



Report Reference Number: 2017/1052/FUL (8/11/17D/P)

Agenda Item No: 6.1

To: Planning Committee
Date: 10 October 2018
Author: Jenny Tyreman (Senior Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2017/1052/FUL	PARISH:	Skipwith Parish Council
APPLICANT:	Mr C B Forbes Adam	VALID DATE: EXPIRY DATE:	28 September 2017 23 November 2017
PROPOSAL:	Proposed demolition of existing buildings to provide 8 No. dwellings, garages and parking		
LOCATION:	Red House Farm Main Street Skipwith Selby North Yorkshire YO8 5SQ		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as the application is a departure from the Development Plan, but there are material considerations which would justify approval of the application. In addition, more than 10 letters of representation have been received, which raise material planning considerations and Officers would otherwise recommend the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The development limit boundary runs through the application site such that the application site is located part within the defined development limits of Skipwith, which is a Secondary Village as identified within the Core Strategy, and is part located outside the defined development limits of Skipwith and is therefore located within the open countryside.

- 1.2 The application site comprises part of Red House Farm, including: a single storey brick built agricultural building to the site frontage with a covered fold yard to the rear; a range of steel framed clear span agricultural buildings; hard surfaced farm yard areas for vehicle parking and circulation amongst the existing agricultural buildings; and an area of overgrown vegetation.
- 1.3 To the north east and north west of the application site are open fields; to the east and west of the application site are neighbouring residential properties fronting Main Street from the north; to the south of the application site is Main Street, with residential properties and Park Farm fronting Main Street from the south. It is noted that there is an extant planning permission for the re-development of Park Farm (including the conversion of former agricultural buildings) to provide 14 No. dwellings, garaging, and hard and soft landscaping under planning permission reference 2014/0894/FUL, while there is a current application pending consideration for the erection of 14 No. dwellings with associated access, garages and parking at Park Farm under planning application reference 2018/0051/FULM.

The Proposal

- 1.4 The application seeks planning permission for the demolition of the existing agricultural buildings at the site and the erection of 8 No. dwellings with associated garages and parking.

Relevant Planning History

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

2. CONSULTATION AND PUBLICITY

(All immediate neighbours were informed by letter, a site notice was erected, an advert placed in the local press and statutory consultees notified)

2.1 Parish Council – Object for the following reasons:

- The current proposal is the third in a series of recent planning applications that have been brought forward by the Escrick Park Estate, for new housing development within the village and the applicants case for development follows a similar rationale i.e. the site only lies partially within the settlement limits of Skipwith but the re-development of the entire farmstead is proposed on the basis that it offers a more favourable solution than a 'mix and match' scheme of new build housing (within settlement limits) and the conversion of agricultural buildings for residential and commercial uses (outside of settlement limits). Concerns raised over the feasibility of the fall-back position.
- The proposals do not accord with the policies of the adopted development plan for Selby and the principle of the development is unacceptable. The Council can now demonstrate a five year housing land supply and development plan policies in relation to housing are therefore up-to-date. The scheme, as a whole, does not accord with the development plan, mainly due to the portion of the development which lies outside of the settlement limits for village. The application should therefore be refused, or amendments sought, in order to

reduce the scale of the proposals so they do not encroach into the open countryside.

- Skipwith is a secondary village in the settlement hierarchy for Selby and is not a sustainable location for development. The lack of service provision is highlighted in the applicant's planning statement.
- The scheme does not meet the design criteria of the adopted Village Design Statement (VDS) for Skipwith. Section 3 of the VDS relates to the layout of buildings and plots within the village and identifies the linear nature of the village, comprising 'ribbon development' with no significant back land development. The current proposal is considered to be unacceptable and a more modest scheme sought, which addresses the street frontage and excludes significant back land development.

Re-consultation following the submission of amended plans resulted in the comment that the scheme has not changed, substantially from the original submission and therefore, the reasons for objection remain.

2.2 **NYCC Highways** – Has replied with no objections.

2.3 **The Ouse & Derwent Internal Drainage Board** – No objections, subject to four conditions relating to: (1) drainage works to be agreed; (2) effectiveness of soakaways; (3) evidence of existing surface water discharge; and (4) capacity of public sewer/mains drain.

2.4 **Yorkshire Water** – No objections, subject to a condition that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which are to be submitted to and approved by the Local Planning Authority.

2.5 **Development Policy** – Comments provided in respect of: the Council's five year housing land supply; the principle of the development; previous levels of growth and the scale of the proposal; the relation of the proposal to the development limit boundary; and the strategic countryside gap.

2.6 **Environmental Health** – No objections.

2.7 **Urban Designer** – There would appear to be potential for this site to develop more contextually than it is through the use of more link attached properties harking after typical farmyard aesthetics and would avoid the overly suburban design solution with poor amenity as currently submitted.

Following the submission of amended plans: No comments.

2.8 **Conservation Officer** – Provides an assessment of significance and impact assessment. Recommends the scheme is revised and reduced in size and depth and advises the site should reflect the former agricultural layout, such as an organic layout loosely set around an area of hardstanding rather than three rows of houses. Considers that at present the development is over development of the site and the development would not reflect the local distinctiveness of the area.

Following the submission of amended plans: No comments.

2.9 **HER Officer** – No objections.

2.10 **Landscape Architect** - The current application is not satisfactory since it does not adequately protect landscape character and the setting of Skipwith village. Further consideration should be given to the alignment of the northeast boundary to maintain the existing field pattern and to include screen planting to maintain visual separation with existing properties near School Farm and the Village Hall (strategic gap). Gardens should not be extended more than necessary into open countryside. Fenced boundaries should be designed to maintain a rural appearance. Screen planting should include locally occurring native tree species. There are existing trees on the site and the development should take these into account.

Following the submission of amended plans: Satisfied with the adjusted alignment and treatment of the north east boundary; however, the north west boundary now shows the existing 1.2m post and rail fence retained and new mixed hedgerow. Unless there is good reason, the existing hedgerow and boundary trees should be protected and retained. The proposed site plan indicates proposed tree and hedgerow species. Further planting information is needed but this could be requested by a suitable landscaping condition. Soft works details should include planting plans; written specification (including soils and soil depths, cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers / densities where appropriate; implementation programme.

2.11 **Contaminated Land Consultant** – No objections, subject to four conditions relating to: (1) investigation of land contamination; (2) submission of a remediation scheme; (3) verification of remedial works; and (4) reporting of unexpected contamination.

2.12 **Waste and Recycling Officer** – Collection vehicles will not access private drives or use them for turning. It is noted that a bin presentation point has been included at the entrance to the development. The presentation point must allow for unobstructed access to containers and waste collection vehicles should be able to gain access to within 10 meters. The presentation point must be large enough to accommodate 2 x 240 litre wheeled bins per property one week and 3 x 55 litre kerbside recycling boxes per property the following week. In this case the presentation point will need to accommodate containers for plots 4 to 9. Plots 1 to 3 will present their waste to the front of their properties. As there are more than 4 properties, the developer will be required to purchase the waste and recycling containers for this development.

2.13 **Public Rights of Way Officer** – No response within statutory consultation period.

2.14 **North Yorkshire Bat Group** – No response within statutory consultation period.

2.15 **Neighbour Summary** – All immediate neighbours have been informed by letter, a site notice has been erected and an advert placed in the local press. Nine letters of representation have been received as a result of this advertisement, all of which object to the application, with concerns raised in respect of: (1) the location of the proposed development outside the defined development limits of Skipwith; (2) the

need for the proposed dwellings; (3) the Council can demonstrate a five year supply of deliverable housing and therefore development should not be allowed outside the defined development limits; (4) the lack of infrastructure to support the proposed development; (5) the proposed development is considered to have more visual impact than the conversion of the existing buildings; (6) the proposal is not in-keeping with the Village Design Statement; (7) this is the last remaining farm within Skipwith village, all others have been developed, therefore the agricultural heritage of the village will be lost; (8) the visual impact of the proposed development on the character and appearance of the area; (9) impact of the proposals on residential amenity in terms of overlooking and loss of privacy; (10) loss of trees; (11) highway safety issues from increased numbers of vehicles; (12) noise and disruption from construction works; (13) no site notice has been erected; (14) any new development should acknowledge the limited services available.

Following the submission of amended plans, six further letters of representation were received, all of which object to the application. Four of these were from previous objectors, maintaining their objections, two of these were from new objectors. Additional concerns were raised in respect of: (1) the impact of the proposals on nature conservation and protected species; (2) the impact of the proposals on drainage.

3. SITE CONSTRAINTS AND POLICY CONTEXT

Constraints

- 3.1 The development limit boundary runs through the application site such that the application site is located part within the defined development limits of Skipwith, which is a Secondary Village as identified within the Core Strategy, and is part located outside the defined development limits of Skipwith and is therefore located within the open countryside.
- 3.2 The application site is part located within the Skipwith Strategic Countryside Gap.
- 3.3 The application site is located within an archaeology consultation zone and within the setting of a listed building.
- 3.4 The application site comprises potentially contaminated land arising from agriculture/nurseries.
- 3.5 The application site is located 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)

- 3.6 The National Planning Policy Framework (July 2018) replaces the first NPPF published in March 2012. The Framework does not change the status of an up to date development plan and where an application conflicts with such a plan, permission should not usually be granted (paragraph 12). This application has been considered against the 2018 NPPF.

Selby District Core Strategy Local Plan

3.7 The relevant Core Strategy Policies are:

- SP1 – Presumption in Favour of Sustainable Development
- SP2 – Spatial Development Strategy
- SP4 – Management of Residential Development in Settlements
- SP5 – The Scale and Distribution of Housing
- SP9 – Affordable Housing
- SP15 – Sustainable Development and Climate Change
- SP18 – Protecting and Enhancing the Environment
- SP19 – Design Quality

Selby District Local Plan

3.8 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 paragraphs 212 and 213 of the NPPF noting that the NPPF should be taken into account in determining applications, and that existing policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF and that due weight should be given to them according to their degree of consistency with the Framework, so the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.

3.9 The relevant Selby District Local Plan Policies are:

- SG1 – Strategic Countryside Gaps
- ENV1 – Control of Development
- ENV2 – Environmental Pollution and Contaminated Land
- RT2 - Open Space Requirements for New Residential Development
- CS6 - Developer Contributions to Infrastructure and Community Facilities
- T1 – Development in Relation to the Highway Network
- T2 – Access to Roads

Other Policies and Guidance

3.10 Affordable Housing Supplementary Planning Document, February 2014

3.11 Developer Contributions Supplementary Planning Document, March 2007

3.12 Skipwith Village Design Statement, December 2009

4. APPRAISAL

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

- The Principle of the Development & the 'fall-back'
- Strategic Countryside Gap
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity

- Impact on Highway Safety
- Impact on Heritage Assets
- Impact on Archaeology
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing
- Recreational Open Space
- Waste and Recycling
- Other Issues

The Principle of the Development

- 4.2 The comments of the Parish Council and neighbouring properties are noted regarding the principle of the development.
- 4.3 The development limit boundary runs through the application site such that the application site is located part within the defined development limits of Skipwith, which is a Secondary Village as identified within the Core Strategy, and is part located outside the defined development limits of Skipwith and is therefore located within the open countryside.
- 4.4 Policy SP2A(b) of the Core Strategy states that “Limited amounts of residential development may be absorbed inside Development Limits of Secondary Villages where it will enhance or maintain the vitality of rural communities and which conform to the provisions of Policy SP4 and Policy SP10”. Policy SP4 (a) of the Core Strategy states that, in Secondary Villages, “conversions, replacement dwellings, redevelopment of previously developed land, filling of small linear gaps in otherwise built up residential frontages, and conversion/redevelopment of farmsteads” will be acceptable in principle.
- 4.5 An amended proposed site plan (drawing no. 105 P11) has been submitted with the application which demonstrates that the application site would accommodate eight dwellings. Plots 1-4 fall within the defined development limits of Skipwith and these plots on their own would constitute the “conversion/redevelopment of farmsteads in accordance with Policies SP2A(b) and SP4(a) of the Core Strategy. However, the remainder of the application site projects to the north beyond the defined development limit of Skipwith into the open countryside. As such, the proposal taken as a whole would not constitute “conversion/redevelopment of farmsteads” in accordance with Policies SP2A(b) and SP4(a) of the Core Strategy, as part of the site would lie outside the defined development limits of Skipwith, within the open countryside.
- 4.6 Policy SP2A(c) of the Core Strategy 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.”

- 4.7 The part of the site which lies outside the defined development limits of Skipwith, within the open countryside, does not meet Policy SP2A(c) as it is not for rural affordable housing needs and there are no special circumstances.

The 'fall-back'

- 4.8 It is established case law that if an applicant can demonstrate a 'fall-back' position, this may constitute a material consideration to be taken into account in determining the application. A 'fall-back' is an existing consent which is capable of being implemented irrespective of the decision on this current application. Under *Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314*, which concerned the redevelopment of a site of a large barn and a bungalow to provide four dwellings, Lindblom LJ confirmed the legal considerations in determining the materiality of a fall-back position as a planning judgement were: (1) the basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice; (2) there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.
- 4.9 Amended plans have been submitted during the course of the application which demonstrate the application site could accommodate eight dwellings with associated garages and parking. The amended proposed site plan (drawing no. 105 P11) demonstrates Plots 1-4 fall within the defined development limits of Skipwith, while Plots 5-8 fall outside the defined development limits of Skipwith. The application has been supported by a Planning Statement dated September 2017 which set out "all of the modern buildings, whether lying inside or outside the Development Limit, are capable of re-use for policy-compliant commercial purposes and also, within the constraints of current legislation, opportunities exist to convert these buildings – or parts thereof – to residential development to provide up to five dwellings as permitted development. Subject to commercial use(s) of the buildings not giving rise to unacceptable traffic movements or causing detriment to surrounding residential properties, a combination of residential and commercial use(s) within the application site would also be policy compliant".
- 4.10 However, the applicants consider the comprehensive re-development of the farmstead as a whole would be more appropriate to the site and to the locality, rather than this form of piecemeal development.
- 4.11 The Town and Country Planning (General Permitted Development) (England) Order 2015 (Class Q of Part 3 of Schedule 2) allows for the conversion of agricultural buildings – or parts thereof – to residential development to provide up to 5 dwellings, with a maximum residential floor space of 865 square metres (which can be made up from a combination of larger and smaller dwellinghouses), subject to a prior approval application. This is the potential 'fall-back'.

- 4.12 Plots 1-4 applied for fall within the defined development limits and these plots on their own would constitute the “conversion/redevelopment of farmsteads” in accordance with Policies SP2A(b) and SP4(a) of the Core Strategy. In relation to plots 5-8 applied for outside the defined development limits, it could be possible to convert the agricultural buildings at the site – or parts thereof – to residential development to provide up to 5 dwellings, with a maximum residential floor space of 865 square metres (which can be made up from a combination of larger and smaller dwellinghouses), under permitted development, subject to prior approval application – the applicant has said (para 4.9 above) it could provide up to five by this route. The current application proposes 4 dwellings outside the defined development limits and thus there is an option which has been explored by the applicants in the event that planning permission is refused. Therefore there is the existence of a potential fall-back position which is capable of attracting weight as a material consideration. This weight is limited since the planning application in front of Committee is a more comprehensive solution on this site and is favoured by the applicant. However, Officers also consider the comprehensive re-development of the farmstead as a whole would be more appropriate to the site and to the locality, rather than this form of piecemeal development.

Strategic Countryside Gap

- 4.13 The application site is part located within the Skipwith Strategic Countryside Gap (SCG). Policy SG1 of the Selby District Local Plan states “Proposals for development affecting Strategic Countryside Gaps, as defined on the proposals map, will not be permitted where there would be an adverse effect on the open character of the countryside or where the gap between settlements would be compromised”.
- 4.14 The supporting text of Policy SG1 states “Proposals for development in these gaps would only be acceptable where there would be no risk of physical intrusion such as certain types of recreational use, or where the overall open character of the land would be enhanced through the removal of existing structures”. It goes onto state “Proposals for other forms of development, including agricultural dwellings and affordable housing, which may in other circumstances be acceptable Outside Development Limits will not normally be permitted”.
- 4.15 The proposal would involve the demolition of existing agricultural buildings at the site and the erection of 8 No. dwellings with associated garages and parking. As shown on the amended proposed site plan, drawing no. 105 P11, the proposed dwellings would not extend into the Skipwith Strategic Countryside Gap as far as the existing agricultural buildings, with the proposed development extending as far back as the south elevation of the rear-most agricultural building within the site, which would be demolished as part of the proposals. The area of land where the rear-most agricultural building is located would be utilised part for rear garden areas associated with plots 5-7 and part returned to agricultural use, as with the open fields to the north of the application site. Permitted development rights could be removed for plots 5-8 to ensure no built form within the garden areas of plots 5-8 without the need for planning permission in order to protect the strategic countryside from further development. Therefore, notwithstanding that the proposal would result in an increased number of buildings on the site, the size and positioning of the buildings would result in an improvement in relation to openness.

Therefore, the open character of this part of the countryside and the gap between settlements would be improved as a result of the proposals.

- 4.16 Having regard to the above, it is considered that on balance, the proposal would not have an adverse effect on the open character of the countryside or compromise the gap between settlements. The proposal is therefore considered acceptable in accordance with Policy SG1 of the Selby District Local Plan.

Design and Impact on the Character and Appearance of the Area

- 4.17 The comments of the Parish Council and neighbouring properties are noted regarding the impact of the proposal on the character and appearance of the area.
- 4.18 The development limit boundary runs through the application site such that the application site is located part within the defined development limits of Skipwith, which is a Secondary Village as identified within the Core Strategy, and is part located outside the defined development limits of Skipwith and is therefore located within the open countryside.
- 4.19 The application site comprises part of Red House Farm, including: a single storey brick built agricultural building to the site frontage with a covered fold yard to the rear; a range of steel framed clear span agricultural buildings; hard surfaced farm yard areas for vehicle parking and circulation amongst the existing agricultural buildings; and an area of overgrown vegetation.
- 4.20 To the north east and north west of the application site are open fields; to the east and west of the application site are neighbouring residential properties fronting Main Street from the north; to the south of the application site is Main Street, with residential properties and Park Farm fronting Main Street from the south. It is noted that there is an extant planning permission for the re-development of Park Farm (including the conversion of former agricultural buildings) to provide 14 No. dwellings, garaging, and hard and soft landscaping under planning permission reference 2014/0894/FUL, while there is a current application pending consideration for the erection of 14 No. dwellings with associated access, garages and parking at Park Farm under planning application reference 2018/0051/FULM.
- 4.21 The application seeks full planning permission for the demolition of the existing agricultural buildings at the site and the erection of 8 No. dwellings with associated garages and parking.
- 4.22 In terms of the layout of the development, the amended proposed site plan (drawing no. 105 P11) demonstrates a terrace of three properties to the site frontage, with five detached and link attached dwellings to the rear part of the site set around a farm courtyard, with detached or attached garages. This gives the proposed development a farmyard aesthetic. Parking and refuse collection facilities are provided to the east of the site entrance and incorporate brickwork walls and landscaping to assimilate them into the development. This amended layout allows the site to develop contextually and follows on from the comments of the Councils Urban Designer in response to the proposed site plan as originally submitted (superseded drawing no. 105 P08). It is noted that a number of representations raise concerns with the non-linear layout of the development. It is acknowledged that the built form proposed does extend back into the site in a non-linear fashion,

contrary to the Skipwith Village Design Statement, 2009. The extent of the farmstead leads to development in depth, although it is noted that the development does not extend as far back into the site as the existing agricultural buildings, which are to be demolished as part of the proposal. There is evidence of previous development in depth within Skipwith at Blue Bell Farm and there are committee approvals for fourteen dwellings further west beyond Blue Bell Farm at Park Farm (under application reference 2014/0894/FUL) and for nine dwellings further east beyond Blue Bell Farm at North House Farm (under application reference 2016/1170/FUL) for developments in depth. Having regard to these previous approvals for development in depth at farmsteads within Skipwith, it is not considered that it would be possible to resist development in depth at the application site, subject to the scale, appearance and landscaping of the development being acceptable and not having an adverse impact on the character and appearance of the area. Furthermore, in terms of layout, it is noted that the north east boundary of the site has been realigned to maintain the existing field pattern, which is considered acceptable having regard to the layout of the development.

- 4.23 In terms of the scale and appearance of the development the application proposes a terrace of three two storey properties to the site frontage and five detached and link attached two storey dwellings to the rear part of the site set around a farm courtyard, with detached or attached garages. The submitted plans set out that the materials to be used in the external construction of the dwellings and garages would be red multi brickwork with smooth red brickwork detail for the walls and pantiles for the roofs. The scale and appearance of the development would be in keeping with development in the vicinity of the application site and is considered acceptable, subject to a condition relating to the approval of specific materials to be used in the external construction of the walls and roofs prior to commencement of development above foundation level.
- 4.24 In terms of the landscaping of the development, the amended proposed site plan (drawing no. 105 P11) a new 1.2 metre high post and rail fence and new mixed species hedge to the north east boundary and an existing post and rail fence with new mixed species hedge to the north west boundary. A number of new trees are proposed to be planted along these boundaries within the rear garden areas of the proposed dwellings. Furthermore, new mixed species hedging is proposed to the front of each dwelling, as well as to the side of Plot 1 and the front of the refuse store at the entrance to the development. New tree planting is scattered across the development. The Councils Landscape Architect is generally satisfied with the landscaping proposals, but advises that further planting information is needed regarding the proposed trees and hedgerows, which could be secured by way of a suitably worded landscaping condition. Furthermore, the Councils Landscape Architect considers that the existing hedgerow and trees to the north west boundary could be retained as part of the proposals, subject to a maintenance management plan, which could be secured by way of condition.
- 4.25 Having regard to the above, it is considered that the proposal is acceptable and would not have a significant or detrimental impact on the character and appearance of the area. The proposal is therefore considered acceptable in accordance with Policy ENV1 (1) and (4) of the Selby District Local Plan, Policy SP19 of Core Strategy and the advice contained within the NPPF.

Impact on Residential Amenity

- 4.26 The comments of neighbouring properties are noted regarding the impact of the proposal on the residential amenity of neighbouring properties.
- 4.27 The application site comprises part of Red House Farm, including: a single storey brick built agricultural building to the site frontage with a covered fold yard to the rear; a range of steel framed clear span agricultural buildings; hard surfaced farm yard areas for vehicle parking and circulation amongst the existing agricultural buildings; and an area of overgrown vegetation. To the north east and north west of the application site are open fields; to the east and west of the application site are neighbouring residential properties fronting Main Street from the north; to the south of the application site is Main Street, with residential properties and Park Farm fronting Main Street from the south.
- 4.28 In terms of the impact of the proposed dwelling on the residential amenity of neighbouring properties, it is considered that the layout, scale and appearance of the development is such that it would not result in any significant adverse effects on the residential amenities of any neighbouring residential properties in terms of overshadowing, overlooking or oppression. A condition could be attached removing permitted development rights for the insertion of any additional openings in the south side elevation of Plots 4 and 8 and the west side elevation of Plot 1 in the interests of the residential amenity of neighbouring properties.
- 4.29 In terms of the residential amenity of the proposed dwellings, it is noted that each of the proposed dwellings would be served by an amenity area which would provide an adequate amount of useable external amenity space. Suitable boundary treatments are proposed between each of the plots, which would provide privacy between the respective amenity areas.
- 4.30 Having regard to the above, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policy ENV1 (1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Highway Safety

- 4.31 The comments of the neighbouring properties are noted regarding the impact of the proposal on highway safety.
- 4.32 The proposed development would be served from a widened existing vehicular access from Main Street to the south. Plots 1-3 would each benefit from two hardstanding car parking spaces to the east of the proposed vehicular access, while plots 5-8 would each benefit from two hardstanding car parking spaces to the front of a double garage. In addition, three visitor car parking spaces would be provided within the application site. A farm yard area within the application site would provide space for turning and manoeuvring.
- 4.33 NYCC Highways has been consulted on the proposals and have not raised any objections.
- 4.34 Having regard to the above, it is considered that the proposal would be acceptable in terms of highway safety and is therefore in accordance with Policies ENV1 (2),

T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Impact on Heritage Assets

- 4.35 The application has been advertised as affecting the setting of a listed building, those being the Grade II listed Skipwith Hall approximately 115 metres to the west of the application site, and the Grade II listed Village Hall and School House approximately 160 metres to the north east of the application site.
- 4.36 The Councils Conservation Officer has been consulted on the proposals and has not raised any objections in terms of the impact of the proposal on the setting of the nearby listed buildings.
- 4.37 Having regard to the above, it is considered that the proposal would not cause any harm to the setting of the nearby listed buildings in accordance with Policies SP18 and SP19 of the Core Strategy, S66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 and the advice contained within the NPPF.

Impact on Archaeology

- 4.38 The application site is located within an Archaeology Consultation Zone. North Yorkshire County Council Heritage Services have been consulted on the application and have advised that the application site is located within the historic medieval settlement of Skipwith. However the existing farm buildings, hard standings and access would have had a severe impact on any archaeological remains should they have been present. North Yorkshire County Council Heritage Services therefore advise that it is unlikely that significant archaeological remains are present and raise no objections to the proposal.

Flood Risk and Drainage

- 4.39 The comments of the neighbouring properties are noted regarding the impact of the proposals on drainage.
- 4.40 The application site is located within Flood Zone 1, which has a low probability of flooding.
- 4.41 In terms of drainage, the submitted application form sets out that surface water would be disposed of via mains sewer and soakaway, while foul sewage would be disposed of via main sewer. The submitted Planning Statement sets out that foul and surface water would be disposed of via main sewer. In addition, two proposed drainage layout plans have been submitted: Option A which demonstrates surface water disposal via soakaway and foul sewage disposal via main sewer (drawing no. 107 P04); and Option B, which demonstrates surface water disposal via main sewer and foul sewage via main sewer (drawing no. 108 P04).
- 4.42 The Ouse and Derwent Internal Drainage Board and Yorkshire Water have been consulted on the proposals.
- 4.43 The Ouse and Derwent Internal Drainage Board have advised that they would recommend the use of soakaways as an approach to dealing with surface water

disposal. If the soakaway is to be newly constructed the Board recommend that the applicant be asked to carry out soakaway testing, in accordance with BRE Digest 365, in order to ascertain that the soil structure is suitable for a soakaway system. Should the testing prove to be successful the applicant should then submit a design for the soakaway, for approval by the Local Planning Authority, which would fully accommodate a 1:30 year storm event with no overland run-off for a 1:100 year event plus a 20% allowance for climate change. Where a soakaway already exists the Board would recommend that the Local Planning Authority seek confirmation of its location and that the system is working effectively, and also have evidence that it is capable of handling the additional volume of water that will be generated by the site. It is not sufficient for the applicant to rely on anecdotal evidence of its past performance. Should soakaway testing prove unsatisfactory the applicant would need to reconsider their drainage strategy. The applicant has indicated that an alternative option would be the use a main sewer to dispose of the surface water from the site. The Board is aware of a Yorkshire Water surface water sewer to the south of the site in Main Street. If this is the asset the applicant intends to discharge into then the applicant should produce written evidence of the asset owners consent along with confirmation that the sewer has sufficient capacity to handle the discharge. If the applicant intends to discharge into an alternative asset it would need to be identified and the relevant permissions sought, along with confirmation that the asset has sufficient capacity to handle the discharge and where the asset ultimately discharges to. The Board would seek that, wherever discharge from the site is to enter a Board watercourse, the applicant should demonstrate that there is currently positive drainage and a proven connection to the watercourse. Where a connection is established, the Board would want the rate of discharge constrained at the "greenfield" rate (1.4 l/s/ha), plus an allowance for any "brownfield" areas any of the site which are currently impermeable (at the rate of 140 l/s/ha) less 30%. With storage calculations to accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm event. All calculations should include a 20% allowance for climate change. The Ouse and Derwent Internal Drainage Board therefore have no objections to the proposals subject to four conditions relating to: (1) drainage works to be agreed; (2) effectiveness of soakaways; (3) evidence of existing surface water discharge; and (4) capacity of public sewer/mains drain. As the first condition incorporates the requirements of the following three conditions, it would not be considered reasonable or necessary to attached the last three conditions recommended by the Ouse and Derwent Internal Drainage Board to any planning permission granted.

- 4.44 Yorkshire Water have advised that clarification is required on a number of points. Firstly, if the applicant is intending to dispose of surface water via soakaway as shown on drawing no. 107 P04, the individual attenuation tanks do not appear to outfall anywhere and therefore clarification is required as to how the surface water is to be disposed of. Secondly, if surface water is to be disposed of via main sewer as shown on drawing no. 108 P04, evidence should be submitted to show that other means of surface water disposal have been considered and why they have been discounted. Yorkshire Water promote the surface water disposal hierarchy and therefore the applicant should provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to main sewer. As a last resort curtilage surface water should discharge to the 225mm diameter public surface water sewer recorded in Main Street, restricted so as not to exceed a maximum of 1.5 (one point five) litres per

second, in line with the proposed Option B (drawing no. 108 P04). Finally, Yorkshire Water advise that the public sewer network is for domestic sewage purposes. This generally means foul water for domestic purposes and, where a suitable surface water or combined sewer is available, surface water from the roofs of buildings together with surface water from paved areas of land appurtenant to those buildings. Land and highway drainage have no right of connection to the public sewer network. The developer should contact the Highway Authority with regard to the acceptability of highway drainage proposals. Highway drainage, may however be accepted under certain circumstances. In this event, a formal agreement for highway drainage discharge to public sewer, in accordance with Section 115 of the Water Industry Act 1991, would be required. Yorkshire Water therefore have no objections to the proposals subject to a condition that there shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority prior to the commencement of development.

- 4.45 Subject to the aforementioned conditions, it is considered the proposals are acceptable in respect of flood risk and drainage.

Nature Conservation and Protected Species

- 4.46 The comments of the neighbouring properties are noted regarding nature conservation and protected species.
- 4.47 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.
- 4.48 The application has been supported by an Ecological Impact Assessment undertaken by MAB Environment & Ecology Ltd, dated September 2016. The report sets out the site description as follows:

“Red House Farm is located within Skipwith village and to the north of Skipwith Common National Nature Reserve, SSSI and SAC. The farm is surrounded on three sides by residential land and backs onto fields of permanent pasture to the north. Within the wider area, land use includes arable and permanent pasture, and the nearby nature reserve contains large areas of lowland heath, deciduous woodland, scrub and a good network of ponds which offer high quality bat foraging habitat. Mature trees within close proximity to the site also offer good bat foraging habitat and the site is well connected to the surrounding landscape.”

- 4.49 The site was surveyed and report written by Rachel Midgley MCIEEM, of MAB Environment & Ecology Ltd. Section 4 of the report sets out the adopted methodology, Section 7 of the report sets out the survey results, while Section 8 of the report sets out discussion and analysis of the results. The report concludes that there are no notable or protected habitats within the application site. The majority of the site consists of disused farm buildings and hard-standing, with formal residential gardens around the existing farmhouse which are laid mainly to lawn. There is also a small patch of scrub and scattered areas of tall ruderal vegetation around buildings. The report sets out:

“Buildings on site offer low or no bat roosting potential. A bat survey in July 2016 identified a small common pipistrelle day roost within Building 1, containing 3 bats. No other roosts were identified. A further emergence survey will be required prior to work in order to confirm the status of roosting and to inform the need for a European Protected Species Licence. An outline method statement is provided within this report. Replacement crevice roosting habitat will be provided on site through the installation of professional quality bat boxes and/or integral bat bricks. There is a small GCN population (maximum count 8) within ponds within 500m of the development. Only 3 out of 8 ponds surveyed were found to support GCN (and in very low numbers). The closest breeding pond is 135m away. As the development will impact on only a very small area of suitable terrestrial habitat, impact on GCN is considered unlikely and no licence is required. Reasonable avoidance measures are proposed during works. Any vegetation clearance will need to be scheduled to avoid impact on breeding birds. A barn owl has used Building 3 as an occasional roost site but no evidence of nesting was found. The nest box currently within this building shall be relocated to a suitable location on site to ensure that habitat is still available post-development. A check should be made prior to work to confirm nesting status.”

Section 10 of the report sets out mitigation and compensation, Section 11 of the report incorporates a method statement, while Section 12 of the report puts forward recommendations for ecological enhancement.

- 4.50 Subject to a condition requiring the proposed development to be carried out in accordance with the mitigation and compensation measures, method statement and recommendations for ecological enhancement contained within the Ecological Impact Assessment undertaken by MAB Environment & Ecology Ltd, dated September 2016, it is considered that the proposal would not harm any acknowledged nature conservation interests and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 4.51 The application has been supported by a planning application form, a contaminated land screening assessment form and a Phase 1 Desk Study Report undertaken by Chevin Geoenviro Associates Ltd dated October 2017. These have been assessed by the Councils Contaminated Land Consultant who has advised the Phase 1 Desk Study Report provides a good overview of the site history, its setting and its potential to be affected by contamination. Furthermore, the Councils Contaminated Land Consultant advises that they agree with the report's recommendation that a site investigation is needed; and notes that if contamination is found, appropriate remedial action would be required to make the site safe and suitable for its proposed use. The Councils Contaminated Land Consultant therefore advises that there are no objections to the proposals subject to four conditions relating to: (1) investigation of land contamination; (2) submission of a remediation scheme; (3) verification of remedial works; and (4) reporting of unexpected contamination.
- 4.52 Subject to the aforementioned conditions, it is considered that the proposal would be acceptable in respect of land contamination in accordance with Policy ENV2 of the Selby District Local Plan, Policy SP19 of the Core Strategy and the advice contained within the NPPF.

Affordable Housing

- 4.53 Policy SP9 of the Core Strategy outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 4.54 However, in the context of the West Berkshire 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.

Recreational Open Space

- 4.55 In respect of contributions towards recreational open space, these policies should be afforded limited weight due to their conflict with the CIL. It is considered that no direct contribution is required due to the adoption of the CIL.

Waste and Recycling

- 4.56 The amended proposed site plan (drawing no. 105 P11) shows provision of a refuse collection area to the east of the entrance to the site. The Councils Waste and Recycling Officer has been consulted on the proposals and has advised that the collection vehicles will not access private drives or use them for turning, but notes that a bin presentation point has been included at the entrance to the development. The Councils Waste and Recycling Officer has advised that the presentation point must allow for unobstructed access to containers and waste collection vehicles should be able to gain access to within 10 meters, which they would be achievable as a result of the provision of a refuse collection area as per the amended proposed site plan (drawing no. 105 P11). The Councils Waste and Recycling Officer has advised that the presentation point must be large enough to accommodate 2 x 240 litre wheeled bins per property one week and 3 x 55 litre kerbside recycling boxes per property the following week - in this case the presentation point will need to accommodate containers for Plots 4 to 8 only as Plots 1 to 3 will present their waste to the front of their properties. The refuse collection area as shown on the amended proposed site plan (drawing no. 105 P11) measures 6 metres by 4 metres and would be capable of storing the required bins on the presentation day.
- 4.57 For developments of 4 or more dwellings developers must provide waste and recycling provision at their own cost and as such should the application be approved a condition could be imposed to secure a scheme for the provision of waste and recycling.

Other Issues

- 4.58 It is noted that neighbouring properties have raised concerns regarding the potential for noise and disruption during construction works. This is not a material planning

consideration which can be taken into account in the determination of this application.

- 4.59 It is noted that neighbouring properties have raised concerns that no site notice has been erected to advertise the application. The site notice was erected to the front of the site on Main Street on 27 October 2017. A further site notice was erected to the front of the site on Main Street on 29 June 2018, following the submission of amended plans.

5. CONCLUSION

- 5.1 The application seeks planning permission for the demolition of the existing agricultural buildings at the site and the erection of 8 No. dwellings with associated garages and parking.
- 5.2 The application is contrary to Policy SP2A of the Core Strategy. However, regard must be given to the fact that Plots 1-4 fall within the defined development limits of Skipwith and these plots on their own would constitute the “conversion/redevelopment of farmsteads” in accordance with Policies SP2A(b) and SP4(a) of the Core Strategy. In addition, under permitted development rights it could be possible to convert the agricultural buildings at the site – or parts thereof – to provide up to 5 dwellings (subject to prior approval). The applicant suggests a conversion under such rights to five units could be possible, while the proposal would provide 4 dwellings outside the defined development limits. Thus, some weight may be given to the potential fall-back but this weight is limited since the planning application in front of Committee is a more comprehensive solution on this site and is favoured by the applicant (para 4.10 above).
- 5.3 In all the other principal considerations, the proposed development would not have a detrimental effect on the strategic countryside gap, the character and appearance of the area, the residential amenity of the occupants of neighbouring properties, highway safety, heritage assets, archaeology, flood risk and drainage, nature conservation and protected species, land contamination, affordable housing, recreational open space, or waste and recycling.
- 5.4 On balance therefore, considering the proposal against the development plan as a whole, it is considered that the proposal is acceptable and should be approved.

6. RECOMMENDATION

This application is recommended to 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:

001 P01 – Location Plan
005 P04 – Application Site Plan and Existing Site Plan
105 P11 – Proposed Site Plan
109 P00 – Visibility Splays
RHF/TS/200 – Topographical Survey
106 P04 – Street View
110 P00 – Proposed Plans Plots 1-3
103 P03 – Proposed Elevations Plots 1-3
410 P02 – Proposed Plans Plot 4
430 P03 – Proposed Elevations Plot 4
510 P04 – Proposed Plans Plot 5
430 P05 - Proposed Elevations Plot 5
431 P05 - Proposed Elevations Plot 5
610 P03 – Proposed (Ground Floor) Plans Plot 6
610 P03 – Proposed (First Floor) Plans Plot 6
630 P04 – Proposed Elevations Plot 6
631 P03 - Proposed Elevations Plot 6
710 P02 - Proposed Plans Plot 7
430 P04 - Proposed Elevations Plot 7
431 P04 - Proposed Elevations Plot 7
810 P05 – Proposed Plans Plot 8
830 P05 – Proposed Elevations Plot 8
910 P02 – Proposed Garage Plots 4 and 8

Reason:

For the avoidance of doubt.

03. No development above foundation level shall commence until details of the materials to be used in the construction of the exterior walls and roof(s) of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. 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.

04. Notwithstanding the provisions of Class A to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) no extensions, garages, outbuildings or other structures shall be erected within Plots 5-8 as shown on the proposed site plan (drawing no. 105 P11), other than those hereby approved, without the prior written consent of the Local Planning Authority.

Reason:

In order to ensure that the character and appearance of the surrounding area is protected in the interests of residential amenity having had regard to Policy ENV1 of the Selby District Local Plan.

05. Notwithstanding the provisions of Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (2015) (or any order revoking or re-enacting that Order) no windows and/or new openings shall be placed in the west elevation of Plot 1 or the south elevation of Plots 4 or 8 as shown on the proposed site plan (drawing no. 105 P11) without the prior written consent of the Local Planning Authority.

Reason:

In order to safeguard the rights of control of the Local Planning Authority and in the interests of the amenity of the adjoining residential properties, having had regard to Policy ENV1 of the Selby District Local Plan.

06. The dwellings hereby approved shall not be occupied until a comprehensive scheme of soft and hard landscaping and tree planting for the site, indicating inter alia the number, species, heights of planting and positions of all trees, shrubs and bushes and details for measures to protect existing trees has been submitted to and approved in writing by the Local Planning Authority. The approved scheme should thereafter be carried out in its entirety within the period of twelve months beginning with the date on which development is commenced, or within such longer period as may be agreed in writing with the Local Planning Authority. All trees, shrubs and bushes should be adequately maintained for the period of five years beginning with the date of completion of the scheme and during that period all losses should be made good as and when necessary.

Reason:

To allow the Local Planning Authority to control the development in detail in order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

07. Notwithstanding the removal of the existing hedge and provision of new hedge shown to the north west boundary as shown of the proposed site plan (drawing no. 105 P11), the existing hedge to the north west boundary shall be retained and subject to a maintenance management plan to be submitted to and approved by the Local Planning Authority prior to the occupation of the dwellings hereby approved.

Reason:

In order to ensure that the proposals are acceptable having had regard to the character and appearance of the area to comply with Policy ENV1 of the Selby District Local Plan and SP19 of the Selby District Core Strategy Local Plan.

08. 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.

09. There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:

- Evidence that other means of surface water drainage have been properly considered and why they have been discounted; and
- The means by which the discharge rate shall be restricted to a maximum rate of 1.5 (one point five) litres per second.

Reason:

To ensure that no surface water discharges take place until proper provision has been made for its disposal.

10. The development hereby permitted shall be carried out in accordance with the mitigation and compensation measures, method statement and recommendations for ecological enhancement contained within the Ecological Impact Assessment undertaken by MAB Environment & Ecology Ltd, dated September 2016, submitted with the application to the Local Planning Authority.

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.

11. 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.

12. 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) shall be prepared and is subject to the approval in writing of the Local Planning Authority. The scheme shall 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.

13. Prior to first occupation or use, the approved remediation scheme shall 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.

14. 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.

15. Prior to the occupation of any dwelling, waste and recycling provision shall be provided for each of the dwellings.

Reason:

In order to comply with the Adopted Developer Contribution Supplementary Planning Document (2007).

7. Legal Issues

7.01 Planning Acts

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

7.02 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.

7.03 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.

8. Financial Issues

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

9. Background Documents

Planning Application file reference 2017/1052/FUL and associated documents.

Contact Officer: Jenny Tyreman, Senior Planning Officer

Appendices: None