



Report Reference Number 2019/0578/FUL

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

APPLICATION NUMBER:	2019/0578/FUL	PARISH:	Little Fenton Parish Council
APPLICANT:	Mr and Mrs Watson	VALID DATE:	24 September 2019
		EXPIRY DATE:	19 November 2019
PROPOSAL:	Proposed conversion of ancillary building to dwelling		
LOCATION:	The Courtyard Sweeming Lane Little Fenton		
RECOMMENDATION:	GRANT		

This application has been brought before Planning Committee as the proposal is contrary to the requirements of the development plan (namely Criterion 1 of Policy H12 of the Selby District Local Plan) but it is considered there are material considerations which would justify approval of the application.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside. The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.
- 1.2 The application site comprises a mainly block built single storey building with a profile sheet steel roof. The eastern most section of the building is a mix of block and steel portal frame which currently accommodates a store area and an open fronted timber walled store both of which have a profile roof.
- 1.3 The land to the east of the existing ancillary building is occupied by a range of other structures including a polytunnel and sheds as well as grassed areas. This area is currently defined by a fence / metal gate and would form the garden area to the new dwelling.
- 1.4 The access to the building is from both "The Courtyard" and from the access off Sweeming Lane. The access from Sweeming Lane would be the vehicle access to serve the dwelling via the existing gravel driveway. The land to the south of the access driveway is not within the application site.

The Proposal

- 1.5 The proposal is for the conversion of an ancillary building to “The Courtyard” being converted to a single 3-bed residential dwelling.
- 1.6 The proposal was amended since the original submission to reduce the extent of the land associated with the dwelling.

Relevant Planning History

- 1.7 Consent for the building was granted as an agricultural building under Application Reference CO/1998/0077 (Alt Ref 8/60/5G/PA) on the 12 March 1998 when it was in the curtilage of Isle Farm and Condition 3 noted that the building could only be used for purposes incidental to the enjoyment of the dwelling and not for any commercial purpose.

2. CONSULTATION AND PUBLICITY

- 2.1 **Little Fenton Parish Council** – No response received
- 2.2 **NYCC Highways** – No objections subject to condition requiring junction improvements to specification E6d.g. and an associated informative on needs for a licence to undertake works in the highway.
- 2.3 **The Environment Agency (Liaison Officer)** – No response received to the initial consultation. A further consultation was sent on the 20th January 2020 when an updated Flood Risk Assessment was provided; as a result the EA advised that LPA should be looking to secure flood resilience measures in the context of the standing advice.
- 2.4 **Yorkshire Water** - No response received
- 2.5 **Selby Area Internal Drainage Board** – No response received – No response received to the initial consultation. A further consultation was sent on the 20th January 2020 when an updated Flood Risk Assessment was provided, as a result the IDB noted that they would wish a condition be added referencing their standing comments pertaining to drainage methodology.
- 2.6 **Environmental Health** – There are no objections to the proposals so far as this department's interests are concerned.
- 2.7 **County Ecologist** - agree that this structure is unlikely to support roosting bats or other protected species. Therefore no ecology surveys are required.
- 2.8 **Yorkshire Wildlife Trust** – No response received
- 2.9 **North Yorkshire Bat Group** - No response received
- 2.10 **Contaminated Land Officer** – Notes that the Screening Assessment Form does not identify any significant potential contaminant sources, so no further investigation work is required. As such recommends a planning condition in case unexpected contamination is detected during the development works.

2.11 **Leeds East Airport** - No response received

2.12 **National Grid** – Confirmed no record of apparatus in the immediate vicinity in terms of Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. The response does note that the apparatus that has been identified as being in the vicinity of your proposed works is National Gas Transmission Pipelines and associated equipment as such it is noted in the response that BEFORE carrying out any work you must assess the requirements in the noted guidance within the response.

2.13 **Neighbour Summary** - All immediate neighbours were informed by neighbour notification letter and a site notice was erected. The application was also advertised a Departure in the Wetherby News.

As a result of the noted consultations and advertisements no letters of objections have been received and a total of 11 letters of support for the scheme have been received. The letters of support in summary make the following points:-

- Great addition to the village
- Surrounding area has been swamped with new build but the area is crying out for individual and innovative family homes that allow people to stay in their local community
- Will fit in with the village
- The scheme will be delivered
- This development will allow Mr and Mrs Watson to stay living in the community that they have lived in for many years
- The scheme is sustainable design
- The scheme represents the kind of sustainable housing supported by Para 55 of the NPPF
- The scheme would re-use a redundant / disused building and lead to the enhancement of the immediate setting.
- Fully support the re-use and development of disused barns / agricultural buildings, to enhance and revitalise local communities and their infrastructure
- The existing building has stood for maybe 20 years. It is situated well back from the road, in a secluded position.
- Would create a pleasant dwelling with a great outlook onto the field (potential large garden)
- Sufficient distance away that overlooking would not be an issue.
- The use of solar panels can be seen as a benefit
- opportunity create a unique dwelling that will retain the agricultural origins of the building whilst complimenting the other houses and structures in the village/hamlet.
- This house would add to the diversity of the area.
- No issues arise as a result of the development in terms of overlooking.
- The house as carbon neutral, which must be seen as a positive.

In making submissions a comment has also being made that the scheme offers the opportunity to seek planting of “a few scattered trees, maybe silver birch, in the adjacent field, would enhance the scheme.”

3 SITE CONSTRAINTS

Constraints

- 3.1 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 3.2 The application site is located within Flood Zone 2, which has a medium probability of flooding.
- 3.3 The site is also identified as potentially contaminated on the basis of its use for agricultural purposes and within the consultation zone for the Leeds East Airport at Church Fenton.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy.
- 4.3 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.4 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.5 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.6 The relevant Core Strategy Policies are:

SP1 - Presumption in Favour of Sustainable Development
SP2 – Spatial Development Strategy
SP9 - Affordable Housing
SP15 – Sustainable Development and Climate Change
SP18 – Protecting and Enhancing the Environment
SP19 – Design Quality

Selby District Local Plan

4.7 The relevant Selby District Local Plan Policies are:

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

5 APPRAISAL

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

- The Principle of the Development
- Design and Impact on the Character and Appearance of the Area
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Nature Conservation and Protected Species
- Land Contamination
- Affordable Housing

The Principle of the Development

- 5.2 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 The application site is located outside the defined development limits of any settlements and is therefore located within the open countryside.
- 5.4 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."*
- 5.5 Paragraph 79 criteria C) of the NPPF states "Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

- 5.6 This proposal would result in the re-use of an existing building and would therefore comply with Policy SP2A (c) of the Core Strategy and the NPPF.
- 5.7 Policy H12 of the Selby District Local Plan specifically relates to conversion to the conversion of rural buildings to residential use in the countryside and sets out that such proposals would be acceptable in principle subject to a number of criteria.
- 5.8 Criterion (1) of Policy H12 allows proposals for the conversion of rural buildings to residential uses provided *“it can be demonstrated that the building, or its location, is unsuited to business use or that there is no demand for buildings for those purposes in the immediate locality”*. The proposal does not meet this criteria and is therefore contrary to the requirements of the development plan. However, the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1), with SP2A(c) merely expressing a preference for employment uses where proposals involve the re-use of a building, and paragraph 79 of the NPPF merely setting out that the re-use of redundant or disused buildings would be acceptable in the countryside. It is therefore considered that Policy H12 of the Selby District Local Plan should be given limited weight due to the conflict between the requirements of Criterion (1) of the policy and the less onerous approach set out both in the Core Strategy and within the NPPF.
- 5.9 Notwithstanding the above, Criterion (3) and (4) of Policy H12 require that *“the building is structurally sound and capable of re-use without substantial rebuilding”* and *“the proposed re-use or adaptation will generally take place within the fabric of the building and not require extensive alteration, rebuilding and/or extension”*.
- 5.10 In terms of Criterion (3), it is noted that a structural report has not been submitted with the application, although the Agent has provided information following a request by Officers, which shows that the existing structure will be retained and that the works will be internal to facilitate the conversion. In addition from a site visit it is noted that the main parts of the building were in good condition. The eastern most part of the building is in part of timber wall construction as such this should be considered as incapable of conversion. As such there is an element of extension proposed as part of the scheme in the eastern corner. It is in any instance however considered that the proposal would comply with Criterion (3) of Policy H12.
- 5.12 In terms of Criterion (4), the proposals would involve the construction of an extension to the eastern elevation where the part open sided timber element is currently evident. This area equates to circa 5 metres by 5 metres and have a floor space of 25 sq and is single storey. In terms of the scheme this ties in with the main building to be converted and replicates the character and form of the structure. As such it will read as part of the building and would not result in an extensive alteration or extension, and aside from the extension, as such the proposals would generally take place within the fabric of the existing building. On this basis, it is considered that the proposal would comply with Criterion (4) of Policy H12.
- 5.13 The remaining criteria of Policy H12 relate to the impacts of the proposed conversion and extension and will therefore be assessed later in this report.

- 5.14 Having regard to the above, the proposal would be acceptable in principle and represent appropriate development in the countryside in accordance with Policies SP1 and SP2 of the Core Strategy, Policy H12 (3) and (4) of the Selby District Local Plan and national policy including paragraph 79 of the NPPF.

Design and Impact on the Character and Appearance of the Area

- 5.15 The application site comprises a block and portal building with an area of gravel to the front and a defined area of garden to the east which is to be used as the amenity space for the dwelling.
- 5.16 When converting rural buildings it is important to keep the character and form of the existing structure and a series of new openings can often change its character. In this case the building has been used ancillary to the main dwelling and the alterations would be such to respect the design and focus new opening largely to the southern and eastern elevation only.
- 5.17 The proposed alterations are limited with use being made of the existing openings as such the scheme is considered acceptable in respect of design and impact on the character and appearance of the area.
- 5.18 In terms of the proposed extension, this would be single storey and reflect the element to be converted on the eastern elevation. It is proposed to be finished match the rest of the building as such, it is considered the proposed extension would have an acceptable design in relation to the converted building and would satisfactorily integrate into the proposed dwelling.
- 5.19 Having regard to the above, it is considered that the proposals would not have a significant or detrimental impact on the character and appearance of the area in accordance with Policies ENV1 (1) and (4) and H12 (5) of the Selby District Local Plan, Policy SP19 of Core Strategy and national policy contained within the NPPF.

Impact on Residential Amenity

- 5.20 The proposed dwelling would be sited to the south west of a group of dwellings including The Courtyard and Isle Farm which are owned by the Applicants.
- 5.21 Given the nature of the proposals, for the conversion and extension of an existing building, and having regard to the size, scale, siting and design of the proposed extension, it is not considered that the proposals would result in any significant adverse effects in terms of overshadowing or oppression between the existing and proposed dwellings. Furthermore, given the location of windows in the proposed dwelling which face away from the adjacent dwelling, it is not considered that the proposals would result in any significant adverse effects of overlooking between the existing and proposed dwellings even when occupied as separate dwellings.
- 5.22 In terms of the provision of amenity space for the proposed dwelling, it is considered that the proposal would enable the provision of an adequate amount of useable external amenity space for the occupiers of the proposed dwelling. This is a grassed paddock area to the east of the building, with parking and hard surfaced turning to the south.

- 5.23 The Council's Environmental Health Officer was consulted in relation to the proposals and no objections have been raised in terms of surrounding activities.
- 5.25 It is given the relationship to the garden area to "The Courtyard" to the north appropriate and given the location of the site within the open countryside to limit permitted development rights for outbuildings, extensions and new windows other than those shown on the submitted drawings and already on site. As such a condition would be appropriate to ensure extensions are not undertaken without consideration by the Local Planning Authority.
- 5.24 Subject to the aforementioned condition, it is considered that the proposals are acceptable in terms of residential amenity in accordance with Policies ENV1 (1) and H12 (5) of the Selby District Local Plan and national policy contained within the NPPF.

Impact on Highway Safety

- 5.25 The proposed dwelling would be accessed from an existing vehicular access from Sweeming Lane and would benefit from an area of parking, turning and maneuvering to the south of the dwelling. NYCC Highways have been consulted on the proposals and were satisfied with the access and have raised no objections subject to a condition requiring junction improvements to specification E6d.g. and an associated informative on needs for an licence to undertake works in the highway. These are considered acceptable.
- 5.26 Having regard to the above, it is considered that the proposal would be acceptable in terms of highway safety in accordance with Policies ENV1 (2), H12 (7), T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

Flood Risk and Drainage

- 5.27 The application site is located within Flood Zone 2, which has a medium probability of flooding. The proposal was supported by a Flood Risk Assessment. The Environment Agency refers Local Planning Authorities to standing advice if it's a 'more vulnerable' use in Zone 2. The main emphasis of this is ensuring finished floor levels are 300mm above current floor levels or 600mm above known flood levels for new build or no lower than existing ground levels in terms of conversions.
- 5.28 Information provided on the application included a Flood Risk Assessment (dated January 2020) which included information on EA modelling and flood resilience measures. This includes confirmation that
- the finished floor levels will be no lower than the existing site levels
 - the use of a range of door barriers and airbrick covers to prevent flood water into the fabric of the building
 - use of sewer pipe valves and bungs (to prevent sewerage backing up
 - internal wall linings to be water resistant plaster or other suitable water resistant materials
- 5.29 In this context and given the advice of the EA then the flood resilience measures noted in the submitted FRA (January 2020) and set out above are considered appropriate and acceptable.

5.30 In terms of the sequential test, then the proposal is essentially a 'change of use', however does involve some operational development i.e. the rebuilding of a section of the building. Proposals which are exempt from requiring a sequential test are minor development, which include the following taken from the August 2019 Selby District Council 'Flood Risk Sequential Test Developer Guidance Note';

- *Changes of use except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site.*

5.30 Therefore for the purposes of a sequential testing, this application is a 'change of use' and no sequential test is required. The exception test is also not necessary given it's Flood Risk Vulnerability Classification as a 'more vulnerable use' in a Flood Zone 2.

5.31 In terms of drainage, the submitted application form sets out that surface water drainage would be disposed to existing watercourse and that foul sewerage will be to a package treatment plant. No objections have been raised by any consultees in relation to drainage, although the IDB has noted that If the surface water is to be discharged to any ordinary watercourse then consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff and that no obstructions within 9 metres of the edge of an ordinary watercourse are permitted without Consent from the IDB. This can be covered via conditions and informatives.

5.32 Having regard to the above, it is considered that the proposals are acceptable in terms of flood risk and drainage.

Nature Conservation and Protected Species

5.33 Protected species include those protected under the 1981 Wildlife and Countryside Act. The presence of protected species is a material planning consideration.

5.34 The County Ecologist has been consulted on the application and has confirmed that they agree that this structure is unlikely to support roosting bats or other protected species and as such they have confirmed that there is no requirement for ecology surveys to be undertaken.

5.35 Having regard to the above, it is considered that the proposals would not harm any acknowledged nature conservation interests or protected species and is therefore in accordance with Policy ENV1 (5) of the Selby District Local Plan, Policy SP18 of the Core Strategy, national policy contained within the NPPF, the 1981 Wildlife and Countryside Act.

Land Contamination

5.36 The application site is noted as potentially contaminated as a result of it former agricultural use as there is the potential for historic contaminants. As such the application was accompanied by a "Screening Assessment Form" which provides details on historic uses on the site. This information has been considered by the Contaminated Land Officer and they have raised no objections to the scheme noting that a condition should however be utilised relating to unexpected contamination mitigation / measures the scheme is therefore in compliance with Para 170f of the NPPF.

Affordable Housing

- 5.37 Core Strategy Policy SP9 and the accompanying Affordable Housing Supplementary Planning Document (SPD) sets out the affordable housing policy context for the District. Policy SP9 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.
- 5.38 However, the NPPF is a material consideration and states at paragraph 63 - *“Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount”*. ‘Major development’ is defined in Annex 2: Glossary as *“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”*.
- 5.39 The application proposes the creation of one dwelling on a site which has an area of less than 0.5 hectares, such that the proposal is not considered to be major development as defined in Annex 2 of the NPPF. It is therefore considered that having had regard to Policy SP9 of the Core Strategy, the Affordable Housing SPD and the advice contained within the NPPF, on balance, the application is acceptable without a contribution for affordable housing.

6 CONCLUSION

- 6.1 The application seeks full planning permission for the conversion and extension of an existing building to form 1No. dwelling.
- 6.2 The application is considered to be acceptable in principle and represents appropriate development in the countryside in accordance with Policies SP1 and SP2 of the Core Strategy, Policy H12 (3) and (4) of the Selby District Local Plan and national policy including paragraph 79 of the NPPF. Policy H12 (1) of the Selby District Local Plan is given limited weight as the approaches taken by Policy SP2A(c) and Paragraph 79 of the NPPF are significantly different to that taken in Policy H12 as they do not require the more onerous tests set out in H12 (1).
- 6.3 Furthermore, having assessed the proposals against the relevant policies, it is considered that the proposals are acceptable in respect of their design and impact on the character and appearance of the area, impact on residential amenity, impact on highway safety, flood risk and drainage, nature conservation and protected species, land contamination and affordable housing.

7 RECOMMENDATION

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 listed below:

- Location Plan (Drawing Reference 2781/01/03B)
- Existing Block Plan (Drawing Reference 2781/01/02B)
- Existing Floor Plan and Elevation (Drawing Reference 2781/01/01)
- Existing Layout Plan (Drawing Reference 2781/01/02A)
- Proposed Layout Plan (Drawing Reference 2781/02/02A)

Reason:

For the avoidance of doubt.

03. 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, nor new windows, doors or other openings inserted other than those hereby approved.

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 Policies ENV1 and H12 of the Selby District Local Plan.

04. In the event that unexpected contamination is found at any time when carrying out the approved development, 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.

05. There shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site until the access(es) to the site have been set out and constructed in accordance with the published Specification of the Highway Authority and the following requirements

- The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details and/or Standard Detail number E6d.g. Provision should be made to prevent surface water from the site/plot discharging onto the existing or proposed highway in accordance with the specification of the Local Highway Authority.

All works shall accord with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In accordance with Policy T1 and ENV1 of the Selby District Local Plan and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience

06. The site shall be developed with separate systems for surface water and foul water.

Reason:

In the interest of securing satisfactory drainage of the site.

07. The development shall be carried out in accordance with the flood mitigation measures as set out in the Flood Risk Assessment submitted with the application received by the Local Planning Authority on 20th January 2020.

Reason:

In the interests of flood risk and flood risk reduction and in order to comply with the advice contained within the NPPF and NPPG.

INFORMATIVES

01. NPPF – 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. You are advised that a separate licence will be required from the Highway Authority in order to allow any works in the adopted highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council, the Highway Authority, is available at the County Council's offices. The local office of the Highway Authority will also be pleased to provide the detailed constructional specification referred to in Condition 5.

03. You are advised that separate consent will be required from the Internal Drainage Board for any discharge into an existing watercourse of surface water and there shall be no development within 9m of any such watercourse.

8 Legal Issues

8.1 Planning Acts

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

8.2 Human Rights Act 1998

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

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

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

10 Background Documents

Planning Application file reference 2019/0578/FUL and associated documents.

Contact Officer: Yvonne Naylor (Principal Planning Officer)

Appendices: None