

PLANNING COMMITTEE

Minutes of the Meeting held

Wednesday, 23rd August, 2023, 11.00 am

Councillors: Ian Halsall (Vice-Chair), Alex Beaumont, Paul Crossley, Lucy Hodge, Hal MacFie, Shaun Hughes, Dr Eleanor Jackson, Tim Warren CBE and Fiona Gourley

30 EMERGENCY EVACUATION PROCEDURE

The Democratic Services Officer read out the emergency evacuation procedure.

31 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Cllr Duncan Hounsell and Cllr Toby Simon. Cllr Alex Beaumont and Cllr Fiona Gourley were in attendance as substitutes.

32 DECLARATIONS OF INTEREST

There were no declarations of interest.

33 TO ANNOUNCE ANY URGENT BUSINESS AGREED BY THE CHAIR

There was no urgent business.

34 ITEMS FROM THE PUBLIC - TO RECEIVE STATEMENTS, PETITIONS OR QUESTIONS

The Democratic Services Officer informed the meeting that there were a number of people wishing to make statements on planning applications and that they would be able to do so when these items were discussed.

35 MINUTES OF THE PREVIOUS MEETING

It was moved by Cllr Paul Crossley, seconded by Cllr Tim Warren and:

RESOLVED that the minutes of the meeting held on Wednesday 26 July 2023 be confirmed as a correct record for signing by the Chair.

36 SITE VISIT LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE

The Committee considered:

A report by the Head of Planning on various planning applications under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

(1) 22/03580/FUL Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton

The Case Officer introduced his report which considered the application for enabling works including demolition, groundworks, flood mitigation and formation of a 2m footpath.

He gave a verbal update to confirm:

1. The report had been updated since the previous meeting:
 1. the application had been screened under the Environmental Impact Assessment Regulations (EIA) 2017 and it was concluded that it did not represent EIA development.
 2. Condition 3 relating to highways improvements and Condition 6 relating to the rebuilding of brewery façade had now been removed as conditions and replacement obligations included as part of a Section 106 Agreement instead.
 3. Heritage policies had been clarified.
2. Petitions had been received in support of the application totalling 218 signatures, although one signature was accompanied by the comment 'keep as it is please'.

He confirmed the officer recommendation that officers be delegated to permit subject to:

1. A Section 106 Agreement to cover the following:
 1. Highways works including:
 - a. Widening of the Station Road carriageway.
 - b. Provision of a 2m footpath along west side of Station Road.
 - c. Widening of footpath to 1.8m along east side of Station Road
 - d. Provision of two pedestrian crossing points on Station Road.
 2. Submission and approval of programme relating to the demolition and rebuilding of the former brewery building façade.
2. Suitable conditions.

The following public representations were received:

1. Cllr Michael Moxham, Midsomer Norton Town Council, speaking in support of the application.
2. Jane Lewis, local resident, objecting to the application.
3. Nigel Whitehead, agent, speaking in support of the application.

Cllr Michael Auton was in attendance as local ward member and raised the following points:

1. The current pavement was narrow, and it was difficult for pedestrians to navigate. The proposal to widen the footpath would benefit pedestrians.
2. The site had been vacant for a number of years and was in need of redevelopment. Seagulls were nesting on the site and causing a public nuisance.
3. He had received a lot of representations from local residents who wanted to see the site redeveloped. He had not received any representations about retaining the brewery building.
4. He asked the Committee to support the application.

In response to Members' questions, it was confirmed:

1. There would not be an impact on Station Road if an additional bus service was introduced as the road was already used by large vehicles. The proposed highway improvements would not solve all issues along the full stretch of the road and other works may be required when the site was further developed in the future.
2. The application did conflict with policy SSV4 which stated the brewery building should be retained, but officers considered that this was outweighed by pedestrian and highway benefits, improved connectivity to the High Street and the opening up of the views in the conservation area by the removal of the modern intrusive industrial buildings. As it was a departure to the Development Plan, the Secretary of State would need to be notified if the application was permitted.
3. In terms of the brewery building, there were benefits that would arise from the demolition which couldn't be delivered with the building remaining in situ. One potential benefit was that the enabling works may encourage developer interest.
4. The rebuilding of the brewery façade and the highway improvements would be included in the Section 106 Agreement and so action could be taken against the developer if these were not delivered.
5. Only the buildings in phase 1 of the site would be demolished, updated ecology surveys had not completed on the other buildings.

Cllr Shaun Hughes opened the debate as local ward member. He stated that he had been contacted by a lot of residents who were frustrated that the site had not been developed and while half of those were happy for the brewery building to be demolished to facilitate the development, the other half wanted the building to be retained as part of the regeneration of the site due to its historic significance. He expressed concern that the Committee was being asked to permit the enabling works without the knowledge of how the site would be developed.

Cllr Eleanor Jackson expressed similar concerns about granting consent for the partial demolition of the site.

Cllr Hal MacFie stated that it was a difficult application, but he was concerned about the risk of long-term damage to the brewery building and commended officers for seeking to retain the façade. He moved the officer recommendation to permit the application. This was seconded by Cllr Paul Crossley who stated that the enabling works were necessary to start the process of redevelopment as well as address safety concerns around the existing footpath.

Cllr Fiona Gourley commented that she would have preferred to see a proposal for the whole of the site. Cllr Lucy Hodge concurred with this view and questioned some of the public benefits as there was no guarantee that the open views would be retained. She stated she was unable to support the application.

Cllr Tim Warren stated that although the site needed redevelopment, he did not support the current application and would have preferred to see the whole site demolished and the brewery building rebuilt further back on the site as part of the redevelopment.

Cllr Ian Halsall stated that the brewery building was not a listed building and the site

had been derelict for many years and although the loss of an historic building was disappointing, he believed this was outweighed by the public benefits. He reminded the Committee that it could only consider the application as submitted.

On voting for the motion to approve the officer recommendation to delegate to permit, it was NOT CARRIED (4 in favour, 5 against)

Cllr Shaun Hughes moved that the application be refused for the reason that it was contrary to policy SSV4, and this conflict with the development plan was not outweighed by the public benefits of the application. This was seconded by Cllr Eleanor Jackson.

On being put to the vote the motion was CARRIED (5 in favour, 4 against)

RESOLVED that the application be refused for the following reason:

1. The application was contrary to policy SSV4 and this conflict with the development plan was not outweighed by the public benefits of the application.

[Cllr Alex Beaumont left the meeting at this point]

37 **MAIN PLANS LIST - APPLICATIONS FOR PLANNING PERMISSION ETC FOR DETERMINATION BY THE COMMITTEE**

The Committee considered:

A report and update report by the Head of Planning on various planning applications under the main applications list.

Oral statements by members of the public and representatives. A copy of the speakers' list is attached as Appendix 1 to these minutes.

RESOLVED that in accordance with the delegated powers, the applications be determined as set out in the Main decisions list attached as Appendix 2 to these minutes.

(1) 22/04498/FUL The Cottage, Sutton Hill Road, Bishop Sutton, Bristol, Bath And North East Somerset

The Planning Officer introduced the report which considered an application for a single storey front extension.

He confirmed the recommendation that the application be refused as it was considered overly dominant and harmful to the character of the cottage.

The following public representations were received:

1. Barney Bonner, agent, supporting the application.

In response to Members' questions, it was confirmed:

1. The site was not in the green belt and therefore the Committee did not need to consider whether the proposal was 30% larger than the original footprint. However, officers had made a judgement that the application was too large and

- dominant. The proposal was smaller than the existing garage.
2. Although the Parish Council support of the application was dependent on a condition to control artificial lighting, officers did not consider this was a reasonable condition for an application of this size.
 3. In relation to the comments made by neighbours, these were building regulation matters and not a consideration for the Committee.

Cllr Tim Warren acknowledged the support of the Parish Council in relation to the application and expressed his view was that the proposal was appropriate within the housing development boundary. He proposed that officers be delegated to permit the application subject to suitable conditions to ensure the proposal was built in accordance with plans. This was seconded by Cllr Eleanor Jackson who stated that a further reason would be that the development would allow the applicants to work from home which was a material consideration in the context of the climate emergency. Cllr Tim Warren agreed with this additional reason as mover of the motion.

Cllr Paul Crossley spoke in support of the application, he considered the design to be sympathetic and did not consider that it would cause substantial harm. On being put to the vote the motion was CARRIED (8 in favour, 0 against - unanimous)

RESOLVED that officers be delegated to permit the application subject to suitable conditions for the following reasons:

- (1) The development was appropriate in its location within the housing development boundary.
- (2) There was an additional environmental benefit of enabling the applicants to work from home.

(2) 23/01759/FUL 8 Rennie Close, Bathwick, Bath, Bath and North East Somerset

The Case Officer introduced the report which considered the application for the erection of a ground floor extension to the rear and installation of a roof light.

She confirmed her recommendation that the application be permitted subject to the conditions set out in the report.

The following public representations were received:

1. Bob Goodman, local resident, objecting to the application.
2. Rachel Tadman, agent, and Karen Kidd, applicant, supporting the application.

Cllr Alison Born was in attendance as local ward member and raised the following issues on behalf of herself and the other ward member Cllr Deborah Collins:

1. They had requested that the application be referred to the committee following concerns raised by local residents.
2. They had visited the gardens of neighbouring properties and concluded that the proposed extension would be overbearing.
3. They considered the proposal to be too large in the context of other buildings, it would cover the width of the back of the house, and although it was angled on one side, it would extend out by 2.6m and 3.8m on the other side.
4. The extension would cover a large part of the garden.

5. There were also concerns about the drainage.

She asked the committee to refuse the application or defer a decision pending a visit to the site.

In response to Members' questions, it was confirmed:

1. Permitted development rights were in place for the property and the owners could extend 3m by 3m without applying for planning permission. The application was for an extension of 3.8m (depth) by 3.098m (height).
2. There was no policy restriction on extending into the garden area and as courtyard gardens were commonplace in central Bath, the loss of garden space would not warrant a reason for refusal.
3. The application was fully compliant, and the land was in the ownership of the applicant.
4. In relation to residential amenity, members needed to be satisfied that any harm was significant in accordance with policy D6.
5. The roof of the proposed extension was flat.
6. The proposed extension would be angled at a 45 degree to limit overshadowing of the neighbouring property. Officers considered that impact on residential amenity was not significant.

Cllr Lucy Hodge proposed that a decision be deferred pending a site visit. This was seconded by Cllr Eleanor Jackson.

On being put to the vote it was NOT CARRIED (4 in favour and 5 against - Chair using second vote).

Cllr Paul Crossley proposed that the application be refused on the grounds that it was an overdevelopment of the site and would cause an unacceptable level of harm on neighbouring properties. This was seconded by Cllr Lucy Hodge.

On being put to the vote it was NOT CARRIED (4 in favour and 5 against - Chair using second vote).

Cllr Tim Warren moved the officer recommendation that permission be granted. This was seconded by Cllr Hal MacFie.

On being put to the vote the motion was CARRIED (5 in favour, 4 against - Chair using second vote).

RESOLVED that the application be permitted subject to the conditions set out in the report.

38 **NEW PLANNING APPEALS LODGED, DECISIONS RECEIVED AND DATES OF FORTHCOMING HEARINGS/INQUIRIES**

Cllr Eleanor Jackson reported that Westfield Parish Council welcomed the outcome of the appeal in relation to Aviemore, Fosseway, Westfield. She expressed disappointment with the outcome of the appeal in relation to The Magpies and requested that the application on an adjacent plot be referred to committee under Chair's delegation.

RESOLVED that the report be noted.

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The meeting ended at 1.20 pm

Chair

Date Confirmed and Signed

Prepared by Democratic Services

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BATH AND NORTH EAST SOMERSET COUNCIL

PLANNING COMMITTEE

23rd August 2023

SITE VISIT DECISION

Item No:	001				
Application No:	22/03580/FUL				
Site Location:	Former Welton Bibby And Baron Factory, Station Road, Welton, Midsomer Norton				
Ward:	Midsomer Norton North	Parish:	Midsomer Norton	LB Grade:	N/A
Application Type:	Full Application				
Proposal:	Application for 'enabling works' in preparation for the Policy SSV4 site redevelopment including demolition, groundworks, flood mitigation and formation of 2m footpath along Station Road frontage.				
Constraints:	Agricultural Land Classification, Coal - Standing Advice Area, Coal - Referral Area, Conservation Area, Contaminated Land, Policy CP9 Affordable Housing, Flood Zone 2, Flood Zone 3, Housing Development Boundary, Policy LCR5 Safeguarded existg sport & R, LLFA - Flood Risk Management, Policy M1 Minerals Safeguarding Area, Policy NE1 Green Infrastructure Network, Ecological Networks Policy NE5, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones,				
Applicant:	MNRE				
Expiry Date:	25th August 2023				
Case Officer:	Chris Griggs-Trevarthen				

DECISION REFUSE

1 The demolition of the former brewery buildings will result in the total loss of a non-designated heritage asset and cause less than substantial harm to the Midsomer Norton Conservation Area. This harm is not outweighed by the public benefits of the proposals. The proposal is therefore contrary to policy HE1 of the Bath and North East Somerset Placemaking Plan and section 16 of the National Planning Policy Framework. Furthermore, the failure to retain the former brewery buildings is contrary to policy SSV4(3) of the Bath and North East Somerset Local Plan Partial Update.

PLANS LIST:

This decision relates to the following plans:

4021_005_EAP_210_REV C	PROPOSED SITE PLAN KEY PLAN
4021_005_EAP_211_REV C	PROPOSED SITE PLAN PART 1
4021_005_EAP_212_REV C	PROPOSED SITE PLAN PART 2
4021_005_EAP_213_REV C	PROPOSED SITE PLAN PART 3
4021_005_EAP_214_REV C	PROPOSED SITE PLAN PART 4

4021_005_EAP_500_REV C	DEMOLITION PLAN KEY PLAN 1
4021_005_EAP_501_REV C	DEMOLITION PLAN PART 1
4021_005_EAP_502_REV C	DEMOLITION PLAN PART 2
4021_005_EAP_503_REV C	DEMOLITION PLAN PART 3
4021_005_EAP_504_REV C	DEMOLITION PLAN PART 4
4021_005_EAP_301_REV B PLAN	PROPOSED ELEVATION STATION ROAD LOCATION
4021_005_EAP_302_REV B	EXISTING AND PROPOSED ELEVATION KEY PLAN
4021_005_EAP_303_REV B	EXISTING AND PROPOSED ELEVATION PART 1
4021_005_EAP_304_REV B	EXISTING AND PROPOSED ELEVATION PART 2
4021_005_EAP_400_REV B	EXISTING SECTIONS LOCATION PLAN
4021_005_EAP_401_REV B	PROPOSED SECTIONS LOCATION PLAN
4021_005_EAP_402_REV B	EXISTING AND PROPOSED SECTIONS
4021_005_EAP_700_REV B	PARAMETERS LOCATION PLAN
4021_005_EAP_701_REV B	PARAMETERS ELEVATION PLAN
1057.16G	STATION ROAD LANDSCAPE PROPOSALS

Community Infrastructure Levy

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority please note that CIL applies to all relevant planning permissions granted on or after this date. Thus any successful appeal against this decision may become subject to CIL. Full details are available on the Council's website www.bathnes.gov.uk/cil

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The application was recommended for approval, but the planning committee overturned the officer recommendation for the reasons given.

BATH AND NORTH EAST SOMERSET COUNCIL
PLANNING COMMITTEE
23rd August 2023
DECISIONS

Item No:	01	
Application No:	22/04498/FUL	
Site Location:	The Cottage , Sutton Hill Road, Bishop Sutton, Bristol	
Ward: Chew Valley	Parish: Stowey Sutton	LB Grade: N/A
Application Type:	Full Application	
Proposal:	Single Storey Front Extension (Resubmission)	
Constraints:	Bristol Airport Safeguarding, Agricultural Land Classification, Coal - Referral Area, Policy CP9 Affordable Housing, Housing Development Boundary, Neighbourhood Plan, Policy PCS6 Unstable Land-Coal Mining Le, SSSI - Impact Risk Zones, Policy ST8 Safeguarded Airport & Aerodro,	
Applicant:	Mr Chris Miller	
Expiry Date:	25th August 2023	
Case Officer:	Angus Harris	

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

This decision relates to the following plans:

- Site location plan- 001
- Existing block plan- 002
- Existing site plan- 004A
- Existing ground floor plan- 005

Existing first floor plan- 006A
Existing front and rear elevations- 007A
Existing side elevations- 008A
Proposed block plan- 010B
Proposed site plan- 11C
Proposed ground floor plan- 13D
Proposed first floor plan- 14D
Proposed front and rear elevations- 15D
Proposed side elevations- 16D

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

Community Infrastructure Levy - General Note for all Development

You are advised that as of 6 April 2015, the Bath & North East Somerset Community Infrastructure Levy (CIL) Charging Schedule came into effect. CIL may apply to new developments granted by way of planning permission as well as by general consent (permitted development) and may apply to change of use permissions and certain extensions. **Before** commencing any development on site you should ensure you are familiar with the CIL process. If the development approved by this permission is CIL liable there are requirements to assume liability and notify the Council **before any development commences**.

Do not commence development until you have been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges,

interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Item No:	02
Application No:	23/01759/FUL
Site Location:	8 Rennie Close, Bathwick, Bath, Bath And North East Somerset
Ward: Widcombe And Lyncombe	Parish: N/A LB Grade: N/A
Application Type:	Full Application
Proposal:	Erection of a ground floor extension to the rear and installation of 1 no. roof light.
Constraints:	Article 4 Bath Demolition Wall, Article 4 Reg 7: Estate Agent, Article 4 HMO, Colerne Airfield Buffer, Agric Land Class 3b,4,5, Policy B4 WHS - Indicative Extent, Policy B4 WHS - Boundary, British Waterways Major and EIA, British Waterways Minor and Householders, Conservation Area, Policy CP9 Affordable Housing, Flood Zone 2, LLFA - Flood Risk Management, MOD Safeguarded Areas, Ecological Networks Policy NE5, NRN Wetland Strategic Network Policy NE5, Railway, River Avon and Kennet & Avon Canal, SSSI - Impact Risk Zones,
Applicant:	Mr & Mrs Tim & Karen Kidd
Expiry Date:	25th August 2023
Case Officer:	Christine Moorfield

DECISION PERMIT

1 Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permission.

2 Plans List (Compliance)

The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

0.001, 2, 3, 4, 5, 6, 7, 8, 9 and 010, 011 and 1.002.

Condition Categories

The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Where approval of further information is required you will need to submit an application to Discharge Conditions and pay the relevant fee via the Planning Portal at www.planningportal.co.uk or post to Planning Services, Lewis House, Manvers Street, Bath, BA1 1JG.

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Do not commence development until you been notified in writing by the Council that you have complied with CIL; failure to comply with the regulations can result in surcharges, interest and additional payments being added and will result in the forfeiture of any instalment payment periods and other reliefs which may have been granted.

Community Infrastructure Levy - Exemptions and Reliefs Claims

The CIL regulations are non-discretionary in respect of exemption claims. If you are intending to claim a relief or exemption from CIL (such as a "self-build relief") it is important that you understand and follow the correct procedure **before** commencing **any** development on site. You must apply for any relief and have it approved in writing by the Council then notify the Council of the intended start date **before** you start work on site. Once development has commenced you will be unable to claim any reliefs retrospectively and CIL will become payable in full along with any surcharges and mandatory interest charges. If you commence development after making an exemption or relief claim but before the claim is approved, the claim will be forfeited and cannot be reinstated.

Full details about the CIL Charge including, amount and process for payment will be sent out in a CIL Liability Notice which you will receive shortly. Further details are available

here: www.bathnes.gov.uk/cil. If you have any queries about CIL please email cil@BATHNES.GOV.UK

Civil or legal consents

This permission does not convey or imply any civil or legal consents required to undertake the works.

Responding to Climate Change (Informative):

The council is committed to responding to climate change. You are advised to consider sustainable construction when undertaking the approved development and consider using measures aimed at minimising carbon emissions and impacts on climate change.

Permit/Consent Decision Making Statement

In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework.

Inform the applicant that this area may be made up ground/contaminated land and therefore, the necessary pre development site investigation needs to be completed to ensure satisfactory/safe development can be carried out.

The applicant is advised that all drainage must comply with Building Regulations Approved Document Part H