



Report Reference Number 2020/1161/COU

To: Planning Committee
Date: 10th February 2021
Author: Chris Fairchild
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2020/1161/COU	PARISH:	Chapel Haddlesey Parish Council
APPLICANT:	Helen Macrow	VALID DATE:	10th November 2020
		EXPIRY DATE:	5th January 2021
PROPOSAL:	Change of use of land for a non-domestic shepherds hut for use as a holiday let, together with a 1600mm wood fire hot tub		
LOCATION:	Manor Farm Hirst Road Chapel Haddlesey Selby North Yorkshire YO8 8QQ		
RECOMMENDATION:	APPROVE		

This application has been brought before the Planning Committee as the proposal is contrary to the requirements of the development plan (namely criterion 1 of Policy RT11 of the Selby District Local Plan) but it is considered that there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1. The site consists of an irregular shaped parcel of land at the end of a private residential cul-de-sac. The site sits adjacent to the urban form of the village, open fields lie to the south, residential dwellings and their curtilage exist to the east, St John The Baptist' Church and associated graveyard lie to the north and west.

The Proposal

- 1.2. Full planning permission is sought for the change of use of the land and installation of a non-domestic shepherds hut for use as a holiday let, alongside a wood-fired hot tub.

Relevant Planning History

- 1.3. There are no historical applications that are considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

Local Highway Authority

- 2.1. There are no Local Highway Authority objections to the proposals.

Yorkshire Water

- 2.2. No consultation responses were received following consultation.

Internal Drainage Board

- 2.3. The IDB set out their guidelines in respect of surface water run-off and outline the conditions that would be sought in accordance with these guidelines.

Environmental Health

- 2.4. The site is not on the main sewer network and that it is intended to install a septic tank for foul drainage provision. Consultation with Building Control and the Environment Agency is recommended in respect of the proposed septic tank and the disposal method of the water from the system. Regarding the wood-fired hot tub appropriate fuel must be used at all times and any smoke generated from its activity must not cause a statutory nuisance to nearby residential properties.

Parish Council

- 2.5. Following consultation, the Parish Council raised no comments or concerns.

Environment Agency

Drainage

- 2.6. The Environment Agency note the initial approach to disposal of foul sewage by septic tank and later suggestion of disposal via public sewer. The Environment Agency have no objection to either approach but prefer mains connection as the preferred disposal route.
- 2.7. In respect of disposing drain-down water, i.e. used hot tub water, if mains sewer disposal is not achievable, disposal via soakaways is acceptable providing it is of equivalent drinking water standard, and ambient temperature, prior to entering the soakaway system.

Flood Risk

- 2.8. In respect of flood risk, the Environment Agency notes that most of the site lies within Flood Zone 3, with a high probability of flooding from rivers and/or sea. The application is classified as 'more vulnerable' land use in Table 2: Flood Risk Vulnerability Classification of the Planning Practice Guidance: Flood Risk and Coastal Change. The Environment Agency have no objection to the proposal,

subject to a flood warning and evacuation plan being agreed with the Local Authority emergency planners being in place.

Publicity

2.9. The application was publicised via the erection of a site notice and issue of letters to adjoining occupiers. Following this consultation, six responses were received, all raising objection to the proposal. The concerns are summarised as follows:

- Parking is already difficult in Manor Farm Court.
- Questions whether water pressure will cope.
- Doubts over whether the proposed septic tank will be adequate.
- The woodburning stove will be smelly, particularly in damp conditions. As a feature of the holiday let it is likely to be frequently lit.
- The proposal is out of character and does not respect local context and street pattern.
- The proposal would be harmful to residential amenity, particularly through issues with on-road parking, privacy and right to enjoy quiet safe residential environment.
- Maintenance costs of the private access are shared by residents. Increased use of the private access may lead to higher costs.
- Questions whether the site could accommodate more parking. Concerns over physical inadequacy of parking spaces.
- The Human Rights Act includes persons' right to respect for their private and family life and the protection of the countryside.
- Any permission should include new parking for residents.
- The existing septic tanks are at capacity. Provision should be made for increased sewerage.
- Delivery of the pod may result in damage.
- The access road is unsuitable for public access, an increase in traffic, all of which will result in additional noise nuisance.
- Restrictive covenants relating to the completion of the Manor Farm Court residential scheme restricted parking of caravans and use of property for business.
- Property values will decrease.
- Future development would take place at the site if successful.
- The site is not a garden, it is only used occasionally for residential use.
- Increased movements to the site will result in security concerns.
- The proximity to an in-use graveyard is insensitive and will harm the solemn nature of the graveyard.
- Permission would set a precedent.
- The "existing parking" shown on the plan is misleading. Rights of access exist to Orchard Cottage and parking in front of their access/garage wouldn't be lawful.
- Six parking spaces is insufficient.

3. SITE CONSTRAINTS

Constraints

3.1. The sites sits outside but immediately adjacent to the defined Development Limits of Chapel Haddlesey and is therefore considered to be within the open countryside.

- 3.2. The site is adjacent to St John The Baptist' Church and associated graveyard. The Church and graveyard are designated within the Development Plan as being as a Local Amenity Space.
- 3.3. There are no designated heritage assets on or near the site, however Officers consider the Church to constitute a non-designated heritage asset.
- 3.4. There are no designated areas of ecological importance on or near the site.
- 3.5. The site sits with Flood Zone 3, the area at highest risk albeit this section of Flood Zone 3 benefits from flood defences.

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 took 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 relevant Selby District Core Strategy Local Plan (CS) Policies are:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Spatial Development Strategy
- SP13 Scale and Distribution of Economic Growth
- SP18 Protecting and Enhancing the Environment
- SP19 Design Quality

Selby District Local Plan

4.7. The relevant Selby District Local Plan (SDLP) Policies are:

- RT11 Tourist Accommodation
- ENV1 Control of Development

5. APPRAISAL

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

1. Principle of Development
2. Flood Risk & Drainage
3. Residential Amenity
4. Heritage and Conservation
5. Design, Landscape and Character
6. Highways and Access

Principle of Development

Context

5.2. CS 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.

5.3. CS Policy SP2 controls the location of future development within the District and directs the majority of new development to existing settlements. CS Policy SP2A(c) relates to the open countryside and limits development to:

"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."

5.4. Whilst CS Policy SP2 states development should be in compliance with CS Policy SP4, this policy relates to residential development within development limits and is not relevant to this application.

5.5. CS Policy SP13C relates to the rural economy and provides broad support for '*sustainable economic growth through local employment opportunities or expansion of businesses and enterprise*' and sets out an open-ended list of examples of the

types of development which satisfy this criteria, the fourth example of which cites: *‘rural tourism and leisure developments, small scale rural offices or other small scale rural development’*.

5.6. CS Policy SP13D states:

“In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity.”

5.7. SDLP Policy RT11(1) permits tourism accommodation where it is either within the defined development limits, or where outside these limits the proposal represents use of either: existing historic buildings, structurally sound buildings, or extension of existing accommodation.

5.8. SDLP Policy RT11(2) requires accommodation proposals to not have an adverse impact on highway safety, nor have an adverse impact on residential amenity. SDLP Policy RT11(3) requires car parking and access to avoid significant adverse impact on the setting of the building or character of the area. SDLP Policy RT11(4) requires the size and scale of the proposal to be appropriate to the locality. SDLP Policy RT11 also seeks to limit the time period guests can stay.

5.9. With Section 6 of the NPPF includes the sub-section *‘supporting a prosperous rural economy’*. NPPF Paragraph 83(c) states that planning decisions should enable *‘sustainable rural tourism and leisure developments which respect the character of the countryside’*.

5.10. NPPF Paragraph 84 states that planning decisions should recognise:

‘that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist’.

Assessment

5.11. The application site and proposed development are of a small-scale. Officers consider the development is of an “appropriate scale” within the context of the site itself, as well as the site’s immediate physical connection to Chapel Haddlesey, as opposed to an isolated location in the countryside.

5.12. Whilst only of a small-scale, Officers consider the proposal would contribute towards and improve the local economy. As the proposal constitutes a small-scale rural and tourism development the proposal it accords with the type of development envisaged by CS Policy SP13. The proposal therefore satisfies CS Policy SP2 and CS Policy SP13.

- 5.13. Whilst CS Policies SP2 and SP13 provide broad support for tourist development outside Development Limits, SDLP Policy RT11(1) only permits tourism accommodation outside Development Limits where it relates to an existing building or use. The proposal constitutes a change of use and introduction of built development and does not meet the criteria of policy and is therefore contrary to the requirements of the development plan in this regard.
- 5.14. However, NPPF Paragraphs 83 and 84 seek to support a prosperous rural economy and enable sustainable tourism development that respects the character of the countryside and does not impact upon highway infrastructure. The NPPF recognises that, in meeting local business needs, sites adjacent to settlement limits may be required and actively encourages the use of suitable sites that are adjacent and physically well-related to existing settlements.
- 5.15. Officers consider that the approach set out within SDLP Policy RT11(1) is more onerous, and conflicts with, NPPF Paragraphs 83 & 84 and CS Policies SP2 & SP13 and therefore limited weight is applied to the need for existing buildings or uses to be present for development to be acceptable in principle.
- 5.16. It is clear within the context of the Core Strategy and NPPF that small-scale tourist development adjacent, and well-related to, settlements is acceptable in principle. Officers consider the proposals satisfy this criteria and the proposals are acceptable in principle.
- 5.17. In respect of the intended length of stay condition proposed by SDLP Policy RT11, Officers consider that such a condition is no longer applicable and instead a condition limiting the use of the hut to a holiday let within use class C3 provides a sufficiently robust condition to ensure the property is not occupied for permanent residential purposes.

Flood Risk & Drainage

Context

- 5.18. The site sits with Flood Zone 3, the area at highest risk albeit this section of Flood Zone 3 benefits from flood defences.
- 5.19. CS Policy SP15A(d) seeks to ensure that development in areas of flood risk is avoided wherever possible through the application of the sequential test and exception test (if necessary). This policy is in line with NPPF Paragraph 155 which seeks to direct development away from areas at highest risk.
- 5.20. NPPF Paragraph 163 requires all planning applications within Flood Zone 3 to be accompanied by a site-specific flood risk assessment (FRA) and sets out the requirements where development in areas at risk of flooding can be allowed. Paragraph 63 also requires incorporate sustainable drainage systems unless there is clear evidence that it would be inappropriate.
- 5.21. National Planning Practice Guidance (NPPG) sets out how FRAs should be assessed. For a development of this nature, the NPPG sets out that the proposed development should follow the standing advice for vulnerable developments as laid out by the Department for Environment, Food & Rural Affairs and Environment Agency in respect of: 1) surface water management, 2) access and evacuation, and 3) floor levels.

- 5.22. SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is also a material consideration. The Guidance Note accords with Paragraph 164 and footnote 51 of the NPPF which clarifies that minor development is exempt from requiring a sequential and exception test.

Assessment

- 5.23. Given the site's location within the area of highest flood risk it is necessary to establish whether the proposal should be considered from a sequential perspective. The proposal does not constitute a form of development that falls within "minor development" (defined by NPPF Paragraph 164 and Footnote 51) whereby sequential tests are not required.
- 5.24. SDC's Flood Risk Sequential Test Developer Guidance Note (October 2019) is a material consideration in considering the sequential approach and allows a pragmatic approach to be taken.
- 5.25. The proposal constitutes a small-scale development of an oddly-shaped and otherwise underused piece of land within the applicant's ownership that is adjacent to the settlement. The proposal is not for a large commercial business where a more robust sequential approach should be adopted, nor would it be preferable to locate the development in a more remote and unsustainable location.
- 5.26. Furthermore, whilst the development is classed as 'more vulnerable', it is notable that the Environment Agency have no objection subject to an evacuation plan being prepared and approved. Officers agree and consider given the small-scale, semi-permanent nature of the proposal, that the proposal is relatively benign from a flood risk perspective.
- 5.27. Having considered the requirements of the NPPF, the Environment Agency's lack of objection and the Flood Risk Sequential Test Developer Guidance Note, Officers consider the proposals are satisfactory from a flood risk perspective and satisfy CS Policy SP15 subject to a condition requiring a flood evacuation plan being submitted and approved.
- 5.28. In respect of foul drainage, the applicants originally proposed foul drainage would be disposed of via septic tank believing a mains connection would not be possible. However, later on-site surveys revealed the true location of the combined public sewer with the applicants now considering a connection to that sewer to be feasible. It is the applicant's preference that connection to the mains sewer be pursued.
- 5.29. Yorkshire Water, the water body in charge of the mains sewer network, were consulted in respect of the initial septic tank approach and subsequent approach to seeking mains sewer connection, no consultation response was forthcoming in both cases. In the absence of any comments, it is assumed such a connection is acceptable subject to an application for a new connection to the public sewer network under the provisions of sections 106 & 102 of the Water Industry Act 1991.
- 5.30. In respect of surface water drainage, the NPPF requires that in high-risk areas a sustainable drainage system is utilised unless there is clear evidence that this would be inappropriate. Officers consider that, whilst a connection to a combined sewer may be possible for both foul and surface water drainage, the originally proposed use of soakaways should be maintained. The Environment Agency's advice in

respect of the quality of hot-tub water being fed into the soakaway should be controlled by an appropriately worded condition.

Residential Amenity

Context

- 5.31. SDLP Policy RT11(2) requires accommodation proposals to not have an adverse impact on residential amenity.
- 5.32. SDLP Policy ENV1 provides eight broad aspirations for achieving 'good quality development' that should be taken into account where relevant. SDLP ENV1(1) requires "the effect upon the character of the area or the amenity of adjoining occupiers" to be taken into consideration.

Assessment

- 5.33. Officers consider the modest structure of the hut and the site's separation from neighbouring dwellings will not lead to any overlooking, overbearance, overshadowing, or loss of daylight and sunlight.
- 5.34. The proposed holiday accommodation has bed space for a maximum of two adults and two children could sleep on the floor at most, in most instances Officers consider this will constitute accommodation for one family and on rare occasions no more than two families. As such it is likely that travel would be via one vehicle only and again no more than two vehicles and only on rare occasions. The resultant vehicle movements arising from this proposal are considered to be modest and would not be a detriment to neighbouring resident's amenity.
- 5.35. The proposals include a wood-fired hot tub. Officers consider such a hot tub could be included in any of the existing resident's gardens and the inclusion in this site is not a materially different circumstance, although it is welcomed that the hot tub is situated to the west of the plot away from neighbouring dwellings. The applicants should note Environmental Health's comments regarding appropriate fuel and the regulations regarding statutory nuisance.
- 5.36. Future guest's enjoyment of the hut and grounds is not materially different from that which could occur in any of the gardens of the surrounding dwellings.
- 5.37. Officers consider therefore that the proposals will not result in a significant adverse impact upon the amenity of surrounding residents and comply with SDLP Policy RT11 and SDLP Policy ENV1.

Heritage and Conservation

Context

- 5.38. NPPF Paragraph 197 requires the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. A balanced judgement should be taken, considering the scale of any harm or loss and the significance of the heritage asset.

Assessment

- 5.39. The significance of the church is two-part, one being its appearance but moreover its history as a long-established place of worship and hub for the community over generations.
- 5.40. The site sits adjacent to the church and its grounds, separated by mature trees and a tall brick wall. The proposed hut will be visible from the grounds of the church but will not materially affect its setting and the asset's significance will be retained satisfying NPPF Paragraph 197.

Design, Landscape and Character

Context

- 5.41. SDLP Policy RT11(3) requires car parking and access to avoid significant adverse impact on the setting of the building or character of the area.
- 5.42. CS Policy SP19 expects development to achieve high quality design and have regard to the local character, identity and context of its surroundings.
- 5.43. SDLP Policy ENV1 requires (1) the effect of the character of an area, and; (4) the standard of layout, design and materials in relation to the site and its surroundings and associated landscaping to be taken into account.

Assessment

- 5.44. The immediate character of the area is mixed, being on the fringe of the village, adjacent to a church and churchyard and with open fields beyond. The site itself does not have an identifiable character, it is a left-over parcel of land that is neither agricultural nor residential in character.
- 5.45. Given the scale of the proposal, Officers do not consider that the proposal would have a significant adverse impact upon the church and its graveyard. The quasi-agricultural and semi-permanent nature of the hut is considered by Officers to reflect the transitional urban/rural fringe characteristic of the site.
- 5.46. As such, the proposals are considered to comply with CS Policy SP18 & SP19 and SDLP Policy RT11.

Highways and Access

Context

- 5.47. SDLP Policy RT11(2) requires accommodation proposals to not have an adverse impact on highway safety.
- 5.48. SDLP Policy T1 stipulates development will only be permitted where existing roads have adequate capacity and can safely serve the development, unless appropriate off-site highway improvements are undertaken by the developer.
- 5.49. SDLP Policy T2 only allows for a new access or the intensification of the use of an existing access will be permitted provided where (1) there would be no detriment to highway safety; and 2) the access can be created in a location and to a standard acceptable to the highway authority.

- 5.50. Paragraph 109 of the NPPF states that planning applications should only be refused where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

Assessment

- 5.51. As stated earlier in this report, the vehicle movements arising from the proposals are modest. Sufficient parking exists for six vehicles, Officers consider this is sufficient for the two vehicles using the site and to accommodate parking for the applicant's own use.
- 5.52. The Local Highway Authority have no objections to the proposals and Officers agree that the proposals will not cause an adverse impact upon from a highway perspective. The proposal accords with SDLP Policy RT11, T1 & T2.

6. CONCLUSION

- 6.1. Planning permission is sought for the change of use and installation of a Shepherd's hut as a holiday let. A hot tub and drainage connections are also proposed.
- 6.2. The application is considered to be acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP2 and SP13 of the Core Strategy and national policy including paragraphs 83 and 84 of the NPPF. Policy RT11(1) of the Selby District Local Plan is given limited weight as the approaches taken by the Core Strategy and NPPF are significantly different to that taken in Selby District Local Plan RT11(1) as they do not require the more onerous tests set out within that policy.
- 6.3. Officers have considered the proposals against all material considerations that arise from the development, including the relevant criteria of SDLP Policy RT11. This report demonstrates that the proposals overcome each of these issues including by way of conditions where appropriate.

7. RECOMMENDATION

- 7.1. This application is recommended to be GRANTED 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 and documents listed below:

- (00)001 Location Plan
- MF001-01A Proposed Site Plan
- 01 Hut Elevation & Floor Plan

Reason:

For the avoidance of doubt.

03. The development hereby permitted shall be used for holiday accommodation only and for no other purpose including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order.

Reason:

To ensure that the approved holiday accommodation is not used for unauthorised permanent residential accommodation.

04. The holiday let hereby approved:

- Shall be occupied for holiday purposes only;
- Shall not be occupied as a person's sole or main place of residence; and
- Shall require the owners/occupiers to maintain up-to-date register of the names of all owners/occupiers of the of the holiday let, and their main home addresses with the local planning authority.

Reason:

To ensure that the approved holiday accommodation is not used for permanent residential occupation.

05. Prior to the use of the approved development, details of surface water drainage shall be submitted to the Local Planning Authority. In the first instance, the applicant shall carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain whether the soil structure is suitable for a soakaway system, and the results of this testing shall be submitted to the Local Planning Authority. Should the testing demonstrate soakaways are achievable then the design for the soakaway shall be submitted to the Local Planning Authority for approval prior to the use of the approved development, incorporating:

- Storage volume should accommodate a 1:30 year event with no surface flooding; and
- Storage volume should accommodate no overland discharge off the site in a 1:100 year event; and
- A 30% allowance for climate change should be included in all calculations.

If the results of the soakaway testing demonstrate soakaways are not achievable then connection to a watercourse, directly or indirectly, will be permissible subject to the submission and approval of details to the Local Planning Authority for approval. The scheme will satisfy the following criteria:

- Establish the extent of any existing discharge to that watercourse.
- Peak run-off will 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).

- 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 30% allowance for climate change should be included in all calculations.
- A range of durations should be used to establish the worst-case scenario.

The approved surface water drainage shall be installed prior to the use of the approved development and shall be retained and maintained as such thereafter.

Reason:

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

06. If disposing hot tub drain-down water to a public sewer is not possible, it shall be disposed of via a soakaway provided it has been left to stand, has been left to cool to ambient temperature, has been dechlorinated in situ and is of drinking water quality standard with no discernible hazardous substances prior to disposal.

If disposing draw-down water via a soakaway, the design of the soakaway under Condition 5 should be designed to accommodate the volume and frequency of disposal arising from the development.

Reason:

To ensure the development is provided with satisfactory means of drainage.

07. Prior to the use of the approved development a flood evacuation plan shall be prepared, submitted and approved by the Local Planning Authority.

Reason:

To ensure the development is satisfactory from a flood risk perspective.

INFORMATIVES

01. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

02. Any discharge of sewage or trade effluent made to either surface water or groundwater will need to hold a permit issued by the Environment Agency.

8. Legal Issues

Planning Acts

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

Human Rights Act 1998

- 8.2. It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

Equality Act 2010

- 8.3. 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 2020/1161/COU and associated documents.

Contact Officer: Chris Fairchild

Appendices: None