



Report Reference Number: 2016/0675/LBC

Agenda Item No: 7.7

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

APPLICATION NUMBER:	2016/0675/LBC	PARISH:	Appleton Roebuck Parish Council
APPLICANT:	H W And J M Houseman	VALID DATE: EXPIRY DATE:	6 June 2016 1 August 2016
PROPOSAL:	Listed building consent for the proposed conversion of windmill to form a dwelling with new extension		
LOCATION:	Windmill, Old Road, Appleton Roebuck		
RECOMMENDATION:	APPROVE		

This matter has been brought to Planning Committee as it is the Listed Building application which accompanies application 2016/0673/FUL which is also being heard at this Planning Committee meeting and it is good practice to consider both applications together.

1. Introduction and background

The Site and Context

- 1.1 The application site comprises an area of land which is located between the settlements of Appleton Roebuck and Bolton Percy. There is currently a post and wire fence delineating the site boundary.
- 1.2 The site and surrounding area is characterised by open agricultural fields with predominantly hedgerow boundaries. The windmill is on an elevated position within the site with grassed land surrounding the site.

The Proposal

- 1.3 The proposal seeks Listed Building consent for the conversion of the windmill into residential accommodation and the addition of a single storey extension to create additional living accommodation.

- 1.4 There would be significant internal works to the windmill due to the lack of floors/beams in order to facilitate the conversion and a full schedule of works have been submitted.
- 1.5 The scheme will provide within the extension a double bedroom with en-suite, and a living room, which is then linked to the main windmill structure. The ground floor of the windmill element will provide a kitchen and dining area. The first floor will provide a living room, the second floor provides a further double bedroom and en-suite and the third floor would provide a single bedroom with en-suite.
- 1.6 The proposed elevations will include the addition of a series of vents to the southern and northern elevations.
- 1.7 Access to the site would be taken from the existing field access. It is proposed that the access would be tarmac for the first 8m into the site after which the access road would be laid with stone. No boundary treatments are proposed to the application site although a garden area and curtilage is shown on the submitted plans.

Planning History

- 1.8 The following historical applications and appeals are considered to be relevant to the determination of this application:-
 - An application (2016/0673/FUL) for the proposed conversion of windmill to form a dwelling with new extension is currently pending consideration.
 - An application (2015/1428/LBC) for Listed Building Consent for proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2015/1425/FUL) for the proposed conversion and change of use of windmill to a single dwelling with new extension was withdrawn on 5 February 2016.
 - An application (2012/0812/FUL) for the conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2012/0805/LBC) for Listed Building consent to facilitate conversion of windmill to form a holiday cottage was approved on 9 May 2013.
 - An application (2009/0573/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was refused on 21 August 2009.
 - An application (2009/0572/FUL) for the proposed conversion of redundant windmill to holiday let was refused on 30 September 2009.

- An application (2008/0405/LBC) for Listed Building Consent for the conversion of a redundant windmill to a holiday let was withdrawn on 6 May 2009.
- An application (2008/0404/FUL) for the proposed conversion of redundant windmill to holiday let was withdrawn on 6 May 2009.
- An application (CO/2002/0262) for Listed building consent for the conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (CO/2002/0261) for the proposed conversion of a windmill tower into an astronomical observatory and sky science centre at was withdrawn on 27 January 2003.
- An application (TA/6413) for the conversion of old Windmill into dwelling house, dated 23 May 1973, was refused on the 13th November 1973. This refusal was on the basis that “the site is divorced from the existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of a residential use into an area which is in the main open and undeveloped”.
- An application (TA/4629) for the change of use to a house, dated 6 August 1968 was refused on the 9 September 1968. This refusal was on the basis of:
 - Site outside any area shown allocated for general development purposes in the approved County Development Plan
 - The site is divorced from any existing residential development in the area and it is considered that the proposed use of the isolated structure would constitute an undesirable intrusion of residential use into an area which is in the main open and undeveloped.

2.0 Consultations and Publicity

- 2.1 **Parish Council** - They are most concerned that the windmill does not fall into ruin as it is a local land mark visible from the surrounding area. It is felt that this proposal will ensure that it is preserved as such.
- 2.2 **North Yorkshire County Council Heritage Officer (Archaeology)** - There is no known archaeological constraint to the proposals.
- 2.3 **Historic England** – having considered the latest Heritage Statement and Plans Historic England note that “the revised heritage statement provides a more detailed consideration of significance and assessment of the impact of the proposals” and confirm that they “concur with the conclusion of the statement” and have thus confirmed that they have “no objection to the applications on heritage grounds”.
- 2.4 **Georgian Group** - No response within the statutory consultation period.

- 2.5 **Twentieth Century Society** - No response within the statutory consultation period.
- 2.6 **Ancient Monument Society** - No response within the statutory consultation period.
- 2.7 **The Victorian Society** - No response within the statutory consultation period.
- 2.8 **Council for British Archaeology** - No response within the statutory consultation period.
- 2.9 **Conservation Advisor** - The application would lead to less than substantial harm to the heritage asset due to the following reasons:

- Alterations to the appearance of the listed building with the additions of a roof and windows;
- Change to the setting of the listed building with the addition of an extension; and
- Insertion of internal floors and modern services to make the building habitable.

As harm has been identified, the proposal is then weighed against the public benefits of the application in accordance with NPPF 134.

The proposed design and supporting information has demonstrated that there would be heritage benefits of the application and measures have been taken to mitigate the harm caused to the significance of this designated heritage asset:

- Scale of the proposed extension has been kept to a minimum to reduce the visual impact. The width of the extension is no wider than the windmill and the height has been kept below the first floor window;
- Materials of construction proposed for the extension reflect the agricultural nature of the setting and the character of the existing building - the proposed dark wood reflects the original tar finish to the windmill;
- The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable through the visually permeable link;
- The design is utilitarian and uncomplicated;
- The proposal safeguards the future of this listed building and keeps it in a viable use; and
- The proposal maintains and preserves the historic fabric.

The application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations and is therefore in accordance with NPPF paragraph 132.

The application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal.

The sensitive approach to the design of the converted windmill ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high quality design, and having regard to the local character, identity and context of its surroundings.

The proposal is also in line with Selby Local Plan Policies ENV22 in terms of having a minimal impact upon the character, fabric and setting of the listed building and policy ENV24 in terms of the minimising any adverse impact upon the architectural and historic character of the building. The proposal is also considered to be appropriate in terms of scale (as the proposed extension has been kept to a minimum size), design and materials (the design and materials of construction of the proposed extension reflects the historic development of the building).

The following conditions should be attached to an approval to ensure the detailing is to a high standard:

1. Before the relevant work begins, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:
 - a) detailed drawings at 1:5 scale of the glazed link to show materials, doors and interaction with the windmill;
 - b) samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension
2. Before work begins, the details of the type and colour(s) of the paint to be used on all external timber joinery shall be agreed in writing with the Local Planning Authority. All glazing shall be face-puttied.
3. Rainwater goods (gutters, downpipes, hopperheads and soil pipes) [on visible elevations] shall be in cast-iron. The sectional profile for the rainwater gutters shall be half round and fixed on agreed brackets.
4. No new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.
5. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.
6. PD rights should be removed.

Informatives:

All leadwork should follow the Codes and details recommended by the Lead Sheet Association.

- 2.10 **Neighbours** - Due to the location of the application site, there are no immediate neighbours and as such, notifications undertaken were through a site notice and an

advert within the local press. This has resulted in two letters of objection being received (from the same objector) and thirteen letters of support.

2.11 The letters of objection raised the following points as summarised:

- Inaccurate information is provided within the application form, in particular with respect to the existence of a hedge which is a valuable feature of the local landscape and there is no assessment of the works to be carried out;
- The Heritage Statement focuses on the physical characteristics of the property and not any wider considerations such as the reason why it has been listed to enable the LPA to fully assess the contribution the building makes to the surrounding area. It is also impossible to quantify the building's value and significance and therefore the harm that may occur.
- The Heritage Statement has failed to take account of the recent Court of Appeal decision *Barnwell Manor Wind Energy Ltd v E Northants DC*, English Heritage, National Trust and SSCLG (2014).
- Plans have not been provided from public vantage points of which to assess the proposal;
- No detailed drawings for the fenestration/door details have been provided and no justification for these design elements which would appear inappropriate for such a functional and utilitarian mill building, set within a rural landscape
- Sustainability has previously been a reason for refusing permission for a dwelling in this location in the past.
- The site is particularly remote and a considerable distance from the nearest settlement. The applicant quotes a distance of 700m however this is along a narrow country road with no pedestrian facilities, is subject to the national speed limit and is taken to the edge of the settlement rather than the focus of facilities and services within the settlement.
- There are very limited facilities within Appleton Roebuck which do not represent a sufficient breadth or depth of services to support sustainable development;
- The identification of a daily bus service to York or the rural footpath walks do not outweigh the sustainability issues and residents can only realistically travel to site by private car.
- There have been no alternative options presented in protecting the structure. In demonstrating that the least intervention possible is proposed for a viable re-use to occur the applicants should have demonstrated less invasive uses have been fully considered such as agriculture or storage. This should involve marketing the building for a range of agriculture and employment opportunities. A period of 18 months for this would be reasonable.
- The creation of boundary treatment would introduce a defined and alien curtilage in the area.
- Associated activity and detailing such as garden planting, outdoor tables chairs etc will change the setting of the Listed Building and will be adverse when compared with the open countryside location of the surroundings.
- The electricity supply will most likely be made via overhead power lines and the impact of this connection is unknown and therefore cannot be reasonably assessed.

- There are detailed design issues which are not appropriate to a building of this historic value such as provision of ducts, vents and openings for heating appliances, external lighting equipment, external pipes associated with drains etc.
- The applicant proposes a disjointed and unintelligible mix of large windows, decorative gables and roof planes which have no historic or contemporary theme. The use of glazed links alongside pantiles and clamp bricks further compounds the unclear design approach.
- The effect is of a series of domestic extensions which have no bearing and an uncomfortable relationship with the historic structure. There is no evidence of an examination of the scale and design of historic structures which may have been in this location, nor a contemporary approach to the extension.
- The applicants have submitted a repair schedule however there is so much information that is missing or inadequate that the full extent of the proposal is unknown at this stage.
- The building was listed in its current state of disrepair and therefore, there is a question with regard what it is that the Council are trying to preserve. The Council have the power to ensure that the building is maintained which need only involve minor structural works and weatherproofing.
- The proposals will have a detrimental impact on the visual amenity of the surrounding landscape due to loss of the current open aspect across the site.
- There is a need to consider the application in light of potential alternatives such as do nothing, as well as alternative reuse of the structure in its current condition and then assessing the potential redevelopment of the site. There is no evidence that this exercise has been completed.
- Given the isolated location any form of intensive use is likely to have a significant impact on the area. The development is of a much greater intensity than the existing windmill and by virtue of its design and ancillary structures will be more dominant in views from all directions.
- It is understood that the proposal would require the formation of visibility splays of 150m to the west and 215m to the east, it is unclear how the applicant proposes to ensure that the site is capable of safe access from the public highway.
- There is reference to removing parts of the hedge, however there is no indication of the level of visibility that this will achieve nor the works likely to be required to the hedge.
- Whilst the applicant is proposing two car parking spaces it is not possible to determine that there is provision for the parking of any service vehicles including delivery vehicles and those needed to carry out essential servicing such as waste collection.
- There is an intention to use a historic well structure on the site for the purposes of ground water disposal however there is no assessment of the structural integrity of the well or its ability to function as a viable soakaway.
- The reuse of the well opens up possibility of direct and uncontrolled access for pollutants to a ground water source. The risk of contamination spreading into surrounding ground water and possible aquifers is increased far above that of a typical open well by the positive pressure that the water flowing into the well will be under when it drops down into the soakaway.

- There has been no assessment of the historic or archaeological significance of this feature of the site.
- The structural survey contradicts the Heritage Statement in respect of the decay of the building.
- The Heritage Statement should be completed by a competent and informed individual.
- The proposed development is contrary to Policies ENV1 and ENV24 of the Local Plan, Policy SP2 of the Core Strategy and the NPPF.
- There is no assessment on the impact on the nearby Conservation Area;
- The revised scheme and Heritage Statement are considered to be an inadequate basis for a properly informed assessment of the development proposals.

2.12 The letters of support raised the following points as summarised:

- The development is supported by numerous national and local planning policies;
- It would preserve a local listed building and landmark for the future;
- The windmill is a prominent and well known feature of the local landscape, despite being disused for over a hundred years;
- The building has no practical use for modern day farming and the self-evident functional link between the windmill and the local agricultural industry has long since been severed;
- The structure appears reasonably sound, by its design the building supports its self, with a good structural engineer, architect and builder this could be a fine structure, providing that the team are sympathetic in their approach to the task in hand;
- The access to the site is already used by heavy farm machinery to access the fields adjacent to it, so it really is questionable as to additional traffic from one dwelling will have a measureable impact on local traffic volumes. Traffic volumes are not great;
- When the building was in its original use there would have been lighting in and around the building, it had life, it is considered a ridiculous suggestion that lighting from the property would be harmful to the local countryside, this really is objection born on desperation;
- There is local and national support for the re-use of this structure and reusing the building concerned in this way would be the best use of this asset;
- There is strong support by both District and National Planning policies for the reuse of redundant farm buildings for alternative uses within the countryside, where it helps to preserve the structure;
- The proposal is for a sympathetic conversion into a residential dwelling with a small extension, complying with planning policies;
- Local and national planning policies endorse the preservation of these structures by allowing the sensitive and thoughtful conversion into productive, sustainable and aesthetically pleasing buildings;
- The applicants have looked carefully at alternative uses;
- The site is served by a public bus route, and is within easy walking distance of Appleton Roebuck village; in fact a great many people walk the Old Road between Bolton Percy and Appleton Roebuck on a daily basis. There is no footpath on the side of the road, but the grass verge is sufficiently wide enough to seek refuge;

- Cyclists use this route extensively;
- Although there is no electrical power supply to the site there is no reason why an underground supply could not be connected to the existing mains supply in Appleton Roebuck;
- It would appear that Historic England do not wish to object to the proposal, and indeed appear to be in support of it, so long as the work is carried out sympathetically, it must therefore be of significant material consideration that the application gains approval;
- It is questionable as to whether it should even be listed, given its current condition (which has not noticeably deteriorated since its listing in 1987).
- The issue of bringing it into use is highly supportable;
- Long gone are the days of economic activities from windmills and its use as anything other than a night shelter for sheep are non-existent so that the opportunity for vitality into the building is highly desirable;
- Reusing the structure as a home with a sensitive extension as proposed would prevent the further dilapidation of the structure and make it safe.

3.0 SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The windmill is Grade II Listed and is constructed from brick and has no roof structure or glazing remaining. It is located within open countryside and is outside the defined development limits of Appleton Roebuck.
- 3.2 The site is within Flood zone 1 which has a low probability of flooding.

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.
- 3.5 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. In terms of the Appleton Roebuck and Acaster Selby Neighbourhood Plan, then NPPG Neighbourhood Planning paragraph 7 states that:

“An emerging neighbourhood plan may be a material consideration factors to consider include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Decision makers should respect evidence of local support prior to referendum when seeking to apply weight to an emerging neighbourhood plan. It is for the decision maker in each case to determine what a material consideration is and what weight to give it.” (NPPG Neighbourhood Planning para 07)

As such under Section 1 of the Neighbourhood Planning Act 2017 the law as in force from 19th July 2017 states that a neighbourhood development plan forms part of the development plan for the area if it has been approved by referendum. The Appleton Roebuck and Acaster Selby Neighbourhood Plan was examined in summer 2017 and was recommended to proceed to referendum. The Referendum took place on the 23rd November 2017 and was supported by the community. In accordance with the Neighbourhood Planning Act it now becomes part of the statutory development plan.

Selby District Core Strategy Local Plan

3.5 The relevant Core Strategy Policies are:

SP18	Protecting and Enhancing the Environment
SP19	Design Quality

Appleton Roebuck and Acaster Selby Neighbourhood Plan

3.7 The relevant Neighbourhood Plan policies are:.

Policy WB1	Re-use of Redundant Buildings
Policy DBE2	Respecting Traditional Building Design and Scale
Policy ELH4	Historic Rural Environment

Selby District Local Plan

3.6 As the Local Plan was not adopted in accordance with the Planning and Compulsory Purchase Act 2004, 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)".

3.7 The relevant Selby District Local Plan Policies are:

ENV1	Control of Development
ENV24	Alterations to Listed Buildings

4.0 Appraisal

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

- Impact on Heritage Assets

Impact on Heritage Assets

- 4.2 In considering proposals which affect a listed building regard has to be made of S16 (2) and S66 (1) where a planning application affects a Listed Building or its setting of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to 'have special regard to the desirability of preserving the building or its setting or any features of a special architectural or historic interest which it possesses'. Members should note that in terms of applications for Listed Building Consent then if it is considered that a scheme affects a Listed Building per se and also affects its setting then it is the duty of Members, in line with Case Law, to give considerable importance and weight to the impact of the proposed would have on the listed building and its setting.
- 4.3 The Windmill is a Grade II Listed Building and a Heritage Statement has been submitted with the application which considers the local and national policy contexts within the Local Plan, Core Strategy and NPPF as well as the Barnwell Manor Court of Appeal decision. It also provides details of the listing of the Windmill and an assessment of the historical significance of the windmill as well as its physical characteristics.
- 4.4 The submitted plans show existing features remaining near the Windmill which historic plans from 1892 and 1849 show as being within an area of built form. The information submitted by the Applicants also notes that there is evidence of other buildings in close proximity to the windmill. The Statement also confirms that the external face of the brickwork was originally covered in protective tar, but this has deteriorated to leave much of the brickwork exposed, although this is noted in the submission to be still sound condition.
- 4.5 The Heritage Statement (June 2017) adds that “there is nothing remaining of the original doors or windows within the openings of the structure, or of the roof, so that the remaining fabric of the building inside and out is exposed to the elements which can only help to accelerate its demise. There are 2 door openings in the east and west elevation of the building and other window openings in the north and south elevations. The building now lies empty and without any viable or economic use. Virtually all the internal machinery, fixtures and fittings and most obviously the external sails, have been long removed from the building. It is believed this took place over the last 100 years.”
- 4.6 It continues and states “There is a small amount of evidence remaining of the original disposition of milling activities and machinery inside the remains of the four-storey mill tower. The tower size suggests a modest 4 sail configuration, there is no

evidence of a taper in the profile and the closing brick courses visible today suggest the cap was seated at close to the top of the present tower. It is unlikely the tower was higher than at present. Its visual contribution to the character of the local area has more recently been that of a semi-ruin. It is not considered this is a positive contribution to the visual amenities of the area.”

- 4.7 In respect of the impact on the Conservation Area, it is noted that the site lies 720 metres from Appleton Roebuck and the statement considers that “As a visual feature beyond the perimeter of the Conservation Area the mill can be considered as 'gateway feature' to the area and its conservation should reflect this. The profile of the tower is not visible from most public areas of the village. Views of the tower from public footpaths, bridleways, passing trains and roads (the view of the mill from the railway is considered as a way-mark for many travellers) is essentially unchanged by the proposal as the aspect of the additions is largely blocked from these distant, lower sight-lines by the hedge line.
- 4.8 The Heritage Statement also provides a rationale for the proposed works and includes a comprehensive schedule of works that would be undertaken as part of the proposed conversion and extension. It concludes that “...the proposed development would deliver a sustainable project which not only safeguards the special architectural and historic character of the Grade II Listed Building and provides it with a secure future that will ensure its proper upkeep and repair but also complies with the relevant planning and heritage policy and guidance at both national and local level.” Additionally, the Design and Access Statement considers that the proposed conversion is considered to be the optimum viable use that is compatible with the fabric, interior and setting of the historic building.”
- 4.9 It is noted that application 2012/0812/FUL permitted the change of use of the windmill to form holiday accommodation. This use has not been implemented. The Heritage Statement advises that alternative uses of the tower are limited because of the small floor area, uncertain funding or intermittent occupation (possibly leading to a poor maintenance regime)” and adds that “Uses of the tower other than as a dwelling all risk its under-use linked to unknown or uncertain economic value. A permanent occupant of the building implies a higher standard of care than other uses.”
- 4.10 In terms of landscaping, the Statement considers that “The addition to the site of a renewed hedge screen is in keeping with the current 'hedge and field' aspect of the tower as seen from the public road and publicly accessible viewpoints” and The principal visual effect of these changes has very little impact on the nature of the building or its listed status.”
- 4.11 The proposed single storey extension would be attached to the Listed Building through a glazed link and is considered to be to a sympathetically designed scale and massing which would not detract from the significance of the windmill. The external walls are proposed to be timber boarding in a dark wood with a pantile roof which are considered to be acceptable and can be secured by condition. Furthermore, any materials required in order to repair the walls of the existing windmill would match those as per existing and a flat roof is proposed. It is considered reasonable to request details of the

proposed materials to be submitted and approved in order to ensure the brickwork does match and the proposed roof materials are acceptable.

4.12 Historic England and the Council's Conservation Advisor have considered the submitted information and the approach of the scheme for the conversion and extension. They have confirmed that it is considered that the submitted Heritage Statement provides a detailed assessment of the significance of the Windmill and an assessment of the impact of the proposals, with Historic England confirming that they confirm with the conclusion of the statement and have no objections on heritage grounds. A view support by the Councils Conservation Advisor who also notes that the "proposed design and supporting information has demonstrated that there would be heritage benefits of the application and measures have been taken to mitigate the harm caused to the significance of this designated heritage asset" in terms of :

- Scale of the proposed extension has been kept to a minimum to reduce the visual impact. The width of the extension is no wider than the windmill and the height has been kept below the first floor window;
- Materials of construction proposed for the extension reflect the agricultural nature of the setting and the character of the existing building - the proposed dark wood reflects the original tar finish to the windmill;
- The glazed link provides a degree of visual separation between the listed windmill and the extension and allows the curvature of the windmill profile to still be appreciable through the visually permeable link;
- The design is utilitarian and uncomplicated;
- The proposal safeguards the future of this listed building and keeps it in a viable use; and
- The proposal maintains and preserves the historic fabric.

4.13 As such it is considered that the application is in accordance with Paragraph 131 of NPPF as the application sustains and enhances the significance of the Grade II listed windmill and has proposed a scheme that is consistent with its conservation. The application sustains the windmill as a feature within the landscape for this and future generations to enjoy. Great weight has been given to the conservation of the Windmill as a Grade II heritage asset. The application has been accompanied by clear and convincing justification for the development including the long term conservation of the asset for this and future generations and is therefore in accordance with NPPF paragraph 132.

4.14 In addition, the application would safeguard the future of the Grade II windmill and maintain it as a familiar feature within the landscape. Selby Core Strategy Policy SP18 requires for the high quality and local distinctiveness of an environment to be maintained which is achieved by this proposal and the design also ensures that the proposal complies with Selby Core Strategy Policy SP19 in terms of achieving a high quality design, and having regard to the local character, identity and context of its surroundings.

4.15 In commenting on the application the Conservation Advisor also notes that the proposal are considered to be in line with Selby Local Plan Policies ENV22 in terms of

having a minimal impact upon the character, fabric and setting of the listed building and policy ENV24 in terms of the minimising any adverse impact upon the architectural and historic character of the building. As such the proposal is also considered to be appropriate in terms of scale (as the proposed extension has been kept to a minimum size), design and materials (the design and materials of construction of the proposed extension reflects the historic development of the building).

- 4.16 As such it is considered that a delicate balance needs to be struck between conserving the building and its heritage and securing its optimal viable use which would ensure its continued conservation in the future. It is clear that the use of the windmill for its original purpose has long ceased and there is no prospect of it returning to its original use. Although, there is considered to be limited harm to the Listed Building and its setting as a result of the proposal including the addition of the extension, the harm can be considered to be “less than substantial”. Therefore, when balanced with the benefits of bringing the Windmill back in beneficial use through improvements to its fabric and the proposed extension and thus allowing its use for residential accommodation it is considered that this benefit package outweighs the harm to a considerable degree and thus in applying the approach of the Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG (2014) case it is considered that proposal is on balance acceptable.
- 4.17 As such Officers would advise Members that it is therefore considered that the Heritage Statement is competent and having had regard to the submitted proposals, the comments received following notification of the application and responses from consultees, the proposals are considered to be acceptable with respect to the impact on designated and non-designated heritage assets in accordance with ELH4 of the AR&AS Neighbourhood Plan, Policies SP18 and SP19 of the Core Strategy, the NPPF and Policies ENV1, ENV22, ENV24 and H12, of the Local Plan subject to appropriate conditions as noted by the Conservation Advisor.

Other Issues

- 4.18 Concerns have been raised in regards to the contents of the Heritage Statement (dated March 2017) stating that it fails to provide the correct policy background and balanced assessment of the impact of the proposal on the heritage assets in the area. Concerns are also raised that the Heritage Statement has failed to take account of the recent Court of Appeal decision Barnwell Manor Wind Energy Ltd v E Northants DC, English Heritage, National Trust and SSCLG (2014). The Heritage Statement (dated 1st June 2016) states that “The Barnwell Manor Wind Energy Ltd Court v East Northants and others appeal decision clarifies that the assessment of harm to a listed building setting or landscape must be balanced by the benefit of a proposed development. The decision refers to a Grade 1 listed building where the listing includes garden, grounds and setting. The Grade II status of the mill in its modern (un-listed, unscheduled) agricultural setting, without active conservation measures in place renders it is vulnerable to harm as much by inaction as by intervention. The benefit of bringing the building into use is a conservation gain; the harm of placing a small outbuilding adjacent to it is of a low order of magnitude in both visual and material terms.”

Legal Issues

4.18 Planning Acts:

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

4.19 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.

4.20 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

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

5.0 Conclusion

5.1 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, on balance, would lead to a less than substantial harm to the heritage asset and the public benefits of bringing the building into use and securing its future is considered to be of significant weight which would enable the assets continued conservation, in accordance with the approach taken within the NPPF.

5.2 The proposals are therefore considered to be in accordance with the policies within the AR&AS Neighbourhood Plan, Policies ENV1 and ENV24 of the Selby District Plan, Policy SP18 and SP19 of the Core Strategy Paragraphs 14, 64, 128, 131, 132, 133 and 134 of the NPPF.

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

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

- Location Plan: LOC01
- All Plans: 2016/17/501/11B
- Sections: 2016/17/501/9B

Reason

For the avoidance of doubt.

03. Before the construction of the extension hereby commences, details in respect of the following shall be approved in writing by the Local Planning Authority. The work shall be carried out in full in accordance with such approved details:

- a) detailed drawings at 1:5 scale of the glazed link to show materials, doors and interaction with the windmill;
- b) samples of external materials and surface finishes including the pan tile roof and the timber boarding for the extension

Reason:

In order to ensure the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

04. The materials to be used in the repairing of the external walls of the windmill and in the construction flat roof of the windmill shall be submitted to and approved in writing by the Local Planning Authority, and only the approved materials shall be utilised.

Reason:

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

05. Rainwater goods (gutters, downpipes, hopperheads and soil pipes) shall be in cast-iron. The sectional profile for the rainwater gutters shall be half round and fixed on brackets agreed in writing with the Local Planning Authority.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

06. There shall be no new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

07. There shall be no new plumbing, pipes, soil-stacks, flues, vents or ductwork shall be fixed on the external faces of the building other than those shown on the drawings hereby approved.

Reason:

In the interests of visual amenity and to ensure that they are appropriate in the context of the Listed Building in order to comply with Policies ENV1 and ENV24 of the Selby District Local Plan.

08. The development hereby permitted shall be carried out in full accordance with the submitted Heritage Statement and Schedule of Works (paragraph 5.4) by Bill Blake Heritage Documentation, dated 20/03/17 which was received by the Council on 21/03/2017.

Reason

For the avoidance of doubt

Contact Officer:

Yvonne Naylor

Principal Planning Officer

Appendices:

None.