



Report Reference Number: 2018/0657/FUL

To: Planning Committee
Date: 8 July 2020
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Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2018/0657/FUL	PARISH:	Hillam Parish Council
APPLICANT:	Mr Anthony Thompson	VALID DATE: EXPIRY DATE:	4th July 2018 29th August 2018
PROPOSAL:	Proposed erection of an agricultural storage barn		
LOCATION:	Honeypot Field Hillam Common Lane Hillam Leeds West Yorkshire		
RECOMMENDATION:	Grant		

This application has been brought before Planning Committee as 11 letters of representation have been received which raise material planning considerations and officers would otherwise determine the application contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application is for a free-standing portal framed general purpose agricultural building, at Honeypot Field, Hillam Common Lane, Hillam, Leeds, West Yorkshire.
- 1.2 The application site lies to the south of Hillam Common Lane, on a small holding owned by the applicant. The small holding already has an agricultural building on the western roadside corner of the site and a series of other structures on the site, some of which are unauthorised. The small holding is divided into smaller parcels of land that are fenced.
- 1.3 A large twin unit mobile home is positioned on the eastern part of the site and this is currently being investigated by enforcement over alleged unauthorised living

accommodation. The applicant claims this is permitted as an agricultural chattel to shelter from inclement weather and service the small holding. This is however a separate matter and should be discounted for the purposes of assessing this application.

- 1.4 The site is screened from the roadside and adjacent land by a combination of a close boarded fence, mature hedge and the access is walled and gated to prevent views into the site.
- 1.5 In terms of the wider context, the site lies amongst a small group of dwellings/small holdings and farmsteads to the north and west of the application site. These are predominantly screened from the road and set back. To the east is an arable field and open countryside beyond.

The Proposal

- 1.6 The proposed general purpose agricultural building is positioned to the east of the site access on a grassed paddock area. The building is portal framed, with a floor area of 166.5 sq m (9m x18.5m). The eaves extend to 5.4m and ridge to 7m in height. The exterior of the building is concrete panels to 3.3m and then UPVC coated aluminium sheeting from the upper part of the walls and cement based panels for the roof.
- 1.7 The proposed barn is to be used for general purpose agricultural storage and would mainly accommodate hay and straw for the applicant's current agricultural activities on the land.

Relevant Planning History

- 1.8 The following historical application is considered to be relevant to the determination of this application.
 - 2004/1282/OUT – Outline application for the erection of 1 No.3 bed and 1 4 bed detached dwellings, to include means of access and landscaping. Refused.
 - 2005/01342/FUL –Reposition of field entrance
 - 2010/00577/FUL –Creation of hard core access. Refused 29.7.2010. This was for a 3m access running through almost the entire length of the site north to south.
 - AP/2010/0045/REF Creation of a hardcore access – Dismissed at appeal.
 - 2011/0737/FUL - Agricultural store and livestock housing. Granted 25.01.2012. This is constructed and positioned to the west of the access alongside the road. This had a ridge height of 5.8m and 4.2 to eaves.

2. CONSULTATION AND PUBLICITY

- 2.1 Parish Council - No response received.
- 2.2 NYCC Highways Canal Rd - There are no local highway authority objections to the proposed development.

- 2.3 Yorkshire Water - As surface water is proposed to soakaway, no observation comments are required from Yorkshire Water.
- 2.4 Selby Area Internal Drainage Board - The application will increase the impermeable area to the site and the applicant will therefore need to ensure that any surface water systems installed have the capacity to accommodate any increase in surface water discharge from the site. This can be controlled by condition.

Neighbour and 3rd Party representations

- 2.5 The proposal was publicised by a site notice and direct neighbour notification of residents. 11 letters of objection were received mainly from local residents.

Visual Impact

The Honeypot Field has over the years become an eye sore - old large static caravan, large shipping container, piles of rubble, unused farm machinery and other general rubbish.

Another store on this small green field site would make the area look more like an industrial estate and be detrimental to the Green Belt. If granted the new build would compromise the openness of what used to be a beautiful part of Hillam.

Existing Barn and need

There is already a large agricultural live stock barn which has been built on site and hasn't had any live stock in it for years just a dog which barks most of the night. This barn should be adequate for whatever agriculture is carried out on a site of this size it would not warrant two large barns for the size of the plot of land.

We feel another agricultural barn store could only be used for other purposes creating more activity and noise on site example large wagons coming and going. There is no demonstrable need for yet another barn.

Hardstanding

The hard standing area on the field stretches a long way into the field and it's use to has been steadily extended and is used to park large vehicles but they are not farm equipment.

Access

The site entrance has just been widened and large brick pillars built, without planning approval. The entrance is now wide enough for a very large hgv to be reversed in. The entrance is domestic in its appearance and not that of a farm entrance.

Unauthorised uses

The site is used to store heavy machinery and some old vehicles with minimal if any farming activity.

3 SITE CONSTRAINTS

Constraints

- 3.1 The site lies within Green Belt which runs east to west along Hillam Common Lane to Roe Lane to the east. To the north of the site is open countryside.
- 3.2 The site lies within Flood Zone 2.

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
 - SP3 - Green Belt
 - 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
EMP13 - Control of Agricultural Development
T1 - Development in Relation to Highway

5 APPRAISAL

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

- Principle of development within the Green Belt
- Agricultural need
- Impact on the character and appearance of rural environment (including Green Belt)
- Impact on Residential Amenity
- Highway Safety
- Nature Conservation interests
- Flooding and drainage.
- Other matters

Principle of development within the Green Belt

5.1 The site lies beyond any settlement limit and within the designated Green Belt. The Selby and District Core Strategy in Policy SP1 promotes a presumption in favour of sustainable development which accords with the NPPF and is a material consideration. Policy SP2 entitled 'Spatial Development Strategy' establishes the locational principles for guiding development within Selby District, with the focus on Selby as the Principal Town, Sherburn in Elmet and Tadcaster as Local Service Centres, and identified Designated Service Villages. As the application site is positioned outside these locations Policy SP2(d) is of relevance, which requires conformity with Policy SP 3 of the Core Strategy.

5.2 Policy SP3 guides the development principles for proposals within the Green Belt in line with Paragraph 133 of the NPPF which states 'the fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Core Strategy Policy SP3(B) states: "In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted."

5.3 Policy SP13 'Scale and Distribution of Economic Growth' supports continued economic diversification within the extensive rural areas of the District. Policy SP13(C) Rural Economy supports sustainable development in rural areas which brings sustainable economic growth through local employment opportunities or expansion of businesses and enterprise. Policy SP13 (D) further states that "In all cases, development should be sustainable and be appropriate in scale and type to its location, not harm the character of the area, and seek a good standard of amenity."

- 5.4 Likewise the Selby and District Local Plan has an overarching policy for agricultural buildings EMP 13 which states "Agricultural development will be permitted provided the proposal:
- 1) *Is necessary for agricultural purposes;*
 - 2) *Is well related to existing farm buildings or situated on a site which minimises its visual impact;*
 - 3) *Would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity;*
 - 4) *Is of a scale and design appropriate to its setting;*
 - 5) *Is adequately screened and landscaped; and*
 - 6) *Would not harm acknowledged nature conservation interests or a historic park or garden.*
- 5.5 Section 13 of the NPPF details the decision making process when considering proposals for development in the Green Belt and this is in three stages:
- a. It must be determined whether the development is appropriate development in the Green Belt. The NPPF and Local Plan set out the categories of appropriate development.
 - b. If the development is appropriate, the application should be determined on its own merits unless there is demonstrable harm to interests of acknowledged importance, other than the preservation of the Green Belt itself.
 - c. If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies and the development should not be permitted unless there are very special circumstances which outweigh the presumption against it.
- 5.6 NPPF Paragraph 143 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states when considering planning applications, Local Planning Authorities should ensure substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 5.7 Paragraphs 145 and 146 of the NPPF states the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions to this are;
- a) buildings for agriculture and forestry;
- 5.8 This building is being applied for is to be used for agricultural purposes and thus falls within the exception to new development within the Green belt in paragraph 145 a). The portal framed design is commensurate to the stated intended use. As such the proposal would constitute appropriate development within the Green Belt and is therefore in accordance with SP 3 of the Core Strategy and Section 13 paragraph 145(a) exception of the NPPF.

Agricultural need

- 5.9 The building will only be appropriate development in the Green Belt and compliant with Local Plan Policy EMP 13 and NPPF paragraph 145(a) if it is necessary for

agricultural purposes. There has been significant representation within the consultee responses in respect of need and comments have been made about the type of operations the applicant is undertaking at the site. Comments from the objectors indicate the existing building on the site has over recent years been allegedly sporadically used for agricultural purposes. Objectors have stated that another building would only compound the issue and a genuine need does not exist.

- 5.10 The applicant states that the reason for the building is the same as originally stated i.e. “the storage barn is required for agricultural purposes, this being the storage of hay grown on Honeypot field and straw for livestock kept on Honeypot field as well as up to 8 tonne a year of fruit produced from the yielding orchard and vegetables also grown on Honeypot field, which are used for human consumption.” The applicant also states his straw and bedding for the animals was constantly being ruined by the wet weather if not undercover.
- 5.11 The applicant in 2018 had thirty head of cattle at another location within the borough. These were on land at Newthorpe and the agent supplied details of this land holding. The applicant has also recently explained that he has 20 cattle on another site he rents on a ‘bed and breakfast’ basis due to not having appropriate facilities on Honeypot field. Animals (pigs) were present on the site when officers visited in January 2020 and a variety of unauthorised buildings were being used to store straw on the site.
- 5.12 The applicant explains that he tends to keep a selection of animals and buys and trades them as he see fit. The operation is small scale, however he plans to develop the enterprise. The applicant also explains that since the January 2020 planning officers visit;

“some of the pigs being kept in the existing building which had been raised from summer have now gone and been replaced with cattle. This is how stock farmers work. I gave notice on one of the buildings I have been renting to keep cattle in and brought 15 cows back to my own holding to reduce my outgoings and save on rent. Nothing seems to be moving forward and I am yet again, in a situation whereby the cattle will need to be moved due to insufficient facilities and health and safety concerns.”

- 5.13 Whilst it is also difficult to monitor activities on the site due to the screened roadside gates (which are unauthorised), officers have no reason to doubt the information provided and it is accepted that some undercover storage would be required for the bedding if animals are kept on the site. Given the size of the site it is not thought that animal operations could significantly increase, as there isn’t sufficient land for this. More land would have to be purchased by the applicant for the agricultural operation to increase. Also, no details of the acreage or type of animals is detailed by the applicant, as the applicant indicates this is a fluid activity where stock numbers constantly change. The existing building on the site is used mainly for animal rearing and the other grass paddocks host a small number of other animals on the land. A small orchard exists at the rear of the rear where the fruit is grown. Also, during officers January 2020 site visit an unauthorised small shed like building near the gate was being used for storage of straw as was the mobile home on the site. Concerns have been raised in the objections over the future use for the proposed building. This is noted, however the legitimacy of the future use of the building would also be a matter for the enforcement team to control. On this basis ‘on balance’ officers are satisfied that the applicant has shown that the building is necessary for the purposes of agriculture and is therefore compliant with EMP 13 1).

Impact on the character and appearance of rural environment (including Green Belt)

- 5.14 In order to assess whether the proposal would result in 'any other harm' it is important to undertake the 'normal tests' applied to any planning submission in considering the impacts of the proposal. The visual impacts of the building are therefore important as is the overarching aim of Green Belt policy to preserve openness.
- 5.15 Policy EMP13 (2) requires that buildings are - well related to existing farm buildings or situated on a site which minimises its visual impact; criteria 4) states that Agricultural development will be permitted provided the proposal is of a scale and design appropriate to its setting. Policy EMP13 (5) of the Local Plan which states that *Agricultural development will be permitted provided the proposal is adequately screened and landscaped.*
- 5.16 Policy ENV1 (4) of the Selby District Local Plan requires the Council to take account of " the standard of layout, design and materials in relation to the site and its surroundings". Policy ENV1 (1) of the Selby District Local Plan ENV1 of the Local Plan requires the Council to take account of " the effect [of the proposed development] on the character of the area".
- 5.17 The application site is well screened by hedges on all four boundaries. The hedging is approximately 3-4m in height and therefore the proposed building being 7m to the ridge will be visible from the roadside and across long distance view from the east where it is flat and open. The building isn't particularly large (166 sqm) and the materials proposed are typical of a building of this nature and match to some extent those used in the other agricultural building on site, albeit this has some elements of Yorkshire Boarding on the upper parts of the building as opposed to UPVC corrugated sheeting.
- 5.18 In terms of the building's position, this is somewhat isolated from the building approved in 2011 as shown on the site plan. Officers did suggest that the applicant reposition the building towards the western boundary and alongside the existing building, however the applicant did not want to do this for the following reasons:
- 1. The fruit and vegetables for human consumption and hay and straw for livestock need to be stored in a suitable hygienic area a safe distance away from the livestock to prevent the potential cause and spread of any disease. Advice from a trading standards officer during a site visit recommended siting a structure for storage in the location detailed in the original planning request as this would be a segregated area a safe distance from livestock excretion.*
 - 2. Cattle require somewhere that has good air circulation because they are prone to pneumonia. I have previously experienced losing cattle to pneumonia and removed a lot of panels in the existing building to improve air circulation and prevent further losses. In addition to the surrounding trees, siting a structure alongside the existing building where cattle and other livestock are kept will prevent the required circulation of air and significantly increase the risk of cattle contracting pneumonia.*
- 5.19 In terms of wider countryside views, the main view is as you approach the site from the road to the east. The building's gable will be visible above the hedgerow, however this is the narrowest part of the building. The current 2011 building on site will also

be viewed in the backdrop giving some locational advantages. Therefore given the above and due to the building being still within the confines of the existing site, a refusal on poor siting alone and openness is not considered to be justified. Also due to the existing boundary screening it is considered that no further landscaping is capable of mitigating any inward views.

- 5.20 Therefore whilst some conflict does exist with EMP 13 (2) due to its siting, on balance having regard to scale of the building, the materials and the site being relatively well screened it is considered that the proposed agricultural building proposal is considered not to adversely affect the openness of the Green Belt and therefore accords with Policies EMP13 (4), (5), ENV1 (1) and (4) of the Selby District Local Plan of the Selby District Local Plan and NPPF Section 13.

Residential amenity

- 5.21 Policy ENV1 (1) of the Selby District Local Plan also requires the Council to take account of "the effect [of the proposed development] on the amenity of adjoining residents". EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal "would not have a significant adverse effect on local amenity."
- 5.22 The building is to be used for general purpose agricultural storage. The building is not intended to be used for housing livestock and no consideration has been given to this, or its potential impact on the amenities of nearby landowners. A condition is added to the recommendation to exclude the use of the building for the keeping of animals. The proposed use of the building if adhered to will function alongside the current farming operations at the site. The third party comments are noted about the historical use of the site, in particular the lack of farming activities, however the applicant has demonstrated a need for the building and any unauthorised usage would have to be investigated. The proposed agricultural building is also a significant distance away from the neighbouring properties to have direct impact with regards to overshadowing, oppression and loss of light. The proposal therefore accords with Policies ENV1 (1) and EMP13 (3) of the Selby District Local Plan

Highway safety

- 5.23 Policy ENV1 (2) of the Selby District Local Plan also requires the Council to take account of "the effect [of the proposed development] on the highway network." EMP13 (3) of the Selby District Local Plan also requires the Council to take account of whether the proposal "would not create conditions prejudicial to highway safety or which would have a significant adverse effect on local amenity." Policy 109 of the NPPF states "development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety".
- 5.24 Policy ENV1 (2) of the Selby District Local Plan states that "the relationship of the proposal to the highway network, the proposed means of access, the need for road/junction improvements in the vicinity of the site, and the arrangements to be made for car parking". The Highways Officer has no objection regarding the proposed scheme as no changes to the access are proposed. Sufficient space exists within the site to service the barn however it is expected some hard surfacing will be necessary. A condition is added to cover this. As such it is considered that the proposal would comply with Policy ENV1 (2) of the Selby District Local Plan in terms of impact to highway safety and paragraph 109 of the NPPF.

Nature conservation interests

- 5.25 Protected Species include those protected under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2017. 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.
- 5.26 The site is not a protected site for nature conservation or is known to support, or be in close proximity to any site supporting protected species or any other species of conservation interest. The area where the building is to be sited is a grassed paddock and no trees or hedgerows will need to be removed to erect the building. 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 and Drainage

- 5.27 The site lies within Flood Zone 2 and the use is regarded as being less vulnerable in the Environment Agency's Table 2 on the vulnerability classification of different land uses. Table 3 indicates less vulnerable development in Flood Zone 2 is appropriate development. In terms of the sequential test this aims at steering new development away from flood areas. No sequential test was submitted, however officers regard the proposal as being operationally linked to the current activities on the site and therefore the sequential test is satisfied. No exception test is needed. The application was accompanied by a Flood Risk Assessment. This confirms the site has never flooded and explains that the floor levels are 200mm above the existing road level and the internal floor level will be 250mm above that, so 450mm in total. This is consistent with 'standing advice' which requires buildings to be 300 millimetres (mm) above the general ground level of the site or 600mm above the estimated river or sea flood level.
- 5.28 In terms of surface water, the development will naturally create surface water run off from the building. This is to be disposed of via a soakaway however no details were given. The IDB raised no objection to this as but would advise that the ground conditions in this area may not be suitable for soakaway drainage. It is therefore essential that percolation tests are undertaken to establish if the ground conditions are suitable for soakaway drainage throughout the year. If surface water is to be directed to a mains sewer system the IDB would again have no objection in principle, providing that the Water Authority are satisfied that the existing system will accept this additional flow. If the surface water is to be discharged to any watercourse within the Drainage District, 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. A condition is added to cover the need for drainage details as the ground conditions haven't been assessed within this submission.

Other matters i.e. the unauthorised uses on site

- 5.29 Significant representation has been made over the alleged unauthorised uses and structures within the site, for instance the domestic gates and wall adjacent to the highway, storage of vehicles and more recently the erection of additional buildings near the gate and the siting of a twin unit mobile home on the land. The Council's enforcement team are aware of these and will be progressing these matters

separately if no application is made to retain the unauthorised works by the applicant. This is of course a separate matter and should not influence the determination of this current application.

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 proposed development is appropriate development within the Green Belt and compliant with Core Strategy Policy SP 3 and Section 13 of the NPPF.
- 6.2 The proposed agricultural building is somewhat isolated from the existing building on the site, however given the applicant's justification for its siting, combined with the size, choice of materials and screening, it is not considered to have a detrimental effect on the Green Belt, or wider landscape setting. The proposal will have no detrimental impact on residential amenity of the occupants of neighbouring properties, highway safety, flooding or nature conservation. Nor would the development have a materially greater impact than the present use on the openness of the Green Belt. The application is considered accord with contents of Policy T1, T2, ENV1 and EMP13 of the Selby District Local Plan, Policies SP1, SP2, SP15, SP18 and SP19 of the Core Strategy and the advice contained within the NPPF.

7 RECOMMENDATION

This application is recommended to be Granted subject to the conditions listed below:

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

Flood Risk Assessment dated 2.7.18 containing appendix 1 and 2.
Location plan LOC01
Layout and Proposed Plan 02

Reason:
For the avoidance in doubt

03. The building hereby permitted shall only be used for general purpose agricultural storage and not for the accommodation of livestock.

Reason
To ensure that the building is only used for general storage as this is how it has been assessed in accordance EMP13 - Control of Agricultural Development of the Selby District Local Plan.

04. The materials to be used in the construction of the external surfaces of the building hereby permitted shall be those stated below:

- Concrete wall panels - grey finish

- Composite wall sheets – UPVC coated Olive Green (RAL 6003) or Yorkshire Boarding, brown natural or green stained.
- Composite roof sheets – cement-based roof panels

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

05. No development shall commence until a scheme for the drainage of surface water has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall be undertaken as approved in accordance with the timescales indicated within the approved scheme.

Reason: To ensure viability of infiltration and to inform the detailed drainage design having regard to Part 10 of the NPPF.

06. No development shall commence until details of any necessary hard surfacing around the proposed building leading to the access have been submitted to and agreed in writing by the Local Planning Authority. Once agreed the works shall be carried out in accordance with the approved details and retained for the lifetime of the development thereafter.

Reason: No details of any hard surfacing were given within the submission and to retain control over hard-surfacing in the interests of visual amenity and in order to comply with Policy ENV1 of the Selby District Local Plan.

Informative:

Removal of any features with potential to support nesting birds is undertaken outside of the bird breeding season, generally taken to be 1st March to 31st August inclusive. This is to ensure compliance with the Wildlife and Countryside Act 1981 (as amended). If any works need to take place during this time then the habitats must first be checked by a suitably qualified ecologist and if birds are found to be nesting then works will have to be delayed until chicks have fledged.

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 2018/0657/FUL and associated documents.

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Appendices: None