to a use falling within Class C3 (dwellinghouses).
- 4.12 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development, these being of an economic, social and environmental nature. These

dimensions give rise to the need for the planning system to perform a number of roles. Having assessed the proposals against the three aspects of sustainable development the following conclusions have been reached:

### Economic

The proposal would provide jobs during the conversion and internal works and through local spending by new residents within the village and District.

### Social

The proposed dwelling would provide one additional dwelling, adding to the housing supply in the District and would use local facilities.

### Environmental

The proposals would bring into use a redundant agricultural building. The proposals would re-use a disused building and would lead to the enhancement of the immediate setting and as such is in compliance with Paragraph 55 of the NPPF. The proposals would re-use the existing building and as such would make use of the environmental capital (energy and materials) invested in that part of the structure that would be reused. Furthermore the design would take into account environmental issues such as reducing carbon emissions, flooding and impacts on climate change. The proposals ensure that they do not result in a detrimental impact on ecology and would lead to enhancements to the site.

Therefore having had regard to the three dimensions of sustainable development it is considered that the proposals would have a positive economic, social and environmental role as identified above and would represent sustainable development. Whilst the proposal would perform poorly with respect to the location of the site, on balance taking into account the benefits of the scheme identified above and the fact that the proposals comply with Paragraph 55 of the NPPF which acknowledges that in order to make use of existing buildings they may be in isolated locations where access to public transport may be poor, that the proposals are considered acceptable on balance, when considered against the three dimensions of sustainability outlined in the NPPF.

- 4.13 On consideration of the above information, it is considered that the proposal is acceptable in regards to the appropriateness of the location of the application site for residential development in respect of current housing policy and guidance on sustainability from both local and national policies as well as all relevant policies in the Core Strategy, NPPF and Local Plan.

## **Design and Impact on the Character and Form of the Area and on Heritage Assets**

- 4.14 The application site comprises of some brick built derelict agricultural buildings and a farm house. The two remaining agricultural buildings to the north of the site have planning permission to be converted into dwellings via an agricultural to dwelling application approved in 2015/0296/ATD. The agricultural buildings constructed from are from brick walls, and the roofs are constructed from pantile. The application seeks planning permission for the conversion of an existing agricultural building to a dwelling with the creation of parking provision.

- 4.15 The site is located outside the defined development limits and therefore is set within the open countryside and the site is located approximately 150 metres from the grounds of Catterton Castle an area protected as an Ancient Scheduled Monument. Catterton Hall Moated Site and adjacent Building Platform. Catterton moated site is a well preserved example of a medieval manor site, retaining upstanding earthwork features on the main island and beyond the moat ditch to the north and east
- 4.16 A Heritage Statement has been submitted with the application and the Council's Conservation Officer has been consulted as part of this application. The Conservation Officer notes that in terms of the significance of the non-designated heritage assets Old Street Farm is located to the south of the village of Catterton. Having checked the historical maps of the farm house the southern and western barn on the site date from around the 19<sup>th</sup> Century when the site was known as Lund House. The brick barn to the north east was a later addition in around the 19<sup>th</sup> Century with the site adopting the name of Old Street Farm.
- 4.17 Having had regard to the type of development the Conservation Officer considers that the barn conversion would not impact upon the setting of the nearby Scheduled Monument. The conservation officer recommends that the windows and doors are constructed from timber and have a painted finish with the rooflights being designed to be flush with the roof slope. The application form states no proposed materials however to ensure that any new materials which would be introduced to facilitate the conversion are acceptable it is considered that a condition shall be attached that the proposed materials are agreed by the local planning authority. An attached timber lean to building currently joins on to the agricultural building and this would be demolished as part of this proposal. The lean to building is not considered to have any architectural merit and as such the proposed demolition is considered to be acceptable.
- 4.18 The submitted layout plan demonstrates that the converted building would be separated and provide private parking and garden area to the east and south of the barn. A site plan has been submitted to which show the boundary treatments and some landscaping. The boundary treatments and landscaping is considered to be acceptable and shall be secured by way of condition. It is considered that proposal would create an acceptable level of amenity space to the south and east of the other farm buildings.
- 4.19 This proposals is considered to be acceptable and is not considered to detract from the overall character and appearance of the area. Therefore when considering the Scheduled Ancient Monument against the proposed barn conversion, it is considered that the proposal would not adversely affect the setting of the Scheduled Ancient Monument.
- 4.20 Subject to the aforementioned conditions, it is therefore considered that the proposals are acceptable and would not have a significant or detrimental impact on the character and appearance of the area, the surrounding countryside nor affect the setting of the Ancient Schedule Monument Catterton Castle. The proposal is therefore considered acceptable in accordance with Policy ENV1, ENV27 and H12 of the Selby District Local Plan, Policies SP18 and SP19 of Core Strategy and the advice contained within the NPPF.



## **Flood Risk, Drainage, Climate Change and Energy Efficiency**

- 4.21 The proposal would consider energy efficiency/sustainable design measures within the scheme in order to meet building regulations requirements.
- 4.22 The application site is located in Flood Zone 1 which is a low probability of flooding and the size of the site being less than 1 hectare negates the requirement for a flood risk assessment. The application form states that foul sewage would be disposed of via a septic tank with surface water disposed of via soakaways. The Environmental Health Officer has been consulted as part of this application and raises no objection to the proposal subject to an informative that the applicant notifies the Environment Agency and Building Control for their approval.
- 4.23 Yorkshire Water were consulted and at the time of writing this report no response has been received, should a response come forward then this shall be submitted via the officer update note for members. The Ainsity Internal Drainage Board have sent a standard response and notes that the application site lies adjacent to Catterton Lane dyke, and according to the IDB is subject to high flows during storms.
- 4.24 In order to ensure adequate drainage provision is provided within the site and to prevent any increase in surface water run off drainage conditions shall be imposed for the proposed means of surface water disposal. The drainage board notes that separate permission is sought from the Drainage Board should the applicant wish to erect any fences or planting within 9 metres of the bank top of any watercourse. The applicant shall be notified of this via an informative.
- 4.25 As mentioned above there may be a requirement for new surface water systems to be introduced to the site. Therefore it is considered prudent to attach a condition for any new soakaways to be approved in writing by the Local Planning Authority. Environmental Health have been consulted as part of this application and they have no objections subject to an informative with regard to the septic tank to be used for foul drainage would be subject to building regulation approval and consultation with the Environment Agency may be required..
- 4.26 Subject to conditions being imposed for surface water and foul drainage, it is considered that the proposal is acceptable in terms of flood risk, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15, SP16 and SP19 or the Core Strategy and the advice contained within the NPPF.

### **Impact on Highways**

- 4.27 The proposal would use the existing vehicular access off Moor Lane to the west of the site, the proposed dwelling would benefit from areas of hardstanding to facilitate parking. This area of hardstanding would be located to the east of the converted barn. Further hardstanding would be upon the entrance to the farmstead and one of the converted buildings would form a detached garage to the west of the converted barn.
- 4.28 North Yorkshire County Highways have been consulted as part of this application. No objections have been raised to the proposal and no conditions are required given the proposal would utilise the existing access.
- 4.29 Given the above it is therefore considered that the scheme would be acceptable and in

accordance with Policies ENV1(2), T1 and T2 of the Local Plan and Paragraph 39 of the NPPF with respect to the impacts on the highway network.

### **Residential Amenity**

- 4.30 The proposal involves the conversion of agricultural farm building. The site is located on a former farm stead with planning permission to convert the other farm buildings under planning application reference 2015/0296/ATD there are no residential properties which bound the application site area.
- 4.31 The layout of the converted barns would result in creating separate amenity space for each dwelling. The proposed barn conversion would have openings to the eastern elevation which would look out on to the garden area of the proposed dwelling with single window to serve a bedroom to the western elevation. The window to the western elevation is small and would only afford glimpse out on to a neighbouring garden which would be served by another barn once converted. The window which serves a bathroom to the eastern elevation shall be conditioned to be obscure glazed in order to retain the privacy of future occupants.
- 4.32 The site layout plan submitted with the application provides details of landscaping and a timber post and rail fence to define the boundary of the proposed conversion. The residential amenity which has been identified within the layout plan is considered to be acceptable and a condition shall be attached to ensure the boundary treatments are erected prior to the occupation of the dwelling.
- 4.33 Having regard to the above, it is considered that the proposal is acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Local Plan and the advice contained within the NPPF.

### **Impact on Nature Conservation and Protected Species**

- 4.34 With respect to the nature conservation of the area it is noted that the site is not a protected site for nature conservation nor is it known to support any protected species, or any species or habitat of conservation importance, however an Ecology survey has been submitted with the application.
- 4.35 Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 4.36 The Ecology report confirms that within Barn 1 and the adjacent Barn 2 support common pipistrelle day bats and Barn 2 contains brown long eared day roost. The site itself consists of derelict agricultural buildings and a farm house. The ecology Bat report submitted concludes that the although there would be some disturbance to roosts overall based on the survey data assessment and guidance from the Bat Mitigation guidelines (p39 English Nature 2004) the overall accumulative impact of the development on bat population is considered to be low. A separate Ecology Report has been submitted with this application for a Barn Owl Survey. The survey notes that there may be Barn Owls within the site and there remains a possibility that roosting birds could be within the vicinity of the site.
- 4.37 North Yorkshire Bat Group has been consulted as part of this application and note the

ecology report and the mitigation measures recommended within the report. North Yorkshire Bat Group concludes that the mitigation measures as detailed would be supported and therefore no objections are raised with regard to this development.

- 4.38 It is acknowledged that a European Protected Species Mitigation licence would be needed prior the development of the site. This licence would be sought following the approval of this permission. A detailed Method Statement has accompanied the Bat Survey along with mitigation measures. A further detailed report has been accompanied with the Barn Owl survey along with a Method Statement and mitigation measures. These mitigation measures and method statements shall be secured by way of condition to ensure the proposal would meet the licensing test.
- 4.39 Therefore, it is considered that with conditions imposed the proposal would not harm any acknowledged nature conservation interests and therefore would accord with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF with respect to nature conservation subject to conditions.

### **Affordable Housing**

- 4.40 In the context of the West Berkshire High Court decision it is considered that there is a material consideration of substantial weight which outweighs the policy requirement for the commuted sum. It is therefore considered that having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

### **Land Contamination**

- 4.41 The application is accompanied by a Contamination Screening Assessment Form and reference is made to a discharge of condition application has been submitted under reference 2017/0915/DOC relating to consent 2015/0296/ATD. These measures would only cover part of the site and would not include the proposed barn conversion covered by this Report.
- 4.42 With this in mind the Council's Contamination Consultant has assessed the site in relation to this element of the proposal and have raised no objections subject to conditions these would include an investigation and risk assessment which would be undertaken in order to assess the nature and extent of any land contamination, a remediation scheme, the verification of remedial works and the reporting of any unexpected contamination. This is a precautionary measure due to the agricultural use of the site.
- 4.43 The proposals, subject to the attached conditions are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

### **Legal Issues**

- 4.44 Planning Acts:

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

4.45 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.

4.46 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.

**Financial Issues**

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

**5.0 CONCLUSION**

5.1 The application seeks planning permission for the conversion of discussed agricultural building.

5.2 Having assessed the proposals against the relevant policies, it is considered that the proposal is acceptable in respect of its design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, climate change, flood risk and drainage, nature conservation and protected species and land contamination.

5.3 Having considered this position, the proposal is considered to meet one of the special circumstances identified within paragraph 55 of the NPPF. In addition although limited weight is afforded to the Policy then the proposal is in accordance with Policy H12 (3) of the Local Plan and the approach as set out in the Core Strategy.

**6.0 RECOMMENDATION**

6.1 That the application be APPROVED subject to the following conditions:

01. The development for which permission is hereby granted shall be begun within a period of three years from the date of this permission.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Location Plan	Drawing No 2595	Dated 21/09/2017
Existing Site Plan	Drawing No 2595/8	Dated 24/08/2017
Existing Elevations	Drawing No 2595/2F	Dated 24/08/2017
Proposed Site Plan with boundary treatments	Drawing No 2595/54 Rev A	Dated 17/11/2017
Proposed Floor Plans	Drawing No 2595/7E	Dated 17/11/2017

Reason:

For the avoidance of doubt.

03. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be confirmed in writing by the Local Planning Authority.

Reason:

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

04. No development approved by this permission shall be commenced until the Local Planning Authority in consultation with the Internal Drainage Board has approved a Scheme for the provision of surface water drainage works. Any such Scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The following criteria should be considered:

- Any proposal to discharge surface water to a watercourse from the redevelopment of a brownfield site should first establish the extent of any existing discharge to that watercourse.
- Peak run-off from a brownfield site should be attenuated to 70% of any existing discharge rate (existing rate taken as 140lit/sec/ha or the established rate whichever is the lesser for the connected impermeable area).
- Discharge from 'greenfield sites' taken as 1.4 lit/sec/ha (1:1yr storm).
- Storage volume should accommodate a 1:30 yr event with no surface flooding and no overland discharge off the site in a 1:100yr event.
- A 20% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.
- The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 or other approved methodology.

Reason:

To ensure the development is provided with satisfactory means of drainage and to reduce the risk of flooding.

05. The suitability of new soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 to the satisfaction of the Approving Authority, who is generally the Local Authority.

If the soakaway is proved to be unsuitable then in agreement with the Environment Agency and/or the Drainage Board, as appropriate, peak run-off must be attenuated to 70% of the existing rate (based on 140 l/s/ha of connected impermeable area).

If the location is considered to be detrimental to adjacent properties the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

The suitability of any existing soakaway to accept any additional flow that could be discharged to it as a result of the proposals should be ascertained. If the suitability is

not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained.

Reason:

To ensure that the installation of soakaways provide an adequate method of surface water disposal and reduce the risk of flooding.

06. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason:

In the interest of satisfactory and sustainable drainage, in order to comply with Policy ENV1 of the Selby District Local Plan.

07. The development hereby permitted shall be carried out in accordance with recommendations contained within the Bat Survey received by the Local Planning Authority on 15<sup>th</sup> September 2017.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

08. The development hereby permitted shall be carried out in accordance with recommendations contained within the Barn Owl Survey received by the Local Planning Authority on 15<sup>th</sup> September 2017.

Reason:

In the interests of nature conservation and the protection of protected species and in order to comply with Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Selby District Core Strategy Local Plan.

09. Prior to development, an investigation and risk assessment (in addition to any assessment provided with the planning application) must be undertaken to assess the nature and extent of any land contamination. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination (including ground gases where appropriate);
- ii. an assessment of the potential risks to:
  - human health,
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - adjoining land,
  - groundwaters and surface waters,
  - ecological systems,
  - archaeological sites and ancient monuments;

- an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. Prior to first occupation or use, the approved remediation scheme must be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out shall be produced and be subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property

and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. The conversion of the buildings hereby permitted shall be carried out in accordance with recommendations contained within the Building Method Statement received by the Local Planning Authority on 17<sup>th</sup> November 2017

Reason:

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

14. Notwithstanding the provisions of Class A and Class E to Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) no extensions, garages, outbuildings or other structures shall be erected without the prior written consent of the Local Planning Authority other than the boundary details agreed as part of this development.

Reason:

In order to retain the character of the site in the interest of visual amenity, having had regard to Policy ENV1

15. Prior to the occupation of the dwellings hereby permitted the boundary treatments and landscaping shall be implements as per the landscaping and boundary plan No 2595/54 Rev A hereby submitted to the local planning authority on the 17<sup>th</sup> November 2017. The landscaping shall then be maintained for a period of 5 years thereafter.

Reason:

In the interests of residential amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

16. The windows which serve bathrooms on the first floor eastern elevation of the proposed development shall be obscure glazed and remain so for the life time of the development.

Reason:

In the interest of residential amenity in accordance with ENV1 of the Selby District Local Plan.

#### INFORMATIVE:

Any new outfall to a watercourse requires the prior written consent of the Board under the terms of the Land Drainage Act. 1991 and should be constructed to the satisfaction of the Board.

#### INFORMATIVE:

Under the Board's Byelaws the written consent of the Board is required prior to any discharge into any watercourse within the Board's District.

#### INFORMATIVE

The applicant has indicated that foul drainage is to be disposed of via package treatment plant. It is advised that the installation of the new found drainage system would require building regulation approval in addition to appropriate consent to discharge issued by the Environment Agency.



**INFORMATIVE:**

The applicant should be aware that a licence is required with regard to European Protected Species Mitigation. The licence would be needed to be secured prior the development of the site. The licence would be sought following the approval of this permission.

**Contact Officer:**

Diane Wilson  
Planning Officer

**Appendices:**

None