

North Yorkshire Council

Community Development Services

CONSTITUENCY COMMITTEE

ZC23/03121/FUL - CONVERSION OF VACANT/REDUNDANT OUTBUILDINGS TO FORM 1NO. HOLIDAY COTTAGE INCLUDING EXTERNAL ALTERATIONS, AT THE FORMER HENRY JENKINS INN (PART) MAIN STREET, KIRKBY MALZEARD, NORTH YORKSHIRE ON BEHALF OF MR. JUSTIN CLAYBOURN

Report of the Assistant Director – Planning

1.0 Purpose of the Report

- 1.1 To determine a planning application for Conversion of vacant/redundant outbuildings to form 1no. holiday cottage including external alterations on land at The Former Henry Jenkins Inn (Part) Main Street Kirkby Malzeard on behalf of Assistant Director – Planning
- 1.2 This application is brought to the Planning Committee as being a development with significant public interest.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to conditions.

- 2.1. The proposal seeks full planning consent for the conversion of outbuildings, which would include external alterations, to form a one bedroomed holiday cottage. The external works would include partial re-roofing of the southernmost structure to match pitch and height of the adjacent building, addition of glazed doors and glazing to existing openings. The proposed plans state that an existing fence would be retained which would enclose a garden (outdoor amenity) and parking area for the holiday cottage.
- 2.2. Policy GS2, Growth Strategy to 2035, sets out the District’s growth hierarchy identifying settlements, centres and villages where development should be focused. Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. The proposal is set within the Development Limits of Kirkby Malzeard.
- 2.3. As identified within paragraph 3.21 of policy GS2, Kirkby Malzeard is a service village which offers a wide range of retail, service and leisure businesses. It is also within the Nidderdale National Landscape (the new name for the Nidderdale Area of Outstanding Natural Beauty (AONB)), which

is identified under Local Plan policy GS5 as being an important location to enhance rural tourism. The siting of a holiday cottage is therefore acceptable in this location.

- 2.4. The application form has listed the outbuildings as vacant/redundant. The outbuildings are located within the site of the Former Henry Jenkins Inn, and their previous use is disputed by the agent and public/interested parties. However, on the basis of documents submitted to the council in earlier applications, the northernmost section of the outbuildings were described as a 'Bottle Store'. Notwithstanding the previous use of the buildings, the proposal would not result in the total loss of a community facility, but a reduction in its size. Therefore, it is only necessary to consider the consequence of the loss of the outbuildings to the remaining public house.
- 2.5. The buildings to which this application relates comprise a small, single storey portion of the site, with an existing approximate floor area of 37sqm. The proposed floor area would be approximately 42sqm. It is understood that there is not an internal passage between the outbuilding and the area identified as a Pool Room of the former pub to which they adjoin.
- 2.6. It has previously been determined that the loss of the rear car park of the Former Henry Jenkins Inn is not considered to be a planning problem.
- 2.7. The proposal is considered to adequately safeguard the character and appearance of the street scene, wider Nidderdale National Landscape (formerly known as the Nidderdale Area of Outstanding Natural Beauty) and would not introduce unacceptable impacts on residential or visual amenity, highways or environmental health, subject to conditions and informatives.
- 2.8. In consideration of the above, it is not considered that the proposal to convert the outbuildings, and therefore the reduction in size of the remaining public house, would prevent a reasonable prospect of the public house use continuing on a viable basis.
- 2.9. The proposal therefore conforms to guidance in the NPPF, Harrogate District Local Plan policies HP3, HP4, GS5, TI1, TI3 and GS6.

3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. No amended plans have been received during the course of the application. Additional plans have been received to clarify the turning area from the access point.
- 3.3. The following applications and appeals are considered relevant to this proposal.

92/00055/FUL Reroofing and converting existing garage to form pool room.
PERMITTED 30.01.1992

90/01860/FUL Construction of new toilet block on site of existing gents w.c. and patio
PERMITTED 20.09.1990

18/01087/FUL Conversion of part of a public house and flat to create 1 no. dwelling.
REFUSED 12.06.2018

18/03230/FUL Conversion of part of a public house and flat to create 1 no. dwelling. (resubmission)
REFUSED 09.05.2019

19/00089/NREFPP Conversion of part of a public house and flat to create 1 no. dwelling. (resubmission). PINS Ref APP/E2734/W/19/3240780
ALLOW 18.12.2020

21/04657/FUL Conversion of former Henry Jenkins public house with flat above to dwelling.
REFUSED 31.05.2022

22/00065/NREFPP Conversion of former Henry Jenkins public house with flat above to dwelling. PINS Ref APP/E2734/W/22/3306214.
DISMISSED 09.02.2023

4.0 Site and Surroundings

- 4.1. The outbuildings to which this application relates are located in part of the former Henry Jenkins Inn site, which lies on the south side of Main Street in Kirkby Malzeard. It is within Development Limits as defined by Local Plan policy GS3, as well as within the Nidderdale Area of Outstanding Natural Beauty (AONB). The immediate locale is largely residential, although a variety of commercial and community uses are located within close vicinity.

5.0 Description of Proposal

- 5.1. The proposal seeks full planning consent for the conversion of outbuildings, which would include external alterations, to form a one bedroomed holiday cottage.
- 5.2. The external works would include partial re-roofing of the southernmost structure to match pitch and height of the adjacent building and the addition of glazed doors and windows to some of the existing openings. The proposed plans state that an existing fence would be retained which would enclose a garden as outdoor amenity space and provide a parking area for the holiday cottage.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014 – 2035, adopted March 2020.

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is listed below.
- The North Yorkshire Local Plan. No weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance
 - National Design Guide
 - Nidderdale AONB Management Strategy
 - Kirkby Malzeard Village Design Statement

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2. **Parish Council:** Object
Building in disrepair
Land allocated as parking and garden

Vehicular access unclear
 Small building
 Existing drawings do not show disrepair
 Uncertainty on future of pub
 Building regulations required
 Removing car park and rear access to pub
 Pub marketing
 Boundary line issues

7.3. **Building Control** – no objections but wish to make comments or seek safeguards – a building regulations application will be required for this proposal.

7.4. **Environmental Health** - Having reviewed the information in this form it appears that the outbuildings have been vacant for a number of years before which were used for storage. Although it is stated that the buildings were not used as part of the Henry Jenkins Inn such a use could have taken place historically. No other waste or pollution incidents have been reported and no fuel or chemicals have been stored or spilt in the building.

Although it is unlikely that there is any significant contamination on site, a number of informatives were recommended in relation to unforeseen contamination, topsoil and provision of refuse storage.

Local Representations

7.5. 104 letters of representation have been received at the time of writing. Some members of the public provided multiple letters of representation. 3 letters are in support and 101 letters object with comments summarised below.

7.6. It is noted that one of the letters of support was received from the current owner of the Henry Jenkins Inn.

7.7. Support:

- Buildings never formed part of the pub
- Application submitted prior to community ownership grant
- HJCP not genuine prospective purchasers
- Application boundary and ownership boundary are not planning matters
- Size adequate for holiday let
- Building capable of conversion
- Building will not look worse than other buildings in village
- Pub would need too much work to reopen

7.8. Objections:

Objections in relation to the conversion of buildings

- Village overserved by holiday homes
- Building not capable of conversion
- Impractical site for holiday home
- Misleading detail in relation to existing/previous uses of the building
- Need for affordable housing
- No economic benefit for community
- Traffic increase on Back Lane and formation of access at rear is unsafe
- Uncertainty in relation to how you access building i.e., Main Street or Back Lane

Objections in relation to the impact on Henry Jenkins pub

- Impact viability
- Contrary to HP8
- Village in need of community pub
- Loss of emergency exits
- Loss of access to rear of pub
- Loss of section of land proposed to be used as beer garden and car park.
- Previous appeal wrongly determined loss of car park would not impact viability
- Access restrictions for deliveries
- Remaining pub in village might not remain whereas community pub would
- Growing population in need of pub reopening

Other objections

- lack of proper marketing / owner unwilling to sell
- Appears that aim of applicant / landowner is to split up land associated with pub
- Lack of transport to other services and jobs outside of village.
- Land ownership / application site boundary issues
- Conflict with HJCP grant

8.0 Environment Impact Assessment (EIA)

8.1. Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.2. The development proposed falls within the description at 10 (b) of Schedule 2 to the above Regulations. In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the above Regulations,

the proposal would not be likely to have significant effect on the environment for the following reasons:

- 8.3. Although located within a designated sensitive area (the Nidderdale National Landscape, formerly known as the Nidderdale Area of Outstanding Natural Beauty, AONB), there would be no likely significant impacts in terms of noise, waste, contamination, flooding, archaeology, ecology, heritage issues or complex construction. Given the nature, scale and location of the proposal, the impacts of the development are unlikely to be significant. The Proposed Development is therefore not EIA Development.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:

- Principle of development
- Design and visual impact on the Nidderdale Area of Outstanding Natural Beauty
- Residential Amenity
- Contaminated Land
- Traffic, parking and storage
- Other matters

10.0 ASSESSMENT

Principle of Development

- 10.1. The Harrogate District Local Plan 2014-2035 was adopted by the Council on 4 March 2020. The Inspectors' Report concluded that, with the recommended main modifications which are set out in his report, that the Harrogate District Local Plan satisfies the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended) and meets the criteria for soundness in the NPPF. All the policies in the Local Plan can therefore be given full weight.
- 10.2. Local Plan policy GS2, Growth Strategy to 2035, sets out the District's growth hierarchy identifying settlements, centres and villages where development should be focused. Development limits for places in the settlement hierarchy are identified under the provisions of policy GS3. The proposal is set within the Development Limits of Kirkby Malzeard.
- 10.3. As identified within paragraph 3.21 of policy GS2, Kirkby Malzeard is a service village which offers a demonstrably wider range of retail, service and leisure businesses (such as more specialist food shops, other retail, post offices, hairdressers, cafés, pubs, restaurants and hot food takeaways etc.) than other villages in the district. The site is therefore generally a sustainable location for development.

- 10.4. The proposal seeks to convert and adapt existing buildings sited off Main Street in the village, with adequate driving and walking distance from local services. Local Plan policy GS5 states that the Council will encourage sustainable economic growth in the district, by maintaining and enhancing the district's visitor economy. Paragraph 3.54 of policy GS5 states that tourism is important to the rural areas of the district. This reflects the area's attractive countryside, including the Nidderdale National Landscape. This location is therefore considered appropriately located for tourism and would improve the overall range of holiday accommodation in the village and wider Nidderdale National Landscape.
- 10.5. Representations have been made in relation to the negative impact that conversion of the building would have on the prospect of the pub becoming viable as a community asset.
- 10.6. The application site relates to outbuildings within the former Henry Jenkins Inn site. The previous use of the outbuildings is disputed by the agent and public/interested parties, as to whether Local Plan policy HP8 is relevant. On the basis of documents submitted to the council in earlier applications and appeals, as well as on behalf of the agent under this application, part of the outbuildings have been described as a 'Bottle Store' and it is therefore considered that they could be part of the former pub.
- 10.7. Notwithstanding the previous use of the buildings, the proposal would not result in the total loss of a community facility, but a small reduction in its size. Therefore, it is necessary to consider the consequence of the loss of the outbuildings to the remaining public house.
- 10.8. The buildings comprise a small, single storey portion of the site. The proposed plans indicate that the approximate floor area of the proposed holiday cottage would measure 4.45m by 9.49m to give a total of 42sqm. The existing approximate floor area is 37sqm. Although they are adjoined, there is not clearly an internal passage between the outbuilding and the area identified as a Pool Room. Notwithstanding the matter as to whether the outbuilding formed part of the original use of the public house, the building to be converted would clearly result in a reduction in the size of the remaining property that could be associated with the public house. However, it is not considered that the decrease in floor area would be sufficient to enable the public house to operate and function. In addition, the guests of the holiday accommodation would potentially use the public house, should it reopen and help it become more sustainable.

- 10.9. Previous documents submitted to the council in the 1990s, under applications reference 92/00055/FUL and 90/01860/FUL, indicate that the area previously in use as a toilet block was a non-original addition, and the pool room was previously a garage.
- 10.10. In relation to the car park, planning permission was granted in 2018 for conversion of the eastern section of the pub into a dwelling. The Inspector determined that the loss of the rear car park which was associated with the appeal – most of which included within the red edge of the Location Plan under the current application – would not constitute a planning problem as the Inspector concluded that the pub could therefore operate without a car park.
- 10.11. In relation to the capability of the structure being converted, on the basis of the site's location, there is no requirement for provision of a structural survey to determine this. The application is being considered on the merits of the plans submitted as part of the application. It is accepted that external works would be required to bring the building into use; this is considered in the following section in relation to policy HP3 in relation to the design and visual impact.
- 10.12. To conclude, on planning balance, it is not considered that the loss of the identified outbuildings would cause demonstrable harm to the prospect of the Henry Jenkins site becoming a community asset again. The siting of a holiday cottage is therefore considered acceptable in this location.
- 10.13. An appropriate condition should be attached to any approval to ensure the property remains as a holiday cottage rather than a permanent dwelling, as further considerations would be required to determine if this is appropriate.

Design and visual impact on the Nidderdale Area of Outstanding Natural Beauty.

- 10.14. Local Plan policy HP3, Local Distinctiveness, states that development should incorporate high quality building design that protects characteristics of the locality. Local Plan policy GS6, Nidderdale AONB, states that the natural beauty and special qualities of the Nidderdale Area of Outstanding Natural Beauty (AONB) will be conserved and enhanced.
- 10.15. The application buildings are located to the rear of the former Henry Jenkins Inn and would not be visible from Main Street to the north. It would be visible within the context of the street scene from Back Lane to the south. The proposal involves external works, including re-roofing a section of the outbuilding and provision of additional glazing to the roof and existing

openings between the buildings, which are required in order to accommodate the conversion.

- 10.16. When viewed along Back Lane, the surrounding locale comprises a mixture of building types and styles, with a varied roof scape and a number of the properties have outbuildings, garages and sheds visible from the road in the rear garden.
- 10.17. Therefore, the design and associated works to enable to conversion are considered to be of an acceptable scope and scale, in keeping with the surrounding properties. It is recommended that conditions are attached to any approval to ensure that any external stonework matches the existing, and to remove permitted development rights for further external works which would need to be assessed on their merits to determine the impact on the character and appearance of the building and the wider Nidderdale National Landscape. Sectional details should also be provided for the glazing, which should be constructed of timber, however it is considered appropriate to add a condition in relation to this.
- 10.18. To conclude, the proposal is considered acceptable in line with Local Plan policy HP3 and GS6.

Residential Amenity

- 10.19. Local Plan Policy HP4, Protecting Amenity, requires that there are no significant adverse impacts on residential amenity. The external works required to carry out the proposed conversion would not cause unacceptable impacts on neighbouring dwellings in terms of overbearing or overshadowing.
- 10.20. The windows and openings are located adequate distance from any adjacent neighbouring dwellings to ensure that overlooking does not occur.
- 10.21. In the event of a planning permission being granted, conditions should be imposed requiring appropriate refuse facilities are provided and there is a restriction on hours of conversion works in order to maintain the amenity of the adjacent properties.

Land Contamination

- 10.22. Local Plan Policy NE9 addresses the matter of land contamination. A Screening Assessment form has been provided. The Environmental Health team noted that on review of the screening form, the outbuildings have been vacant for a number of years before which were used for storage. Although it is stated that the buildings were not used as part of the Henry Jenkins Inn,

such a use could have taken place historically. No other waste or pollution incidents have been reported and no fuel or chemicals have been stored or spilt in the building.

- 10.23. In light of EHO response, a number of informatives were recommended which include issues in relation to unforeseen land contamination. The applicant would have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990.

Traffic, Parking and Storage

- 10.24. Policy T11, Sustainable Transport, seeks to ensure development proposals seek to minimise the need to travel and achieve more sustainable travel behaviour. Policy T13 requires appropriate parking provision and the provision of electric vehicle charging points; the former also being a subject of Recommendation P1 of the Village Design Statement.
- 10.25. The holiday cottage is located in a sustainable location with adequate local access to public transport. A submitted Plan, drawing no. 2696-02-01F, indicates that a parking area would be provided which is considered sufficient for a one bedroomed short term holiday let.
- 10.26. Vehicular access to the outbuildings is obtained from Main Street. Representations were made in relation to whether vehicular access is obtained from Main Street or Back Lane. A submitted Plan, drawing no. 2696-02-01F, confirms that vehicular access is obtained from an existing access point from Main Street and into the previous car park of the former pub. The turning area and access are considered acceptable in terms of ensuring highway safety, in line with paragraph 111 of the NPPF.
- 10.27. It is not considered that EV charging would be required by condition as the application is for a holiday let, rather than a permanent dwelling. It would be a commercial decision of the applicant as to whether they implemented those facilities on site.

Other Matters

- 10.28. Representations have been made in relation to the loss of the car park from the pub, which in-turn could result in a loss of rear access for deliveries, emergency vehicles and users of the pub. The Inspector, under appeal reference APP/E2734/W/19/3240780, determined that the loss of the rear car park of the Former Henry Jenkins Inn is not considered to be a planning problem, however the application presented is for conversion and alterations to the outbuildings, therefore issues in relation to pub parking are not

considered material. As shown on one of the submitted drawings, drawing no. 2696-02-01F, adequate vehicular access and parking would serve the holiday let, and any issues in relation to land ownership and right of access through the existing car park are not material planning matters.

- 10.29. Representations were received in relation to a community grant intended to be used to purchase the Henry Jenkins Inn, as well as matters in relation to compulsory purchase orders. This falls outside of the scope of consideration of this application.
- 10.30. Representations were made in relation to the assumed intentions of the applicant for submitting the application. Planning law requires that applications for planning permission are considered on their individual merits, and determined in accordance with the development plan, unless material matters indicate otherwise. Therefore, assumptions in relation to any future intentions of the applicant are not relevant to the decision, and on the basis of the submitted detail it is considered that the conversion of the outbuildings would not present unacceptable planning harm for the reasons identified throughout this report.
- 10.31. Representations were made in relation to the building being incapable of conversion. The application is determined on the basis of the submitted detail, and should permission be granted, accordance with the proposed plans would be conditioned. On the basis of the submitted plans and following a visual inspection, the buildings would appear to be suitable for conversion, the existing walls are shown to be retained, and although associated external works are required to facilitate the conversion in the form of small infill areas and glazing, these would not be detrimental to the character or appearance of the street scene. Furthermore, as the building is located within Development Limits nor is the building listed, it is not required by planning policy to ascertain that the building is capable of conversion, and small sections of rebuilding to accommodate the conversion would be considered acceptable.
- 10.32. Representations were made with regards to the formation of access from Back Lane to the south being unsafe. As clarified, access is obtained from Main Street to the north and no detail has been submitted to indicate otherwise. Therefore, this is not a material planning matter.
- 10.33. Representations have been made in relation to the need for a community asset in the village. As determined, the conversion of the outbuildings would

not prevent a reasonable prospect of the public house use of the adjacent site continuing on a viable basis.

- 10.34. A representation was made, providing an existing plan of the Henry Jenkins Inn and outbuildings and annotated potential pub uses which could not be accommodated within the remaining Western Annex of the pub. In consideration of the size and scope of the existing outbuildings, and remaining buildings/adjuncts associated with the original former Henry Jenkins pub, it is not considered to substantiate the claim that a community use could not continue in the western annex.
- 10.35. Representations were made in relation to building regulations having not been obtained or being required for the proposal. Building Regulations team gave no objections to the proposal and stated that building regulations application would be required. The applicant is responsible for ensuring that building regulations are followed and is advised that applying for building regulations are a separate matter to planning permission, and this is included as an informative.
- 10.36. Representations were made in relation to misleading existing elevations drawing and state of disrepair of the buildings. The application is determined on the information submitted, which states that external walls will be retained, and existing openings glazed where required to carry out the conversion. A site inspection would also lead to the view that the buildings are capable of conversion. If the building were to be demolished, then a further application for a new build would be required.

11.0. **PLANNING BALANCE AND CONCLUSION**

- 11.1. The proposal falls within the development limits of Kirkby Malzeard and the conversion to form a one bedroomed holiday let would not be contrary to the sustainable growth policies of the Local Plan.
- 11.2. It is not considered that the loss of the identified outbuildings would cause demonstrable harm to the prospect of the Henry Jenkins site becoming a community asset.
- 11.3. The proposal is considered to adequately safeguard the character of the locality and wider Nidderdale National Landscape. The proposal would not introduce unacceptable impacts on amenity, highways or environmental health, subject to conditions and informatives.
- 11.4. Overall, the principle of development can be supported in accordance with the NPPF, Local Plan Policies GS2, GS3, GS5 and GS6. The proposed

conversion and associated external works can be supported in accordance with Local Plan policies HP3, HP4, TI1, TI3 and NE9.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED subject to conditions listed below

Recommended conditions:

Condition 1 Time Limit

The development hereby permitted shall be begun on or before.

Reason; To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 Approved Plans

The development hereby permitted shall be carried out in strict accordance with the submitted details received by the Local Planning Authority; Application Form. Received 22 August 2023
Existing and Proposed Elevations, Floor Plans, Block Plan and Location Plan. Drawing no. 2696-02-01C. Received 22 August 2023.
Proposed Parking Plan. Drawing no. 2696-02-01F. Received 22 November 2023.

Reason: In order to ensure compliance with the approved drawings.

Condition 3 External Materials

Any stonework to be used to infill areas of the external surfaces of the development hereby permitted shall match those used in the existing outbuildings in terms of type, size, colour, dressing and coursing to the satisfaction of the Local Planning Authority.

Reason; In the interests of visual amenity and in order to harmonise with the existing building.

Condition 4 Glazing Details

Prior to commencement of the development hereby granted, sectional joinery details (scale 1:10 or 1:20) of the proposed glazing and doors to be installed within the walls and roof of the buildings must be approved in writing by the local planning authority. The frames must be of a timber construction.

Reason: In order to protect visual amenity.

Condition 5 External works

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no further external alterations to the development being permitted, other than any expressly authorised by this permission shall be carried out without the grant of further specific planning permission from the local planning authority.

Reason: In order to protect visual amenity.

Condition 6 Construction Hours

The hours of work on site shall be controlled and restricted to fall within the following hours only;

08:00 until 18:00 Mondays to Fridays

08:00 until 13:00 Saturdays

No work on Sundays or Bank Holidays

Reason: In the interests of residential amenity.

Condition 7 Refuse Storage

Suitable and sufficient provision shall be made for the storage and containment of refuse prior to collection, and access for collection of refuse.

Reason: In the interests of residential amenity.

Condition 8 Holiday Use

The development hereby permitted shall be used for short term holiday lets only. The development shall not be occupied as a separate dwelling. The duration of any stay shall not exceed one month, and the operator shall maintain an up-to-date record of the home addresses of occupiers which shall be made available on request to the local planning authority.

Reason: Without further assessment, the property would not be considered suitable as permanent residential accommodation.

Informatives

Informative 1 unforeseen land contamination

The applicant / developer is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing.

Furthermore, any soil or soil forming materials to be brought to site for use in garden areas or soft landscaping should be tested for contamination and suitability for use prior to importation to site. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Informative 2 topsoil

If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site

Informative 3 Building Regulations

A separate Building Regulations application will be required for this proposal.

Target Determination Date: 20 November 2023

Case Officer: Kate Exley

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