



Report Reference Number: 2019/0883/FUL

To: Planning Committee
Date: 1st April 2020
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APPLICATION NUMBER:	2019/0883/FUL	PARISH:	Stutton With Hazlewood Parish Council
APPLICANT:	Kyme Homes	VALID DATE: EXPIRY DATE:	30th August 2019 25th October 2019
PROPOSAL:	Proposed demolition of existing bungalow and construction of 3no. new-build dwellings		
LOCATION:	Cranton Church Crescent Stutton Tadcaster North Yorkshire LS24 9BJ		
RECOMMENDATION:	Refusal		

This application has been brought before Planning Committee as directed by the Head of Planning due to the sensitive consideration of infill policy matters in secondary villages.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site is located in the small rural village of Sutton. The site situated on the crossroads where Church Crescent meets Church Lane to the north and Weedling Gate passes west to east. The dwelling that currently occupies the site is a moderate, detached single storey bungalow, which is sett in a large generous garden. The existing dwelling is constructed from buff brick and concrete tile.
- 1.2 The south boundary has 2 metre high render and brick built wall and other boundaries are served by hedgerows which range in height from 1metre to 1.8metre. To the south is the bungalow known as Red Roofs and opposite the site to the north is the former bungalow known as Hawthorn, which has been redeveloped for two new detached bungalows (2017/0442/OUT).

- 1.3 The dwellings to the south along the eastern side of Church Crescent are modern and more densely developed dwellings. The area is best described as having a good range of architectural styles and densities.

The Proposal

- 1.4 The proposal is to demolish the existing detached bungalow known as Cranton and construct 3 no 4-bed dwellings, including 1 detached (plot 3) and a pair of semi-detached dwellings (Plots 1-2).
- 1.5 The application is the resubmission of application 2019/0134/FUL which was refused under delegated powers. The Local Planning Authority has also sought counsel advice on this application in light of the comments received from the brewery and with regards to the context of other decisions made directly opposite the site.
- 1.6 Changes have been made to this submission as a result of discussions with officers i.e. Gross Internal floor space has been reduced and swept paths shown on the site plans as a result of the highway officer comments.

Relevant Planning History

- 1.7 The following historical application is considered to be relevant to the determination of this application.
- 2019/0134/FUL, Proposed demolition of existing bungalow and construction of 3 no. new-build dwellings. Refused 10.5.2019 for the following reasons:
 1. *The proposed development fails to provide any evidence on how it would enhance or maintain the vitality of the rural community and therefore fails to accord with Policy SP2A (b) of the Core Strategy.*
 2. *The proposed development does not fall under any of the above types of residential development which are identified as acceptable in principle in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy*
 3. *The proposed development is considered to be a cramped form of development which would overdevelop the site detracting from the character, appearance and form of the surrounding development in the village. This would conflict with Policies SP4 c) and d) and SP19 of the Core Strategy and ENV1 of the Local Plan.*
 4. *The scheme fails to retain the existing parking relationship of the surrounding area as it introduces large uncharacteristic parking areas to the frontage of plots 2 and 3 and to rear of plot 1. The proposed scheme is therefore considered to have a detrimental harmful impact upon the character and form the area and fails to accord with Policy ENV1 of the Selby District Local Plan and the Policies SP4 and SP19 of the Core Strategy.*

5. The proposed is considered to provide insufficient information in relation to the scheme impact upon protected species or any other species of conservation interest. The proposed scheme therefore fails to accord with Policy ENV1(5) of the Selby District Local Plan (2005), Policy SP18 of the Selby District Core Strategy Local Plan (2013) and the NPPF.

Site opposite The Hawthorns

- 1.8 2017/0442/OUT - Outline application with all matters reserved for the erection of two detached dwellings following the demolition of an existing bungalow. Granted delegated 10.07.2017.

Site to the north east referred to in the Brewery's representation

- 1.9 2016/1476/OUT - Outline application for erection of a detached dwelling on land to the north east of Church Lane/Weedling Gate. Refused. Appeal dismissed - APP/N2739/W/17/3169716. This was directly opposite the site to the north east. The site was outside development limits.

2. CONSULTATION AND PUBLICITY

- 2.1 **Parish Council** – 17/9/2019 meeting - wish to reinforce and restate the original observations of the 15/3/19."Observations of the council were: this will add a further access point to what is already a busy junction, 3 double height properties - appearance is in conflict with neighbouring properties, density of properties on the site is too high, not in keeping with the Village Design Statement" and although the design has changed the visual impact is greater. The reasons for refusal of the original application have not materially altered other than the environmental survey.

There are no shared drives on Church Crescent, The Public House has not been open for over 12 months. There is no playgroup or community centre within the village and also that the bus service whilst being regular is infrequent (3 buses per day). Some of the materials proposed are not in keeping with the village design statement. The new application fails to mention that the proposed vehicle exits are going to be altered and a new exit created which does not leave the required m, visibility split contrary to what the application states. Car parking is an issue, with insufficient turning space. The council does not feel that proposed soakaways are a sustainable proposal based on evidence from recent developments in the area. The parish council hopes its views will be taken into consideration when a decision is made.

- 2.2 10.10.19 Meeting - Changes have occurred to this planning application since the extraordinary meeting. These changes are to parking/turning space on the proposal. The access point has moved closer to the junction. The council strongly felt that this was making it even more dangerous in respect of the positioning of the access point, the visibility was worsened and the proposed turning was not felt to be practical. The council resolved to observe vehicles leaving this site will be turning onto a busy junction. Felt to be gross overdevelopment. Car parking is an issue, with insufficient turning space.
- 2.3 14/11/2019 meeting - Changes have occurred to this planning application since the earlier October meeting. The council have examined the revised application and still feel that the 42 m visibility has not been addressed and the proposed turning was

not felt to be practical. The council resolved to observe vehicles leaving this site will be turning onto a busy junction. Car parking is an issue, with insufficient turning space.

- 2.4 **NYCC Highways Canal Rd** – No objections following amended plans which show how plots 1 and 2 are able to turn within the site (swept paths shown). Conditions suggested covering details such as the access/verge crossing construction requirements, closing off of the existing access, visibility splays being maintain for plot 1, widening of the footway and the retention of garage spaces.
- 2.5 **Yorkshire Water Services Ltd** – No response received.
- 2.6 **Ainsty (2008) Internal Drainage Board** – No objections.
- 2.7 **North Yorkshire Bat Group** – No response received.
- 2.8 **Yorkshire Wildlife Trust** – No response received.
- 2.9 **County Ecologist** – No objections subject to a condition ensuring the development is undertaken in accordance with the recommendations made in the Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal and bat report.
- 2.10 **Design Officer** - The revised proposals have taken on most of the design advice previously offered to the applicant, and appear much more in keeping with the traditional character of the village, in particular the buildings at the bottom end of the road where the village runs out along Green Lane. It feels as if there's a real chance to achieve an outcome with similar levels of quality to these, provided sufficient care is given to choice of materials and levels of craftsmanship, as well as attention to details, landscape and boundaries.
- 2.11 **Neighbour and 3rd Party representations**

The proposal was publicised by a site notice and direct neighbour notification of residents. 2 representations were received one from the occupier of Station House to the west and one from Cunnane Town Planning on behalf of Samuel Smith Old Brewery.

Occupier of Station House comments:

Resubmission

This application does not address the issues relating to the previous application 2019/0134/FUL. In fact in terms of appearance the second application has a greater negative visual impact.

Village Appearance

The village whilst having significant development has to date retained its overall feel and appearance with in the main detached properties with good separation, front gardens, built with the same stone and set back from the roadside. This proposed development is shoehorned into the site and is completely at odds with the appearance of the village.

The proposal does not comply with criterion c) of Policy SP2 to protect local amenity and character of the local area in line with local design codes.

It does not comply with the Stutton Village Design Guide describing the distinct character of the area as "individual Villa Style".

The sheer density of this development, the minor image dwellings, the unique parking courtyard directly conflict with the Design Guide and it certainly does not accord with Policy SP2A (b) of the Core Strategy.

The submission by Cunnane Town Planning 8th April relating to the previous application is still completely relevant to this new application.

The proposal will have a negative impact on the village, leads to over development of the site and could be avoided if the developers follow the example of the new development of two single story dwellings on the similarly sized site on the corner opposite. The developers on this other site were sensitive to ensuring compatibility with the overall appearance and ambiance of the village.

Road safety issues

This development is on the corner of Church Crescent and Weedling Gate. The latter has a mixture of local resident traffic and through traffic cutting through from the A64 to the A162 road to Towton.

- Concerns that the visibility splays and lines of sight could be interrupted if the hedge adjacent to plot isn't maintained.
- Parking on Weedling Gate to access the front door of plot 1 will create a traffic hazard. At present there is no need for on street parking and this will come as a consequence of the developer wishing to over develop a constrained site.
- Concerns over parked vehicles outside plot 2 & 3. The current bungalow had ample parking. The parking arrangement shown means visitors and delivery drivers will park outside the site causing concern for vehicles approaching the junction.

Amenity to Station House

- The proposal will overlook Station House by 8 first floor windows, representing a significant loss of amenity.

Samuel Smith Old Brewery representation

The proposal is contrary to the development plan and is not outweighed by material considerations.

The Appeal APP/N2739/W/17/3169716 is of relevance for a site directly over the road. This appeal considered the development of a new dwelling on the site. The main issue considered by the Inspector was whether the location would be consistent with local and national policies relating to housing in rural areas, with particular regard to access to everyday facilities by a range of means of transport.

Relevance of the appeal relates to the Inspectors consideration of the facilities in the settlement and whether they are suitable for sustaining the addition of a new dwelling, which provides a useful indication of the issues facing the development of further residential uses in this area. The appeal was dismissed because of the poor access to everyday services and facilities within Stutton, and the reliance that future residents would have on the private car would conflict with the social and environmental dimensions of sustainability as set out in Paragraph 7 of the NPPF.

- Principle of Development – The principle of residential development on this site is governed by the ‘sustainability’ of the proposal and the ability of the applicants to demonstrate that the scheme meets the requirements of the ‘golden thread’.
- SP2 of the Core Strategy governs the councils approach to housing in the district, with the majority of development located to the main town centres or designated service villages which have ‘some’ scope for additional development. Below these tiers the policy moves to restricting development unless specific circumstances are met, i.e. limited development may be absorbed within secondary villages (such as Stutton) where it will enhance or maintain vitality or rural communities and which conform to the provisions of SP4 and SP10. If the development fails to address these two requirements it should be refused unless justified by other material considerations.
- The applicant has not identified the positive impact of the proposal on the rural community. The proposal is contrary to SP2.
- Having regard to the appeal decision on the site opposite the objection wishes to highlight the inspector’s conclusions with regard to sustainability of the location in relation to the settlements ability to provide for needs of new residents in a sustainable manner. It is clear that he considered there to be no realistic prospect of future residents being able to enjoy a reasonable level of access to schools, shops and employment without heavy reliance on the private car. This is recognised by the applicant in their provision of three car parking spaces for each dwelling.
- SP4 of the Core Strategy provides guidance with regard to the detailed management of residential development in the District. Previously developed land within secondary villages can be acceptable subject to a number of detailed criteria.
- This site cannot be fully considered as previously developed land owing to the definition in the NPPF. Only the footprint of where the current building is regarded as previously developed.
- Secondly Criteria c) of SP4 requires that all development must protect local amenity, preserve or enhance the character of the local area and comply with any local design codes.
- The Sutton Village Design Guide identifies the site as falling within a distinct character area of individual villa styled development and then lists in detail the areas overall character. This proposal represents a significant intensification of the development on the plot, where surrounding development is characterised by dwellings set within generous garden areas, with clear spacing between dwellings. This proposal creates 2 storey dwellings in very close proximity and erosion of the low density and spacious character of the area.

- This is exacerbated by the angle at which plot 1 would present itself to Church Crescent. This would breach the established building line and provide an incongruous orientation of the properties.
- The use of a shared driveway leads to the erosion of individual dwellings.
- The uniformed appearance of the dwellings is contrary to the areas individual character.
- SP4 d) requires the application to be of a suitable scale and will be assessed in relation to the density, character and form of the local area. The majority of the dwellings are individually designed, detached and low density. The larger development to the south has different design detailing, still retains large spacious plots and generous gardens and individual private driveways. This application seeks to over develop the site, by shoe horning 3 4-bed dwellings onto a plot directly abutting the boundary of the settlement. This alters the character of the settlement resulting from the density providing too little space on the site for the gaps between the buildings, garden areas and arrangement of the driveways, off street parking and garaging.
- The proposal therefore does not reflect the character, density and form of the local area and is an inappropriate form of development contrary to SP 4.

3 SITE CONSTRAINTS

Constraints

- 3.1 Within the Development Limits of Stutton - Designated as a Secondary Village.

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:**

Selby District Core Strategy Local Plan

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
SP16 - Improving Resource Efficiency
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
ENV15 – Locally Important Landscape Areas
T1 - Development in Relation to Highway
T2 - Access to Roads

5 APPRAISAL

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

- The principle of development SP2 & SP 4 compliance.
- Access to facilities and locational sustainability
- Impact on the Character and Form of the Locality
- Impact on Residential Amenity

- Impact on the Highway
- Affordable Housing
- Impact on Nature Conservation and Protected Species
- Drainage, Climate Change and Energy Efficiency
- Land Contamination
- Other material considerations

Principle of the Development

SP2

- 5.2 Core Strategy Policy SP2 is a broad spatial strategy policy which sets out the Council's main cascade of appropriate settlements for new development. Secondary villages sit somewhat down this hierarchy, below Selby, the Local Service Centres and Designated Service Villages. SP2(b) describes that "limited" development will be allowed within the settlement limits of secondary villages such as Stutton and then only where it will "enhance or maintain the vitality of rural communities" and "conform to the provisions of Policy SP4 and Policy SP10".
- 5.3 The Core Strategy describes Secondary villages as "less sustainable" or are otherwise constrained in terms of the development they can sustainably support. Planned growth is said not to be appropriate although "some housing" in defined circumstances is said to be permitted "where it will enhance or maintain the vitality of rural communities". No further guidance is given in relation to what will "enhance or maintain the vitality of rural communities". This is therefore a matter left to judgement, however this is similar to the wording of paragraph 78 of the NPPF which states that:
- "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities."*
- 5.4 An example is given later within NPPF [78] that "where there are groups of smaller settlements, development in one village may support services in a village nearby." Accordingly, there is no requirement for a village to have its own services and a decision-maker can look at whether the day to day needs of future residents can be met by a group of settlements within a reasonable travel distance.
- 5.5 The Planning Practice Guidance states that "People living in rural areas can face particular challenges in terms of housing supply and affordability, while the location of new housing can also be important for the broader sustainability of rural communities..."
- 5.6 This proposed redevelopment of the site for x3 dwellings would therefore be capable of at least maintaining the current vitality of Sutton and might assist with some small additional spend within Tadcaster. The policy does not require enhancement and therefore maintenance of the status quo is sufficient.
- 5.7 Therefore officers disagree that potential conflict exists with SP2 as highlighted in the letters of representation which note that the applicant "has not identified any positive impact of the proposal on the rural community". Whilst this is factually correct, this is not required in order to demonstrate compliance with SP2. The term

“maintain” cannot be properly interpreted as requiring a positive contribution and no assertion is made that the contribution to vitality would be negative.

- 5.8 There is therefore also conflict with the previous delegated decision in relation to 2019/0134/FUL and reason for refusal 1. Officers consider requiring positive evidence asks too much of applicants as the wording of the policy is clear that maintenance is sufficient. On this basis the proposal is in compliance with Policy SP2 (b).

SP4

- 5.9 Policy SP4 ‘Management of Residential Development in Settlements’ allows for development in principle in secondary villages through the following; SP 4 a)
- 1) Conversions;
 - 2) Replacement dwellings;
 - 3) Redevelopment of previously developed land;
 - 4) Filling of small linear gaps in otherwise built up residential frontages; and
 - 5) Conversion/redevelopment of farmsteads.
- 5.10 The key assessment is whether the proposal falls within any of the categories identified above. The Development is described as demolition of one dwelling and its replacement with three new dwellings. Plainly, this is not a conversion or a farmstead development. Nor do officers consider that it falls within any of the other categories:
- 5.11 It is not a ‘replacement dwelling’. This category, in line with green belt policies, envisages the replacement of one existing dwelling with a new dwelling on the same site. It does not encompass an increase in the number of dwellings on any given site.
- 5.12 The site is only part previously developed land. NPPF definition i.e. the space occupied by the current buildings on the site. The definition goes on to clarify that residential gardens in built up areas are not considered to be PDL. However, the proposed scheme would not build on all of the existing garden area and allows for a significant amount of garden space and landscaping for the future occupiers. The Development is therefore not wholly the ‘redevelopment of previously developed land’.
- 5.13 Officers do not consider that the Development can be described as the ‘filling of a small linear gap in an otherwise built up residential frontage’. The Development includes permission to demolish an existing dwelling. At present, there is no gap within the frontage and only by demolition can the applicant ‘create’ a gap, however, this activity is part of the development for which planning permission is sought. The development as a whole is therefore not within an existing gap and thus falls outside this category.
- 5.14 This is emphasised by the supporting text to Policy SP4. Paragraph 4.55 states that Policy SP4 is intended to “avoid...the worst excesses of garden grabbing particularly in smaller settlements”. Further, paragraph 4.58 contrasts the position in

larger settlements where greenfield and garden development is permissible with the situation envisaged for secondary villages where residential development will be “more restricted so that development on garden land will be resisted...” Officers therefore consider the plan seeks to prevent greenfield, garden development in secondary villages.

- 5.15 This proposal artificially creates a gap whereas the policy is aimed at infilling pre-existing gaps in frontages where development would ‘make sense’ in the context of the existing densities. The stated purpose of the spatial strategy in relation to secondary villages is set out within paragraph 4.53 of the Core Strategy as being to “recognise...some scope for continued growth in villages to help maintain their viability and vitality. However, this must be balanced with concerns about the impact of continued residential infilling on the form and character of our villages, particularly through the practice of developing on garden land...and redeveloping existing properties at higher densities.” In this context, officers consider that the Core Strategy and SP4 seek to prevent developments such as the Application where the majority of the development will be on garden land and which will increase the density of the site.
- 5.16 Officers also accept that a similar proposal was permitted opposite the site where a dwelling was demolished and replaced by 2 dwellings (2017/0442/OUT-Hawthorn’s), however given the above the previous reason for refusal No.2 of 2019/0134/FUL is maintained.
- 5.17 SP4 Criteria C) then states that in all cases proposals will be expected to protect local amenity, preserve and enhance the character of the local area and comply with normal planning considerations, with full regard taken of the principles contained within Design Codes (e.g. village design statements). Its states appropriate scale will be assessed in relation to the density, character and form of the local area and should be appropriate to the role and function of the settlement within the hierarchy.
- 5.18 SP4(d) states that appropriate scale will be assessed in relation to the density, character and form of the area. This is assessed further in the character section of the report.

Access to facilities and locational sustainability

- 5.19 The purpose of seeking to prevent any large increase in population in secondary villages is to avoid “unacceptable amounts of housing (para 4.56 of the CS)...in smaller, less sustainable settlements”. The strategy is intended to “support development in the most sustainable locations” (para 4.55 CS). These paragraphs of the Core Strategy explain the settlement hierarchy and explain the restrictive approach taken in CS4(a).
- 5.20 In support of the application the planning statement regards the site as being in a sustainable location. It states the site “is in close proximity to a public right of way that connects this street with Hawthorn Close (in Tadcaster) linking to Stutton Road, a street that contains a significant number of local amenities (Costcutter, Newsagents + Post Office, Fish & Chip Shop, Coffee Shop and Hairdressers).” It also states “Stutton is currently served by a regular bus service, Public House, a

playgroup in the village hall and a community centre. The future viability of all these facilities are reliant on residential growth.”

- 5.21 The Parish council state The Public House has not been open for over 12 months. There is no playgroup or community centre within the village and also that the bus service, whilst being regular is infrequent (3 buses per day). This is accepted, however the pub does have the ability to reopen and further residential development does have the ability to support this.
- 5.22 The approach to matters of sustainability were considered in the appeal into application 2016/1476/OUT (APP/N2739/W/17/3169716). This was for a site directly opposite the application site for a single dwelling. This lay outside the settlement and within countryside and was considered at the time when the council didn't have a 5 year land supply.
- 5.23 Whilst this appeal was a matter of judgement the conclusions are relevant to the determination of this application. The Inspector did not approach this section of his decision on the basis that the appeal site was within the open countryside. A fair reading of paragraphs 10-17 show that he approached the site as if it were part of Stutton, which it does appear to be on the ground. Practically, there is no difference between future residents of land to the north or future residents of land to the south of Weelding Gate in terms of their ability to access to facilities and the likelihood of journeys being by private car rather than public transport.
- 5.24 In dismissing the appeal the inspector states:
- “There is nothing to suggest that Stutton would be capable of meeting the everyday needs of its occupants. It is therefore inevitable that travel outside the village would be necessary. The previous Inspector concluded that future occupants would be reliant on the car. In coming to this conclusion, he had regard to the relative proximity of Stutton to Tadcaster, the potential use of the segregated footpath that leads to the edge of Tadcaster and what level of public transport occupants would have access to. The context in which he came to this conclusion has not changed. There appears to be the same level of service provision in the area and there is no suggestion that public transport services have improved in the intervening period.”*
- 5.25 In terms of the path to the local services the inspector states *“I am not convinced that it represents a reasonable or realistic alternative to the car for future occupants to meet their everyday needs. For one reason, the parade does not provide sufficient services or facilities for day-to-day living.”* *“Based on the evidence before me, and my own observations, the level of service provision within a reasonable walking distance of the site is limited.”*
- 5.26 The inspector also states *“There is a bus stop within a short distance of the site that provides services to Tadcaster and Sherburn in Elmet every two hours. While this also weighs in favour of the development to a small degree, it cannot be considered to be a particularly regular service and is thus unlikely to provide a realistic or reasonable alternative for most everyday trips.”* *“Paragraph 55 of the Framework states that housing in rural areas should be located where it can maintain or enhance the vitality of rural communities. An example given is where development in one village can support those in another nearby. Whilst I recognise the relative*

proximity between Stutton and Tadcaster, the benefits derived from one dwelling would be limited in nature.”

- 5.27 The inspector concludes this point by stating “*There is also nothing before me to suggest the vitality of Tadcaster, and the small parade of shops in particular, is under threat, such that the development of a single dwelling in the countryside would be of any particular benefit. The likely reliance on the car may also serve to reduce any functional relationship between the appeal site and nearby services, thus further reducing the already limited benefits to the vitality of nearby communities. For the above reasons, I conclude that the development would not provide a suitable site for housing in terms of its access to everyday facilities and a reliance on the private car. This would conflict with paragraphs 17 and 29 of the Framework, which seek to actively manage patterns of growth to make fullest possible use of walking, cycling and public transport, and giving people real choices about how they travel. Moreover, it conflicts with the core planning principle of moving to a low carbon economy. This is consistent with the view of the previous Inspector and the evidence does not lead me to a different conclusion.*”
- 5.28 From the above the inspector in 2017 made a clear assessment of the sustainability merits of the application site and the provision of a single dwelling in the location. Officer also note that the redevelopment of the Hawthorn’s never raised concern with this aspect of the policy. On this basis conflict exists with the wider sustainability objectives within the NPPF and Policy SP 2 in that the proposal will have poor access to everyday facilities and will have a reliance on the private car. The nett addition of x2 dwellings will compound this concern.

Visual amenity and the impact on the character of the area.

- 5.29 In order to assess ‘visual amenity’ it is necessary to consider the layout, form, density, design and landscaping as these factors that can impact on the character of the area. These are governed by policies by Core Strategy Policies SP 4 c) and d) SP 19. Section 12 of the NPPF also puts significant emphasis on good design. Sutton also has a village design statement which is to be considered.
- 5.30 The starting point for consideration of this application is reason for refusal No.3 of the previous decision on the site which states:
- The proposed development is considered to be a cramped form of development which would overdevelop the site detracting from the character, appearance and form of the surrounding development in the village. This would conflict with Policies SP4 c) and d) and SP19 of the Core Strategy and ENV1 of the Local Plan.*
- 5.31 The concern detailed in the officer report was that all of the dwellings located on the crossroad have large single dwellings, which have large amenity spaces that surround them which gives the corner plots a clear distinctive character. “The scheme proposes three large dwellings, which are located closely together in prominent corner location. The scheme fails to maintain the existing spacious amenity space corner plot character, and is considered to create a cramped and overdeveloped appearance. The scheme fails to retain existing parking relationship of the surrounding area as it introduces alien large uncharacteristic parking area to the frontage of plots 2 and 3 and to rear of plot1.”

5.32 Since the refusal the applicants have met with officers which included the design officer in order to overcome these concerns. Whilst the number of dwellings still remains the same, there has been some design changes made to the scheme in order that lessen the scheme's impact and ensure support can now be given. These include

- Realignment of Plot 1 (the corner property) so that it follows the orientation of the boundary line and Weedling Gate.
- A larger projecting two storey element to the north flank wall (to accommodate a lobby and a bathroom) providing more visual interest to Weedling Gate.
- Plots 1 and 2 are now a pair of semi-detached dwellings with an almost 'L' shape to them to reference 'farmhouse' aesthetic associated with other houses in the area/this part of the District.
- A reduction in height to the ridges of plots 2 and 3 by 265mm.
- Continuous single piece stone lintels rather than centrally jointed lintels, where space allows, Stone pillars to define the entrances to all plots with dwarf walls behind.
- Both driveways to be surfaced with block pavements, The planting of a new tree.
- Increased width between Plots 2 and 3 from 1.5m to 2m

Density

5.33 The proposal to demolish the existing single dwelling will naturally result in a more intensive development than currently exists. The site is 0.13 hectares and currently has a density of 8 dwellings per hectare and an open spacious character. The proposed three dwellings would represent a density of 23 dwellings per hectare so clearly this increases the density and amount of built form on the site. This density is similar to the more modern properties to the south of the site (late 20th Century estates within the VDS) i.e. No.35 onwards, where the dwellings occupy just about all the frontages on narrower plots. The proposal is however denser than the properties which front Weedling Gate and Church Lane which sit more comfortably within larger plots. These larger plots are defined within the Village Design Statement character assessment being - individual villa styled properties.

Design

5.34 The new dwellings pick up some of the character and form of the modern dwellings to the south of the site, having similar roof heights, traditional pitched roofs, projecting gables albeit with plot 3 having a narrower plot width. The proposal maintains the building line of the dwellings on Church Crescent being set back 4.3m from the kerb edge.

5.35 The new dwellings propose more modern materials with the use of grey upvc windows, grey composite entrance doors, grey Wienerberger roof tiles, artstone headers, cills and copings and the main massing is to be constructed from 2 differing stone types. The frontages to Church Crescent will all have the same

stone type and the projecting gable of plot 1 that faces Weedling Gate will have a contrasting stone, to create some visual interest. Whilst the western side of Church Crescent is mainly all red brick, the eastern side is constructed from Stone and this is what the proposals to some extent seeks to reflect, albeit with a more modern design influence. The use of stone is consistent with the guidance in the Village Design Statement.

- 5.36 From Weedling Gate the proposal has been designed to have a dual aspect with the main frontage facing north onto the roadside. This gives the design some presence albeit the scheme, undoubtedly increases the volume and massing on this corner plot. The extent of the scheme is lessened when viewed from Weedling Gate as space still exist either side of the dwellings. Plot 1 does project closer to the road than the current property. This accentuates its presence within the streetscene, however it does follow the form of the road and the dwelling has been angled to help lessen its prominence.

Form

- 5.37 Plot 3 in its detached form reflects the character of Church Crescent. Plots 1-2 are then joined to enable the floor space within the dwellings to be achieved as the massing wraps around the corner of the site. From Church Crescent the most significant impact is the scale and massing of two storey structures. The development of a two storey dwelling will in effect sandwich Red Roofs to the south between a pair of 2 storey detached dwellings i.e. Plot 3 and No.35. This does have some material impact on the character of the streetscene. In addition the massing does project into the streetscene and bring the development closer to the road. This has some conflict with the Village Design Statement, which emphasises maintaining the consistent set back and building lines.

Layout

- 5.38 In terms of layout the previous reason for refusal raised issue with the parking i.e. reason 4 –

“The scheme fails to retain the existing parking relationship of the surrounding area as it introduces large uncharacteristic parking areas to the frontage of plots 2 and 3 and to rear of plot 1.”

- 5.39 This hasn't changed in the resubmission as no other alternative can be configured without reduction the number of units and having parking alongside the dwellings. However subtle design changes have been made to lessen the impact of the parking i.e. the introduction of a new frontage hedge to screen the parking area and the entrance given some definition by stone entrance pillars being introduced.
- 5.40 Also traditional roll on roll of parking does exist to dwellings to the south, where cars are parked on frontages and this is common place on new residential estates. Upon reflection this shared parking area isn't sufficiently harmful to warrant the reason for refusal being retained, particularly given the subtle design changes.

- 5.41 Finally the urban designer was consulted on the application having worked with the applicant to overcome the design issues. The officer provided a detailed assessment of the issue and noted that the redesign took on most of the comments previously made. The officer states “the proposal appears much more in keeping with the traditional character of the village, in particular the buildings at the bottom end of the road where the village runs out along Green Lane.”
- 5.42 Therefore whilst the design of the dwellings has improved, as has the screening of the parking area, the increase in density and built form on the site is still at odds with the areas general character which is spacious dwellings set in large plot sizes with individually styled dwellings. The proposal relates better to the more modern dwellings to the south. The proposal will still over develop the plot and fails to preserve and enhance the character of the local area contrary to Policies ENV1 (1) and (4), and ENV15 of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy, national policy contained within the NPPF and the Sutton Village Design Statement (Feb 2012).

Impact on Residential Amenity

- 5.43 The key considerations in respect of residential amenity are considered to be the potential of the proposal to result in overlooking of neighbouring properties, overshadowing of neighbouring properties and whether oppression would occur from the size, scale and massing of the development proposed in accordance with Local Plan Policy ENV 1.
- 5.44 The main properties to be affected by the scheme are Red Roofs to the immediate south and Station House to the west. The previous reasons for refusal never identified any harm to the living conditions of neighbouring dwellings given the separation distances and careful window arrangement.
- 5.45 In terms of Red Roofs to the south, the closest dwelling is plot 3. Plot 3 has been staggered from the boundary and inset to allow views from Red Roofs not to be compromised. This is demonstrated by the 45 degree line of sight is annotated on the layout plan, which is a useful guide to assessing outlook.
- 5.46 In terms of privacy, plot 3 has two side windows on the southern elevation i.e. a first floor obscure glazed ensuite window and a ground floor dining room, which is screened by the existing boundary treatment. The proposal is also due north so will not cause any loss of sunlight. No third party representations were received from this occupier and it is considered the proposed scheme will maintain the living conditions of Red Roofs.
- 5.47 To the west of the site is Station House. Concern was raised in the objection that 8 first floor windows would over look Station House. Station House is situated on elevated ground and it has its main elevation facing east looking directly into the application site. The proposed scheme in particular plots 2-3 has all of its first floor windows looking west facing Station House, however the distances between the dwellings are 29m at the closest point, which is regarded well in excess of modern separation distances (21m) to maintain privacy.

- 5.48 Finally whilst Station House is due west, a combination of the elevated land levels and separation distances means that the new development will not cause any overshadowing or be visually dominant in terms of the outlook from Station House.
- 5.49 The frontage windows of the proposed plots all face towards the roadside and are not considered to compromise the privacy of dwellings opposite the site. Boundary screening between the 3 dwellings is also shown on the submitted layout plan. Conditions are recommended that remove permitted development rights for any further windows at first floor level on the side elevations and that those windows are fitted with obscure glazing where shown on plan.
- 5.50 Having considered the above the proposed scheme would not result in any significant detrimental impacts on the residential amenities of the occupiers of the existing or proposed dwellings in accordance with Policy ENV1(1) of the Selby District Local Plan and the advice contained within the NPPF.

Impact on the Highway

- 5.51 The plans shows plots 2-3 accessed off Church Crescent with plot 1 being accessed from Weedling Gate. Plots 2-3 have a shared access with a bound resin surface finished turning area with x4 off street parking spaces. Plots 2-3 also have integral garage spaces. A 1m access pillar defines the access and a 1m hedge row wraps around the site to recreate the enclosure formed by the existing hedgerow. The current access of Church Crescent is to be blocked up and a new access slightly further north is created onto Church Crescent. The public footpath is to be widened to 2.0 m along the whole boundary of the site.
- 5.52 A new 4.1m access is to be created to serve Plot 1 at the western edge of the site. This has a small turning area, detached single garage and x2 off street parking spaces. The hedgerow once again wraps around the site and has been set back from the footway and grass verge to ensure visibility is achieved. A pedestrian access is created onto Weedling Gate for Plot 1.
- 5.53 Concerns were raised in the objection over on street parking and visibility concerns, however NYCC Highways have been consulted on the proposal and have advised that they have no objections in principle, however required the swept path analysis be undertaken for plots 2 and 3 to ensure vehicles can turn within the site. This was undertaken and the plans provided showing how vehicles can access the site in a forward gear. The site has sufficient off street parking and visibility splays were adequate and maintained by condition (plot 1). NYCC Highways have recommended that a number of conditions be added to the permission controlling the need to hard surface the turning area, protection of the garages from being lost as a vehicle space, access details and the provision of a footway on the site frontage.
- 5.54 Therefore subject to the aforementioned conditions, it is considered that the development is acceptable in terms of highway safety in accordance with Policies ENV1 (2), T1 and T2 of the Selby District Local Plan and the advice contained within the NPPF.

Affordable Housing Assessment

- 5.55 Core Strategy Policy SP9 and the accompanying Affordable Housing 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. 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.
- 5.56 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. Officers therefore recommend that, having had regard to Policy SP9 and the PPG, on balance, the application is acceptable without a contribution for affordable housing.

Impact on Nature Conservation and Protected Species

- 5.57 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration. Relevant policies relating to nature conservation include Policy ENV1 (5) of the Selby District Local Plan and Policy SP18 of the Core Strategy.
- 5.58 The lack of an ecological assessment of the site previously formed reason for refusal No.5 of 2019/0134/FUL. The applicants addressed this issue within this resubmission by the submission extended phase1 habitat survey and preliminary ecological appraisal dated April 2019. The NYCC ecologist was satisfied that this will allow the authority to determine the application in relation to ecology.
- 5.59 The Extended Phase 1 Habitat Survey and Preliminary Ecological Appraisal report (April 2019) recommended bat surveys to be undertaken of the bungalow, which have since been carried out. The report identified the need for an informative to ensure any vegetation removal/maintenance is undertaken outside of the bird nesting season as the site was found to provide good habitat for garden birds. There was no evidence that the site supports other protected or notable species including badger, great crested newt or reptiles, as such no further survey work was proposed. The report provides a number of general recommendations to minimise impacts on site biodiversity and to provide enhancements where possible. A condition was recommended by the county ecologist that requires works to be undertaken in accordance with recommendations set out in section 8 and 9 of the report.
- 5.51 The Bat Survey report (June 2019) is based on bat surveys undertaken at the correct time of year, to the current standards. A single bat day roost was located within the property and as this would be lost as part of the development a method statement has been prepared to deal with the demolition and creation of new roosting habitat in accordance with current legislation and guidance. This would include use of the Natural England Low Impact Class Licence and has been designed to ensure that the favourable conservation status of the species can be maintained in this location in accordance with the provisions of the Conservation of Habitats and Species Regulations 2017. Again a condition is recommended to secure the requirements contained within section 7 of the Bat Survey Report.
- 5.52 On this basis, it is considered that the proposal would not harm any known nature conservation interests or protected species and would therefore meet the relevant

requirements of Policy SP18 of the Core Strategy, Policy ENV1 of the Local Plan and Section 11 of the NPPF in this regard.

Flooding, Drainage, Climate Change and Energy Efficiency

- 5.53 The application site is located within Flood Zone 1. Flood Zone 1 is assessed as having a less than 1 in 1,000 annual probability of flooding. Given the application site is located within Flood Zone 1, an area at the lowest risk of flooding no Flood Risk Assessment would be required and no sequential test or exception test is necessary.
- 5.54 In terms of drainage, the submitted application form sets out that surface water will be disposed of by soakaways and foul sewage will be disposed of by main sewers. A condition is imposed covering the need to provide full details of the soakaways. Yorkshire Water and the Internal Drainage Board have been consulted on the drainage proposals, with no objections being received subject to conditions. The IDB's conditions suggested were more detailed however these are covered in the recommended drainage conditions, which requires full details of the surface water and on site water storage.
- 5.55 As such, subject to appropriate conditions, the proposal would be acceptable in terms of flooding, drainage and climate change in accordance with Policy ENV1 (3) of the Local Plan, Policies SP15 and SP19 or the Core Strategy and the advice contained within the NPPF.

Land Contamination

- 5.56 The application is accompanied by a Phase 1 Desk Study Report which concluded that scheme is acceptable in terms of land contamination. Conditions are recommended regarding unexpected contamination should it be found when the site is developed. Given above the proposals are therefore acceptable with respect to contamination in accordance with Policy ENV2 of the Local Plan and Policy SP19 of the Core Strategy.

Other Material considerations

- 5.57 In support of the proposal the applicants have supplied information as to Sutton's relationship with Tadcaster, the recent levels of new dwelling completions in the area, the overall lack of supply and the implications of what x3 new dwellings would bring to the village. Extracts of the submissions are below :

Stutton's relationship with Tadcaster

- 5.58 "Whilst in planning terms Stutton is regarded as a secondary village, the reality is that Tadcaster town and the village of Stutton are only divided by the A64 and a small stretch of open fields. Furthermore, Stutton is the closest village to Tadcaster. They are also extremely well linked by both footpaths and roads and Stutton enjoys the equivalent and in some instances, better and quicker access to neighbourhood amenities than other residential streets in the west of Tadcaster town, such as Garnet Lane (LS24 9LS). For example, to the small parade on Stutton Road which consists of a hairdresser, convenience store, post office/newsagents, café and fish and chip shop."

- 5.59 For this reason, when it comes to looking at housing provision for the area, we believe Stutton and Tadcaster could easily be regarded as virtually part of the same area, notwithstanding it's planning classification."

Recent levels of new housing completions in Tadcaster (including Stutton)

- 5.60 "New housing built in recent years in the town has been incredibly low. Unparalleled in the District and we would suggest much further afield. In the last five years evidence shows that just 15 new dwellings have been completed in Tadcaster (and Stutton), 2 of which were houses for social rent and 3 of which were flats. Equating to 10 new houses being built for sale on the open market in the last five years. A distressingly low figure for the long-term sustainability of the town;
- 5.61 "Looking back a further five years, the situation was no better; In the previous five to ten years a mere 14 new dwellings were completed, consisting of just 2 houses and 12 flats."

Levels of outstanding planning permissions for new housing in Tadcaster (including Stutton) – Selby District Council 5 year Housing Land Supply

- 5.62 "This huge shortfall in the provision of new housing stock in Tadcaster is not set to improve either." The applicants suggest "research shows there are just 8 outstanding planning permissions for new dwellings (5 houses and 3 flats) which may be implemented within 5 years and are identified within the Council's 5 year land supply. It is noted there is an extant planning permission for 156 dwellings on land at Mill Lane in Tadcaster. However, the planning permission was granted over 26 years ago and, therefore, one would assume is no longer viable or deliverable proposition.

New housing completions & planning permissions Vs Adopted Core Strategy Target

- 5.63 "From the number of completions and planning permissions noted in paragraphs b) and c) above it is obvious that Tadcaster is falling a long way short of the target number for the provision of new dwellings within the Council's Adopted Core Strategy and the reality is it is too late to catch up. The figures behind this are astonishing. The Adopted Core Strategy targeted 500 new dwellings for Tadcaster over the course of the Plan period (2011 to 2027). We are over half way through the Plan period and just 29 new dwellings have been completed, with only 8 outstanding planning permissions. Therefore, a total under provision of 463 new dwellings against the Core Strategy Target of 500."
- 5.64 "This shortcoming does not account for the extant permission of 156 dwellings at Mill Lane, but we believe it is more than reasonable to assume development of this land will not be forthcoming in the Plan period in any case and therefore it is a safe assumption to make. Even if the Mill Lane site were to be included in our calculation, the under provision still stands at an overwhelming 307 dwellings."

The wider effects of the lack of new housing provision

- 5.65 "For a settlement the size of Tadcaster (population 6,003 (2011 census)) it's new housing provision in the last ten years has been virtually non-existent, with much of the demand on new housing (especially family homes) having to be unfairly soaked up by other surrounding settlements in the District or other Local Authority areas. This puts a disproportionate demand and pressure on land and facilities in those

affected locations. Tadcaster should not be isolated from sharing the 'national' requirement for new housing as the population continues to grow. Furthermore, the combination of an ageing population and lack of available housing stock will have a cumulative impact on the long-term sustainability of the town's local amenities, facilities and businesses. It would seem a logical statement to make that generally people spend less as they get older. Their earning potential decreases but their need to save for their pension in retirement increases. It is therefore safe to assume that this results in a reduction in the amount they spend in their local area/community."

- 5.66 "As the average age of existing households goes up and their spending goes down, the only way for this reduction in spend to be replaced is by younger households (e.g. families) with the need and ability to spend money and invest in their local area. This works if there is a steady stream of new housing stock in the locality but in Tadcaster this is absent and local direct spend from residents will continue to decline and ultimately may lead to the closure of facilities through lack of investment and use. The town centre is already littered with vacant redundant commercial premises. New housing needs to be built for the medium to longer-term well-being of the town and its residents."
- 5.67 As touched upon above, an important factor is to offer the 'right' type and choice of new housing, for example, provision of flats is an important part of the housing mix, but clearly one / two bed flats do not create the same level of available spend. Over the last 10 years there have been near enough the same number of flats and houses completed – a total of just 29 dwellings – with the majority of the 15 flats being conversions of dated premises. This disproportionate number of flats compared to houses does nothing to improve the available spend in the town and its' future prospects.

Effects of new housing on a more local level in Stutton

- 5.66 We acknowledge that three more houses in Stutton isn't going to fix this profound localised problem but it is widely acknowledged in both 'real life' and Planning terms, that such small 'windfall' developments contribute on a more immediate local level – to coin a phrase "every little helps"! We are aware that the once much loved and hugely popular Hare & Hounds public house in Stutton has now been closed since September 2018, and the long running Stutton Playgroup, which had been going for 40 years, regrettably moved from the Village Hall in August 2017 to the nearby Scout Hut off Stutton Road in Tadcaster, but unfortunately closed in August 2019."
- 5.67 It is not to say that such amenities will suddenly re-open with the building of three new family homes, but it is worthy to acknowledge that it would contribute to the prospect of such valuable local facilities re-opening and their longevity.

Planning Balance

- 5.68 Having considered all of the above it is clear that the proposal should be seen as being in conflict with SP4(a). The development is unacceptable in principle and is not regarded as suitable infill. Conflict also exists with the wider sustainability objectives of the NPPF in that its location will be reliant on the private car and the settlement is regarded as being unsustainable. This approach is in line with the inspectors decision for the site opposite and officers have no reason to depart from this advice. Harm is also identified in terms of the development's over intensive

nature and harm to the character of the village as detailed in the character section. The above are given significant weight.

- 5.69 It is therefore necessary to see if this conflict be outweighed by other matters. The council recognise that a similar development was permitted in the approach taken in 2017/0442/OUT Hawthorn's on the issue of infill. This decision was made prior to counsel advice being sought on the issue of infill and compliance with SP 4.
- 5.70 Officers also recognise the tension between ensuring the vitality of rural settlements and the encouragement to locate development where it is or can be made to be sustainable with reference to sustainable travel patterns. Plainly, development in smaller settlements without services meets the first aim but conflicts with the second. This is an inevitable tension in relation to rural housing applications such as this.
- 5.71 The case in support made by the applicants clearly shows a restricted amount of new development in the north of the borough and this is given moderate weight. This will also be under review in the preparation of the new Local Plan.
- 5.72 Overall in terms of the planning balance there is clear conflict with the context of the Core Strategy which seeks to restrict development in secondary villages save for in narrowly defined circumstances. The development causes harm to the areas character and is unsustainable. The weight of considerations lead officers to reiterate the recommendation of refusal as the other material considerations listed do not clearly outweigh the conflict identified above.

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the revised proposal is unacceptable in principle, contrary to Core Strategy SP2 and SP4.
- 6.2 The number of dwellings remains the same as previously refused, however the subtle changes to the layout, massing and design of the scheme have improved the scheme however the development still increases the density and overall massing which fails to enhance the character of the local area.
- 6.3 In addition, the proposal will cause no significant harm to the living conditions of neighbouring occupiers. Furthermore, the proposals are considered to be acceptable in respect of flood risk, drainage, nature conservation and protected species and land contamination. The proposal is therefore recommended for refusal.

7 RECOMMENDATION

This application is recommended to be Refused for the following reasons;

1. The proposed redevelopment for 3 dwellings would not provide a sustainable site for further housing in terms of its access to everyday facilities and a reliance on the

private car. The proposal is therefore contrary to Policies SP 1 and SP 2 of the Core Strategy and would conflict with paragraphs 11 and 102 of the NPPF.

2. The proposal to demolish an existing dwelling and replace it with 3 dwellings does not fall within any of the listed acceptable in principle forms of development in secondary villages, which are identified in Policy SP4 a) and therefore the proposal fails to accord with Policy SP4 of the Core Strategy.
3. The proposed development fails to preserve and enhance the character of the local area on account of the increased built form and increased density. The proposal is regarded as an over development of the site and contrary to Policy ENV1 (1) and (4), of the Selby District Local Plan, Policy SP 4 c) and d) and SP19 of Core Strategy, national policy contained within the NPPF and the Sutton Village Design Statement (Feb 2012).

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 **2019/0883/FUL** and associated documents.

Contact Officer: Gareth Stent (Principal Planning Officer)

Appendices: None