

**PLANNING
COMMITTEE**

6 December 2023

Planning Application 23/00966/FUL

Demolition of existing buildings and erection of new dwelling and associated works.

Agricultural Barn At Moors Lane, Feckenham, Worcestershire, B96 6JH

Applicant: Mr R Eost
Ward: Astwood Bank And Feckenham Ward

(see additional papers for site plan)

The case officer of this application is Rosie Paget, Planning Officer (DM), who can be contacted on Tel: 01527 881184 Email: rosie.paget@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises a series of interconnected and standalone buildings and structures that were previously used for hunt hound kennels. Access is via Moors Lane, a single width track leading from the B4090 Alcester Road and approximately 0.5kms southeast of the village of Feckenham. The site lies in Open Countryside as defined by Policy 9 of the Borough of Redditch Local Plan No4 (BoRLP).

Proposal Description

This full planning application seeks planning permission for the demolition of the existing buildings and the erection of a new dwelling and associated works.

Relevant Policies:

Borough of Redditch Local Plan No. 4 (BoRLP 4)

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Settlement Hierarchy

Policy 5: Effective and Efficient Use of Land

Policy 9: Open Countryside

Policy 15: Climate Change

Policy 16: Natural Environment

Policy 17: Flood Risk Management

Policy 18: Sustainable Water Management

Policy 20: Transport Requirements for New Development

Policy 39: Built Environment

Policy 40: High Quality Design and Safer Communities

Others

NPPF National Planning Policy Framework (2023)

Redditch High Quality Design SPD

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Relevant Planning History

20/00400/FUL	Conversion of barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works	10.09.2020
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This planning application was approved by Planning Committee on 09 September 2020.

Consultations

Feckenham Parish Council

This planning application is for a Green Oak two-storey house off Moors Lane at the location where there are a number of unsightly old agricultural buildings, one of which housed the former dog kennels. These redundant buildings already have the benefit of planning permission for a change of use to a new residential dwelling. The applicant is now seeking to build a well-designed family home in lieu of the permitted dwelling already allowed in the earlier application and is also proposing to clear the site of all the unsightly old agricultural structures. The proposed scheme has the advantage that it has a smaller total volume than the unsightly disused agricultural buildings and is also of a much higher quality build which will be much more sympathetic to the locality. The Parish Council acknowledges that the applicant has a realistic fallback position in the existing permission and supports this new and deserving planning application in its place.

North Worcestershire Water Management

The proposed development site is situated in the catchment of the Brandon Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. The EA's flood mapping also indicates that risk to the site from surface water flooding is minimal. Even so correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

The planning statement indicates that surface water will be disposed via a soakaway, however mapping indicates the underlying soil is Loamy and clayey with slightly impeded drainage. Based on this an infiltration test will need to be conducted to determine the suitability of a soakaway. If a soakaway is not possible an alternative will need to be proposed. Please note that according to STW records there are no nearby public sewers so this will unlikely be an option that can be considered.

Further information can be provided via a condition. It is required that the applicant / agent provides the Local Planning Authority with details of the proposed drainage for the site. This should be in the form of a drainage plan and should include the means to manage surface water from the site appropriately. It should also detail the extent of the new buildings and any new hard standing and what materials will be used to finish these areas. Where surface water cannot not be kept on site, we would request there is an appropriate level of attenuation.

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WRS – Noise

No objection to the application.

WRS - Contaminated Land

The above site has been reviewed for any potential contamination issues. The site appears to have been occupied for agriculture/animal boarding, and a planning condition for reporting unexpected contamination has been suggested as a precautionary measure.

Worcestershire Highways - Redditch

Worcestershire County Council acting in its role as the Highway Authority recommends that this application is refused due to the site's unsustainable location.

The Highway Authority have noted the previous application 20/00400/FUL that was granted planning permission in 2020; however the Highway Authority recommended refusal due to the site's unsustainable location.

The proposed development is located in a rural and unsustainable location off an unclassified road. The site has an existing vehicular access with acceptable vehicular visibility. Moors Lane does not have footpaths, street lighting or parking restrictions in the vicinity. The site is not located within walking distance of amenities, or a bus route / stop. The lack of adequate footway provision and street lighting to the amenities / bus stop would compromise pedestrian safety and deter journeys on foot particularly in times of darkness and adverse weather conditions. Moors Lane consists of a narrow carriageway with thin grass verges located on either side of the carriageway. These factors are unlikely to encourage cycling to services and facilities. Due to the above factors the trips would become car-based trips which would be unacceptable.

In addition, this route would not be suitable for vulnerable users such as families with young children or those with disabilities and it would not be suitable as a daily commuter route.

Worcestershire County Council Countryside Service

Feckenham parish Bridleways FH-669, FH-670 and FH-680 are affected by this proposal; see enclosed illustrative map. Both FH-669 and FH-670 form part of the access route for the proposed property and FH-680 runs through the red line boundary for the property. The applicant should consider the safety of bridleway users, throughout the construction phase particularly, but also with general vehicular access to the property. FH-680 is currently obstructed by the structure labelled as a shed in the Existing Site Plans. We would welcome the removal of the obstruction of the definitive line for the bridleway and would like to remind the applicant that the legal minimum width for a bridleway along a field edge is 3 metres and access for this Public Right of Way (PRoW) should remain open until any legal order has been made operative to change it. The planning statement and proposed site plans show a wish to divert or extinguish part of bridleway FH-680. The legal requirements which need to be satisfied before an Extinguishment or Diversion Order can be made by the County Council are set out in Sections 118 and 119 of the Highways Act 1980 respectively and would need to be applied for separately to this planning application.

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Arboricultural Officer

The site consists of two unused agricultural buildings bordered by mature trees and hedgerow. A TPO (TPO No.208 (2023)) has been made which covers the four mature Oaks on site which will be influenced by the proposed development.

The proposed development has indicated that all trees and hedgerow will be retained which is welcomed, however I do envisage that some remedial pruning will be needed to facilitate the new dwelling. The new dwelling will also bring pruning pressure to the trees on site however this can be managed through the TPO.

There have been no plans submitted showing how retained trees will be protected throughout all phases of construction. I would therefore ask for an Arb Impact Assessment to be submitted to show how the planned development will affect the trees on site.

Conclusion

I have no objection to the proposed development subject to tree protection conditions.

Core Waste Team

With regards to the above application, can you ask if the developer plans to make the access road more accessible and capable of taking an 18t RCV please, as at present I'm not sure the surface could handle this vehicle, and this is what we use to collect this area.

Public Consultation Response

A site notice and press notice was displayed. No representations were received.

Cllr Clayton

I think this change of use for these buildings is a good way of using previous buildings and not taking away more open land to accommodate residential use and it will enhance the area which we all want in a village setting.

Assessment of Proposal

Principle of Development

The application site lies within the Open Countryside where Policy 9 of the BoRLP 4 restricts development to a closed list of exceptions which includes a replacement of, and comparable in size with, an existing building (Policy 9.2v). Two buildings exist on site identified as Shed 1 and Shed 2 on the existing site plan. The existing footprint, volume and height of shed 1 and 2 combined alongside the proposed is set out below by means of comparison.

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Existing	
Footprint	369 m ²
Volume	1360 m ³
Height	6m
Proposed	
Footprint	176 m ² (- 193 m ²)
External Floor Area	226.7 m ²
Volume	818 m ³ (- 542 m ³)
Height	6.5m (+ 0.5m)

The table above shows that the proposed dwelling has a reduced footprint and volume than the existing buildings on site. The proposed height is shown to increase by 0.5m above the height of the highest part of Shed 2. Due to the varying heights across the existing buildings, volume is considered the most appropriate parameter in this instance. The external floor area is shown in the table for completeness; however, as the proposal has accommodation on the first floor, this is not directly comparable to the existing buildings. Having regard to the volumes of the existing and proposed buildings, it is considered that the proposed dwelling is comparable in size with the existing buildings and the proposal is therefore considered to accord with Policy 9 of the BoRLP 4.

Policy 9 of the BoRLP 4 identifies that development within the open countryside will not be permitted except in certain circumstances. The development has been assessed against the criteria set out within policy and in order to prevent sprawling alterations and buildings on site and to protect the openness of the countryside certain permitted development rights could be removed via condition. In this instance, Schedule 2, Part 1 Class A (enlargement, improvement or alteration), B (additional etc. to the roof) and E (outbuilding) and Part 2, Class A (gates, fences etc) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) would be removed.

Sustainable Location

Policy 2 of the BoRLP 4 provides a settlement hierarchy for development within Redditch in order to make it clear how settlements should be developed sustainably. The proposal site falls outside of the three areas listed within the hierarchy. Therefore, paragraph 2.3 of the policy applies, which states development in this location should only provide for locally identified development needs.

The Application form ticks the box for self-build and custom build. The submitted planning statement sets out that:

“the new property is for the Applicant and his family who have outgrown their existing property within the village. As a local resident with established local connections to the village of Feckenham, this new dwelling is effectively a local need, self-build dwelling”.

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The Council maintains a self-build register, as required by the Self Build and Custom Housebuilding Act 2015, for which the Applicant is not registered. No legal agreement has been submitted to secure the dwelling as self-build. The dwelling has therefore been considered as a market dwelling and there is conflict with Policy 2 of the BoRLP 4.

The NPPF sets out that housing should be located where it will enhance or maintain the vitality of rural communities, and isolated homes should be avoided. In this instance, the existing barn is in an isolated location, as although there are other residential dwellings along Moors Lane these are situated over 150 metres from the site.

It is also noted that the site is located outside of an identified settlement, on a narrow road which is unlit and has no pavements. The nearest public transport is not within walking distance. It is therefore likely that the future occupiers of the proposed dwelling would be reliant on private car. The Highway Authority have raised objection to this proposal as they consider that the proposed dwellings would be in an unsustainable location.

NPPF paragraphs 78-80 set out that planning decisions should be responsive to local circumstances and support housing development that reflect local needs. Paragraph 80 of the NPPF sets out that there are some exceptions to allow isolated homes in the countryside.

The word 'isolated' is not defined within the NPPF. However, in a High Court judgement (Braintree District Council v Secretary of State for Communities and Local Government, Grey read Limited and Granville Developments Ltd, 2017), it was clarified that 'isolated' should be given its ordinary dictionary meaning of 'far away from other places, buildings or people; remote'. The matter was then further considered by the Court of Appeal in 2018 who considered that "isolated" means physically separated from a dwelling or village.

The site is located within land designated as countryside surrounded by fields with surrounding scattered farmsteads and dwellings. Therefore, whilst the site is not remote from other built forms it is physically separate from the nearest village, settlement or community.

The proposal does not meet with the circumstances outlined within paragraph 80 and is an isolated home for the purposes of this policy.

Layout, Character and Appearance

Paragraph 130 of the NPPF states that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and have appropriate and effective landscaping, are sympathetic to local character and history, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible. Having regard to the design and appearance of new development, policies 39 and 40 of the Borough of Redditch Local Plan No. 4 (BoRLP 4) require development to contribute positively to the local character of the area and be of a high quality design.

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The site is partially visible from Moors Lane and has a PRow along its western edge. The site although in a rural setting does not form part of any landscape designation.

The proposed development would see a reduction in built form and removal of some of the structures across the site. The proposed dwelling would have accommodation across two floors and the proposed overall height is c.6.5m. The proposal would include a total of five bedrooms. The proposal utilises a mix of weatherboard and brickwork with clay tile for the roof, to retain a largely rural, agricultural appearance, albeit a more modern appearance. By reason of the form, scale and materials, the proposed design would integrate with and enhance the local character of the area.

The proposals also includes the creation of an amenity space. The change of use of this land would inevitably result in a more domestic appearance to this area in view of the likelihood of future occupiers erecting domestic paraphernalia such as washing lines and garden equipment. Notwithstanding this, it is noted that this area of land lies at a significant distance from the main road (Alcester Road) and whilst would not be readily viewed from the nearby PRow on Moors Lane, there is an existing PRow across the western part of the site. On the basis of this, the domestic use of this land would result in some harm to the rural appearance of the area and a planning condition could be attached to any future planning permission to maintain the openness of the site and its boundary treatments.

The proposal would also re use a brownfield site (kennels) which is in accordance with Policy 5 of the BoRLP 4.

The proposed development is for a five-bedroom dwelling. The Housing and Economic Development Needs Assessment (HEDNA) 2022 sets out that for market housing and affordable home ownership, a higher proportion of larger 3- and 4-bedroom properties are needed. Therefore, whilst the proposal does not meet with the dwelling sizes of greatest need; one dwelling of this size is a limited contribution to mix across the Borough.

Highways

It is discussed above; the Highway Authority have raised an objection regarding the sustainability of the site. The proposal will provide sufficient parking and turning areas and an electric vehicle charging point has been provided, therefore is considered acceptable in that regard. The County Council has requested planning conditions for cycling, access gates, parking and turning areas. The Council acknowledges that the location of the site is likely to require predominantly car-based trips and that sustainable modes of transportation should be encouraged. Notwithstanding this, the current surface of Moors Lane is not suitable for a bike and the Highway Authorities requirement for the cycle storage to be covered and secured would require a new building within the countryside. On balance, it is considered that cycle parking could be provided within the dwelling and that a new building for cycle storage would cause harm to the openness of the countryside in this location, this condition is therefore not proposed to be attached to any planning permission. The proposed access gate is identified on the site plan at a distance greater than 5m from Moors Lane and therefore this condition is not considered necessary.

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The definitive line of Feckenham bridleways FH-669 and FH-670 run along the access track to the application site, and bridleway FH-680 crosses the site. FH680 is currently obstructed by one of the existing buildings which is proposed to be removed; FH680 would not be obstructed following the proposed development. The Public Right of Way Officer has commented on the application and has raised no objections provided that the Applicant adheres to a number of obligations. The Planning Statement and Proposed Site Plan shows a desire to divert or extinguish part of bridleway FH-680 and the PRow Officer has directed the Applicant to the Highways Act, which is a separate process to this planning application. The Applicant's Agent has brought to Officer's attention the powers under the Town and Country Planning Act Section 257 to "stop up or divert any footpath..... if they are satisfied that it is necessary to do so in order to enable development to be carried out". The PRow Officer has confirmed that it is not necessary to stop up or divert the bridleway and therefore if the Applicant wishes to do so, it should apply to the County Council under the Highways Act, the LPA is not minded to take a different approach.

Waste

The Core Waste Team has highlighted that the access road is currently unsuitable for waste collection. The Agent has confirmed that the Applicant does not propose any updates to the surface of Moors Lane. The extent of highway that is maintained at public expense has been confirmed as 66m from the Alcester Road and therefore several dwellings on Moors Lane would be serviced in a similar manner to the application site. Whilst the surface of the road is not aligned to current standards; this is not considered a reason for refusal.

Residential Amenity

Having regard to the location of the building and the significant distances to the nearest residential properties, there would not be any significant impacts in terms of loss of light, outlook or privacy.

The proposed development has a large rear, south facing, garden area which would provide for the future occupiers needs in excess of the prescriptive standards in the High Quality Design SPD. The dwellings internal layout is acceptable and the size of the dwelling exceeds the nationally described space standards.

Ecology and Trees

Policy 16 of the BoRLP 4 seek to protect the natural environment and that good design principles are incorporated into new development.

A Preliminary Ecological Appraisal has been submitted (January 2023). The report confirms that the buildings are not considered to be suitable as roosting sites for bats. The report remarks that trees, which are to be retained, have potential for roosting bats and proposed works should avoid disturbance via lighting and roost disturbance works and tree protection is proposed. In respect of nesting birds, the report recommends removal and/or management of suitable nesting habitat should be undertaken outside of the main nesting season and where this is not possible, a suitably qualified ecologist to be present.

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The report recommends two bird and two bat boxes, a hedgehog box and an insect hotel, and wildflower plantings to the margins, these can be secured by condition.

The Tree Officer has raised a TPO (TPO No.208 (2023)) which covers the four mature Oaks on site which will be influenced by the proposed development. Any works required to the trees can be appropriately managed through the TPO and this is a separate process to this planning application. The Officer has no objection subject to conditions for: tree protection, an arboricultural impact assessment and tree protection plan, root protection, and utility plans.

Contaminated Land

Worcestershire Regulatory Services have reviewed the proposals and have requested a planning condition for the Reporting of Unexpected Contamination.

Drainage

There are no known flood risks in the immediate vicinity of the application site. North Worcestershire Water Management have requested a planning condition for a surface water drainage scheme to determine the suitability of a soakaway.

Sustainability

The application is supported by a Sustainability Energy Statement. The proposals includes: a fabric first approach, air source heat pump (ASHP) for hot water and under floor heating, rainwater harvesting system, solar panels, EV charging and other sustainability measures. Policy 15 of the BoRLP 4 does not apply to development sites of less than 10 dwellings; however, these energy efficiency measures are welcomed. No objections have been received from WRS Noise generally or in respect of the ASHP. As these measures are not required by policy and are not necessary to make the development acceptable a planning condition would fail to meet the tests of paragraph 56 of the NPPF.

Planning Balance and Conclusions

Fall Back

The Planning Statement has advanced a fallback position. Planning permission was granted (ref: 20/00400/FUL) for the conversion of the barn (kennels) into a 3-bed residential dwelling including partial demolition and associated works on 10 September 2020. Pre-commencement planning conditions have been discharged and Officers are satisfied on the balance of probabilities that the permission has been commenced.

Therefore, the principle of residential development on site and at this location has been established. As set out within this report, the replacement of the existing buildings on site with the residential dwelling accords with Policy 9 of the BoRLP 4. The site is considered to be in an isolated and unsustainable location. The overall layout and design of the dwelling, its effect on the character and appearance of the area, alongside other technical matters are considered to be acceptable. Whilst the number of bedrooms permitted within the fall back was less (3-bedrooms) than the proposed (5-bedrooms); one dwelling of this size is a limited contribution to mix across the Borough. Whilst there is conflict with Policy 2 of the BoRLP 4 insofar as the site is located in an isolated and unsustainable location;

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the fallback position establishing a dwelling on site is a material consideration and on balance, it is recommended that planning permission should be granted.

RECOMMENDATION:

That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby approved shall be carried out in accordance with the following plans and drawings:

- Location Plan - Drawing 01
- Proposed Floor Plans and Sections - Drawing D1971.2D
- Proposed Elevations - Drawing D1971.3E

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 3) Prior to the commencement of any works on site including any site clearance, demolition, excavations or import of machinery or materials, the trees or hedgerows which are shown as retained on the approved plans both on or adjacent to the application site or any within influence of any ground or development work on any adjoining land shall be protected with fencing around the root protection areas. This fencing shall be constructed in accordance with the guidance in the British Standard BS5837:2012 and shall remain as erected until the development has been completed.

Reason: In order to protect the trees which, form an important part of the amenity of the site.

- 4) Prior to commencement of development an arboricultural method statement and tree protection plan should be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: In order to protect the trees on the application site.

- 5) Prior to their first installation, details of the form, colour and finish of the materials to be used externally on the walls and roofs, together with a physical sample, shall be

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submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To ensure that the development is satisfactory in appearance, to safeguard the visual amenities of the area.

- 6) No works in connection with site drainage shall commence until a scheme for surface water drainage has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall be indicated on a drainage plan. If possible infiltration techniques are to be used and the plan shall include the details and results of field percolation tests. If infiltration drainage is not possible on this site, an alternative method of surface water disposal should be submitted for approval. There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an allowance for climate change. The drainage scheme shall be implemented prior to the first use of the development and thereafter maintained.

Reason: To ensure that a suitable drainage system is in place.

- 7) Prior to installation, a plan showing the routes and specification of installation of all utility services should be provided to, and approved in writing by, the Local planning Authority. The works shall then be carried out in accordance with the approved details.

Reason: In order to protect the trees on site which form an important part of the amenity of the site.

- 8) No works of any kind shall be permitted within or through the Root Protection Areas of trees or hedges on and adjacent to the application site without the prior specific written permission of the Local Planning Authority. This specifically includes any works such as changes in ground levels, installation of equipment or utility services, the passage or use of machinery, the storage, burning or disposal of materials or waste or the washing out of concrete mixing plants or fuel tanks.

Reason: In order to protect the trees on site which form an important part of the amenity of the site.

- 9) Prior to first occupation of the proposed development, to provide a net gain in biodiversity, the Biodiversity Habitat Enhancements set out within Section 4 of the Worcestershire Wildlife Consultancy PEA Report Number 2023/006 A, dated 4th February 2023 shall be undertaken and kept thereafter in perpetuity.

Reason: To ensure that the proposal results in a net gain of biodiversity.

- 10) The Development hereby approved shall not be occupied until the parking and turning facilities have been provided as shown on drawing D1971.1C

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Reason: To ensure conformity with submitted details.

- 11) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported immediately to the Local Planning Authority. The applicant is advised to immediately seek the advice of an independent geo-environmental consultant experienced in contaminated land risk assessment, including intrusive investigations and remediation.

No further works should be undertaken in the areas of suspected contamination, other than that work required to be carried out as part of an approved remediation scheme, unless otherwise agreed by the Local Planning Authority, until requirements 1 to 4 below have been complied with:

1. Detailed site investigation and risk assessment must be undertaken by competent persons in accordance with the Environment Agency's 'Land Contamination: Risk Management' guidance and a written report of the findings produced. The risk assessment must be designed to assess the nature and extent of suspected contamination and approved by the Local Planning Authority prior to any further development taking place.
2. Where identified as necessary, a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to identified receptors must be prepared and is subject to the approval of the Local Planning Authority in advance of undertaking. The remediation scheme must ensure that the site will not qualify as Contaminated Land under Part 2A Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
3. The approved remediation scheme must be carried out in accordance with its terms prior to the re-commencement of any site works in the areas of suspected contamination, other than that work required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.
4. Following completion of measures identified in the approved remediation scheme a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval of the Local Planning Authority prior to the occupation of any buildings on site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecosystems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no development included within Schedule 2, Part 1 Class A, B and E and Part 2, Class A shall be carried out without express planning permission first being obtained from the Local Planning Authority.

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Reason: Policy 9 of the Borough of Redditch Local Plan No.4 identifies that development within the open countryside will not be permitted except in certain circumstances. The development has been assessed against the criteria set out within policy and in order to prevent sprawling alterations and buildings on site and to protect the openness of the countryside certain permitted development rights have been removed.

Procedural Matters

This application is being reported to the Planning Committee because the application has resulted in a formal objection being received (and has not been resolved through Officer negotiation) from a statutory consultee.