

MID SUSSEX DISTRICT COUNCIL

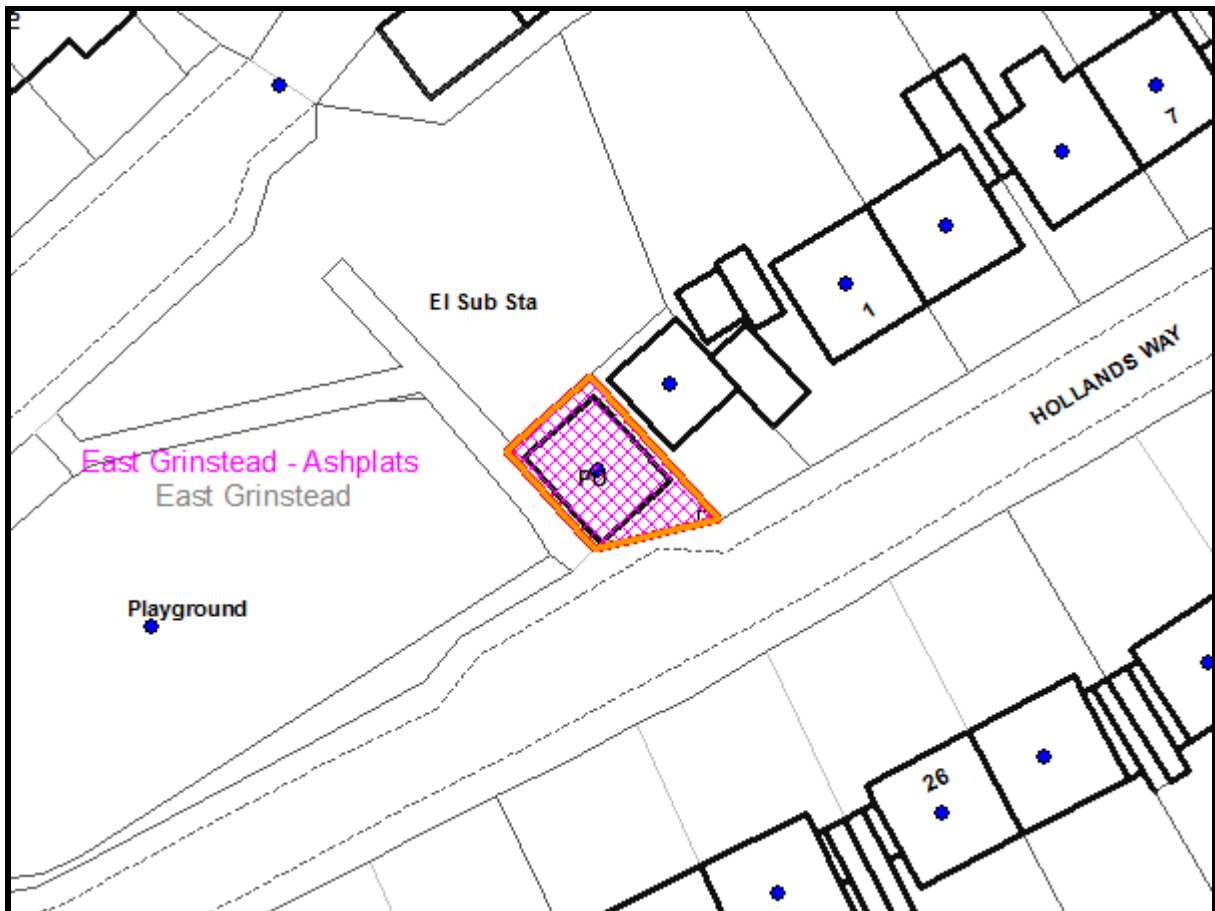
Planning Committee

19 DEC 2019

RECOMMENDED FOR PERMISSION

East Grinstead

DM/19/4180



© Crown Copyright and database rights 2019 Ordnance Survey 100021794

**STONE QUARRY POST OFFICE HOLLANDS WAY EAST GRINSTEAD
WEST SUSSEX
PROPOSAL TO CONVERT POST OFFICE TO 1 RESIDENTIAL UNIT.
MR RITESH PATEL**

POLICY: Aquifer (Source) Protection Zone / Ashdown Forest SPA/SAC / Built
Up Areas / Aerodrome Safeguarding (CAA) /

ODPM CODE: Prior Not. Shop (A2) to dwelling

WARD MEMBERS: Cllr Margaret Belsey / Cllr Liz Bennett /

CASE OFFICER: Anna Tidey

Purpose of Report

To consider the recommendation of the Divisional Leader for Planning and Economy on the application for prior approval as detailed above.

Executive Summary

This application seeks a determination as to whether prior approval is required for the conversion of a 33 square metre Post Office (Class A1) into a one bed studio unit (Class C3 residential) at Stone Quarry Post Office, off Hollands Way in East Grinstead. The proposed studio flat would provide a shared bedroom/living space with a separate kitchen and shower room.

The application is being reported to committee as MSDC is the landowner.

New permitted development rights were introduced under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, then amended further in April 2015 and April 2016 to allow the change of use of a building and any land within its curtilage from an A1 (retail) use to a use falling within Class C3 (dwellinghouses) of the Use Classes Order Schedule.

In order to benefit from this permitted development right, the developer is required to make an application to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

- a) Transport and highway impacts of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -
 - i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
 - ii. where the building is located in a key shopping area, on the sustainability of that shopping area, and
- e) the design or external appearance of the building,

and the provisions of paragraph W shall apply in relation to any such application.

Development is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Paragraph 10 of paragraph W states that the Local Planning Authority must, when determining an application, take into account any representations made to them as a result of any consultation under paragraphs 5 and 6 (i.e. transport and highways impacts and flooding risks) and any notice given under paragraph 8 (i.e. any adjoining owners or occupiers), as well as contamination risks.

When determining the application, the Local Planning Authority should also have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application. It is considered that there are no flooding or contamination risks in relation to this proposal and that the proposal would not impact on the provision of services within the area. The transport and highways impacts are also considered acceptable with conditions to ensure that the residential unit is not brought into use until cycle parking has been provided. On this basis prior approval for the proposed change of use is required, and should be granted in accordance with the details submitted and the conditions recommended by the WSCC Highways Authority.

The application is therefore recommended for conditional approval as set out in full at Appendix A.

Recommendation

It is recommended that prior approval for the proposed change of use should be granted subject to the conditions listed at Appendix A.

Summary of Consultations

(Full responses from Consultees are included at the end of this report as Appendix B.)

WSCC Highways Authority

The movements associated with the post office have done so safely with no known highway safety concerns, and C3 residential uses are considered less intensive.

Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms. If the Planning Authority is minded to approve this application, they may wish to condition cycle parking.

Environmental Health Officer

I have concerns that if this property is converted into a dwelling, future occupiers could be affected by noise from the adjacent substation. However, assuming that this proposed permitted development would fall into Class M, retail and specified sui generis uses to dwelling houses, Environmental Protection can only comment on contamination risks and not noise issues.

Contaminated Land and Environmental Protection Officer

A phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

WSSC Lead Local Flood Authority

This is a minor application and not in an area of significant surface water flood risk, therefore we have no comment to submit with regards to this development.

MSDC Drainage

To be reported.

Summary of Representations

East Grinstead Society: Recommend refusal. The post office is a much used local facility and every effort should be made to retain it for the use of Stone Quarry residents and those in the adjoining area. There is no plan of the proposed replacement.

41 letters of representation received raising objections to the application on the following points:

- The Post office serves the local community
- Relied upon/Convenient for the elderly
- Useful for those with mobility problems
- Building works will disrupt neighbourhood and adjacent children's play area
- It's well used and needs to stay
- Relocation to a nearby building should be considered
- Consider where the nearest other Post Offices are located
- Alternative use could be a GP surgery
- Small businesses/home workers use it
- Parking issues will be created
- Unsuitable position for a residential unit adjacent to the children's play area/outdoor gym/electric substation/oak tree
- No more houses needed in the area
- Not a viable site given small footprint of the building and lack of garden/yard
- This would create a substandard dwelling
- A reasonable use would be for commercial or community use
- Much more convenient to use than town centre Post Office

Town Council Observations

Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on Stone Quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead

Neighbourhood Plan, should be considered regarding the continued community use of this building.

Introduction

This application seeks a determination as to whether prior approval is required for the conversion of a 33 square metre Post Office (Class A1) into a one bed studio unit (Class C3 residential) at Stone Quarry Post Office, off Hollands Way in East Grinstead.

The application is being reported to committee as MSDC is the landowner.

Relevant Planning History

Planning reference: GR/376/86. Single storey sub post office and shop unit. Approved January 1987.

Site and Surroundings

The application site is located within an established residential area to the east of the hospital in the built up area of East Grinstead.

The Post Office is currently open for business between the hours of 9am to 5.30pm Monday to Friday and 9am to 12.30pm on Saturday. It is located within a small single storey building immediately to the west of an electric substation. The land to the north and west of the building is green open space with open air gym equipment and an equipped children's play area. This is surrounded on three sides by adjacent residential roads.

The building itself measures 5.4m in width by 7.7m deep and is single storey with a gabled roof line. The inner space is lit by doors and windows located in the south eastern and south western facing elevations of the building.

Application Details

In detail the application seeks a determination as to whether prior approval is required for the conversion of the internal space (33 square metres) into a one bed studio unit. The current building accommodates shop space and an associated toilet. The proposed studio flat would provide a shared bedroom/living space with a separate kitchen and shower room, the internal space being subdivided with partition walls.

No external changes are shown to the position of the existing windows and doors, although the plans indicate that the bathroom and kitchen located on the northern side of the building would each be lit from above by roof lights inserted into the sloping roof above.

The applicant has provided a statement in support of the application which explains the reasons for the proposal. This is available to view online. In summary the statement confirms:

- "We bought this business over 10 years ago and successfully managed to raise profits and footfall by taking on additional services and revenue generators (health/national lottery/3rd party card offerings)
- I personally ran this office for 7 years and still live in the East Grinstead area.
- Over the past 6 years we have been dealing with Post Office transformation network which was national project for the post office. The two options available to us were: to relocate the office and convert into a local modal offsite or continue, but sign up to the new pay modal, which would mean we would lose our core tier payment. This wasn't a real option for us as our location and size would never be sustainable. We did explore with a retail expert to see how we further could make up the shortfall.
- Modernization has led to loss of DVLA/Passport and HMRC services.
- The office has been listed for relocation/sale on the Post Office website. The option to move into the shop located 200m away has been explored, but they have expressed no desire to proceed, most recently in October 2019.
- In the last 4 years I have retrained and re entered the job market as a project manager. This salary has helped me prop up the shortfall in the Post Office to maintain the service. Unfortunately this has now become a massive financial burden due to the losses amounting.
- Discussions were undertaken to secure the land purchase (since 2015) when an agreement was reached for proposal to committee.
- There are a number of offices for which Post Office Ltd don't have any plans.
- Last years accounts showed a further drop in revenue by 30% on top of falling sales remuneration.
- In the last 14 months we have had 2 robberies with no prosecutions which impact on an office of this size.
- We personally pay for bills/maintenance and rates.
- If the office is relocated we would receive a remuneration payment which would go towards helping clear the business loan, but I can no longer support this venture. This business has a lot of sentimental value to me. Hence my decision to close the office on the 16th December has been one of the most difficult I have made."

ASSESSMENT

In May 2013 new permitted development rights were introduced under the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, which allowed, until 30th May 2016, the change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class A1 (retail) of that Schedule.

In April 2015, this legislation was superseded by Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order

2015, and then most recently amended in April 2016 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016.

The latest legislation states that development is not permitted by Class M if:

- a) the building was not used for one of the uses referred to in Class M(a)—
 - i. on 20th March 2013, or
 - ii. in the case of a building which was in use before that date but was not in use on that date, when it was last in use;
- b) permission to use the building for a use falling within Class A1 (shops) or Class A2 (financial and professional services) of the Schedule to the Use Classes Order has been granted only by this Part;
- c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;
- d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;
- e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;
- f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or
- g) the building is—
 - i. on article 2(3) land;
 - ii. in a site of special scientific interest;
 - iii. in a safety hazard area;
 - iv. in a military explosives storage area;
 - v. a listed building; or
 - vi. a scheduled monument.

The site does not fall within any of the above criteria and is thus the proposed use is permitted development subject to the consideration of specific issues which are set out below. The LPA cannot consider any other issues.

In order to benefit from this permitted development right, the developer is required to make an application to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to:

- a) Transport and highway impacts of the development;
- b) Contamination risks on the site;
- c) Flooding risks on the site;
- d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use -

- i. on adequate provision of services of the sort that may be provided by a building falling within Class A1 (shops), Class A2 (financial and professional services) or Class A5 (hot food takeaways) of that Schedule or, as the case may be, a building used as a launderette, but only where there is a reasonable prospect of the building being used to provide such services, or
 - ii. where the building is located in a key shopping area, on the sustainability of that shopping area, and
- e) the design or external appearance of the building,

and the provisions of paragraph W shall apply in relation to any such application.

Development is permitted subject to the condition that it must be completed within a period of 3 years starting with the prior approval date.

Paragraph 10 of paragraph W states that the Local Planning Authority must, when determining an application, take into account any representations made to them as a result of any consultation under paragraphs 5 and 6 (i.e. transport and highways impacts and flooding risks) and any notice given under paragraph 8 (i.e. any adjoining owners or occupiers), as well as contamination risks.

When determining the application, the Local Planning Authority should also have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Transport and Highways

West Sussex County Council as the Local Highways Authority has commented on this application. Their comments are reported in full below in Appendix B.

Based on these comments it is evident that the highways implications of the proposal are acceptable although a cycle parking condition is recommended.

Contamination Risks

There are anticipated land contamination issues in respect of the application as a result of the proximity of the building to the adjacent substation. The Contaminated Land and Environmental Protection Officer has highlighted that due to their composition substations may have the potential to cause localised contamination and therefore implications for human health.

A phased contaminated land condition is recommended to ensure the site is safely developed. With such a condition in place any anticipated land contamination issues can be appropriately addressed.

Desirability of the change of use and external appearance of the building

The building is located in a residential area outside the main centre of East Grinstead. There are four Post Offices listed in East Grinstead on the Post Office website, of which this is one. The other three are sited at 101 London Road in the town centre, 59 Heathcote Drive (known as Heathcote Drive) and 87 Dunnings Road

(known as Sunnyside Post Office and Stores). There is a further Post Office listed for the East Grinstead area at Dormans Land, 54-58 High Street, Lingfield on the Post Office website. The Stone Quarry Post Office is located 1.6 km from the nearest Post Office which is sited in London Road. The available services differ at the different branches. At Stone Quarry Post Office the services available are limited to some mail, travel and finance services.

There has been a substantial degree of local opposition to this application, as detailed above, for the change of use of the Post Office to a residential unit. The applicant has stated his intention to close the Post Office on 16th December 2019. As such the business use will cease from that date, and the services on offer to the residents within the locality will no longer be available.

The financial viability of the business has been cited as the reason for the proposed change of use by the applicant. It appears that efforts have been made to relocate the Post Office use and that the Post Office modernisation programme has created changes in the business in recent years. It is claimed that these have affected the operation of the business, such that the applicant can no longer continue.

It is considered that there is an adequate provision of A1 within the local area, within the nearby parade of shops being within walking distance of the site. Some 150m to the south west of the site there is a general store (Premier General Store), a Fish and Chip shop and an Indian restaurant. It is considered that these units provide assessable local shopping facilities for the residents of the Stone Quarry area. The loss of the A1 unit at this site can therefore be supported.

The proposed change of use will have little impact upon the appearance of the building, there being only minimal external change to the roof with the insertion of two roof lights. The area is essentially residential and so the proposed use will fit in with the character of the site and not adversely affect the neighbouring residents.

The Technical housing standards - nationally described space standards provides minimum gross internal floor area standards. For a one person 1 storey studio flat with a shower room the minimum standard is 37 square metres. The proposed flat has a 4 square metre shortfall in overall floor space. As such the proposal is close to the required living standard requirements but as stated above this is not an issue that the LPA can take into account in considering an application of this type.

Ashdown Forest

Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) has the effect that the permission granted by the Order does not override the Conservation of Habitats and Species Regulations 2017. Reg 75 of the latter document States:

'75. It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—

- a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

- b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority).'

The effect of the development on the Ashdown Forest is therefore relevant to the case.

The site lies within 7km of the Ashdown Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) and therefore the applicant is required to mitigate the impact of this development on the Ashdown Forest through managing access (visitor) behaviour and monitoring both birds and visitors, together with provision of an alternative greenspace to attract visitors away from Ashdown Forest. This would be achieved through financial contributions which would be secured through a legal agreement. An informative is placed on this decision such that the applicant is required to apply formally to the Local Planning Authority to mitigate this impact.

The proposed development has been assessed through the Mid Sussex Transport Study (Updated Transport Analysis) as windfall development, such that its potential effects are incorporated into the overall results of the transport model which indicates there would not be an overall impact on Ashdown Forest SAC. Sufficient windfall capacity exists within the development area. This means that there is not considered to be a significant in combination effect on the Ashdown Forest SAC by this development proposal.

CONCLUSION

It is considered that there are no flooding risks in relation to this proposal and that the proposal would not impact on the overall availability of services within the wider area. The potential for contamination can be appropriately mitigated and the transport and highways impacts are also considered acceptable with conditions to ensure that the residential units are not brought into use until cycle parking provision has been provided. On this basis prior approval for the proposed change of use is required, and should be granted in accordance with the details submitted and the conditions recommended below.

APPENDIX A – RECOMMENDED CONDITIONS

1. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:
 - a. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA

A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site; and, unless otherwise agreed in writing by the LPA,

b. Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

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

2. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

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

3. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

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

4. No part of the development shall be first occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

INFORMATIVES

1. The development subject of this application must be completed within a period of three years starting with the prior approval date.
2. The development shall be carried out in accordance with the approved details, unless the Local Planning Authority and the developer agree otherwise in writing.
3. On the basis that the application sites falls within 7km of the Ashdown Forest Special Protection Area (the 'zone of influence'), the development hereby approved must not be begun until an application has been made to the District Council under Regulation 75 of the Conservation of Habitats and Species Regulations 2017 and written notification of approval has been received.

Please see <http://www.midsussex.gov.uk/planning-licensing-buildingcontrol/planning/ashdown-forest/> for further information.

4. Your attention is drawn to the requirements of the Environmental Protection Act 1990 with regard to your duty of care not to cause the neighbours of the site a nuisance.

Accordingly, you are requested that:

- Hours of construction/demolition on site are restricted only to: Mondays to Fridays 0800 - 1800 hrs; Saturdays 0900 - 1300 hrs; No construction/demolition work on Sundays or Public Holidays.
- Measures shall be implemented to prevent dust generated on site from crossing the site boundary during the demolition/construction phase of the development.
- No burning of materials shall take place on site at any time.

If you require any further information on these issues, please contact Environmental Protection on 01444 477292.

5. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

Plans Referred to in Consideration of this Application

The following plans and documents were considered when making the above decision:

| Plan Type | Reference | Version | Submitted Date |
|--------------------|------------------|----------------|-----------------------|
| Existing Site Plan | | | 01.11.2019 |
| Location Plan | | | 07.10.2019 |
| Block Plan | | | 07.10.2019 |

APPENDIX B – CONSULTATIONS

Parish Consultation

25/11/2019 - Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on stone quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead Neighbourhood Plan, should be considered regarding the continued community use of this building.

Town Council Consultation

Recommend Refusal: The Committee are very concerned that this purpose built shop / post office should remain as a community facility on stone quarry. The owners Mid Sussex District Council are asked to keep it as a community facility. It is noted that no change of use application has come forward, which surely would be necessary. DP25 of the District Plan and EG9 and EG10 of the East Grinstead Neighbourhood Plan, should be considered regarding the continued community use of this building.

WSCC Highways Authority

This application has been dealt with in accordance with the Development Control Scheme protocol for small scale proposals which include up to 5 residential units or extensions to single units accessed from roads that do not form part of the Strategic Road Network (SRN). As such the comments provided by Strategic Planning should be considered to be advice only, with respect to this planning application.

This proposal has been considered by means of a desktop study, using the information and plans submitted with this application, in conjunction with other available WSCC map information. A site visit can be arranged on request.

As part of the prior approval process there are a number of matters to be considered. This includes matters relating to highways and transport. However the GPDO is quite clear as to what highway matters can be considered, namely whether the proposal is likely to result in a material increase or a material change in the character of traffic in the vicinity of the site.

This proposal is for the conversion of an existing post office to residential dwelling. Hollands Way is an unclassified road subject to a speed limit of 30 mph. No off-street parking has been demonstrated by the applicant. The WSCC Car Parking Demand Calculator has indicated that a dwelling of this size in this location would require 1 car parking space. Consequently vehicular parking would have to be accommodated on-street.

Whilst on-street parking is limited in the immediate vicinity, there are comprehensive parking restrictions prohibiting vehicles from parking in places considered a detriment to highway safety. The Local Highway Authority (LHA) does not anticipate that highway safety would be detrimentally affected through the nil car parking provision. Material movements to and from the site are not anticipated to exceed that of the existing post office use.

An inspection of collision data provided to WSCC by Sussex Police from a period of the last 5 years reveals no recorded injury accidents within the vicinity of the site. Therefore there is no evidence to suggest the nearby road network is operating unsafely or that the proposal would exacerbate an existing safety concern.

In summary, the movements associated with the post office have done so safely with no known highway safety concerns, and C3 residential uses are considered less intensive. West Sussex County Council in its role as LHA has therefore considered the proposal on that basis.

Consequently, no highway concerns would be raised. In principle, the current GPDO gives limited ability to consider wider highway and transport impacts beyond those set out. The prior approval is therefore considered acceptable in highway terms. If the Planning Authority is minded to approve this application, they may wish to condition cycle parking.

Environmental Health Officer

I have concerns that if this property is converted into a dwelling, future occupiers could be affected by noise from the adjacent substation. However, assuming that this proposed permitted development would fall into Class M, retail and specified sui generis uses to dwelling houses, Environmental Protection can only comment on contamination risks and not noise issues.

Contaminated Land and Environmental Protection Officer

Mapping indicates that the site is adjacent to an electricity substation. Substations due to their composition have a number of products and materials which may have the potential to cause localised contamination. Of initial concern are PCB's (Poly Chloride Biphenyl's) and any localised mineral oils used as lubricants. These particular chemicals are not obvious to the naked eye and would have implications for human health.

Due to the above, the sensitivity of the proposed development, and the fact that a discovery strategy would have very little impact alone a phased contaminated land condition should be attached to ensure the site is safely developed for its end use.

Additionally a discovery strategy should also be attached, so that in the event that contamination not already identified through the desktop study is found, that works stop until such time that a further assessment has been made, and further remediation methods put in place if needed.

Recommendation: Approve with conditions:

5. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site, including the identification and removal of asbestos containing materials, shall each be submitted to and approved, in writing, by the local planning authority:

a. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site

and unless otherwise agreed in writing by the LPA,

b. A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

and, unless otherwise agreed in writing by the LPA,

a) Based on the site investigation results and the detailed risk assessment (b) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

6. The development hereby permitted shall not be occupied/brought into use until there has been submitted to and approved in writing by the Local Planning Authority a verification plan by a competent person showing that the remediation scheme required and approved has been implemented fully and in accordance with the approved details (unless varied with the written agreement of the LPA in advance of implementation). Any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action shall be identified within the report, and thereafter maintained.

Reason (common to all): To ensure that the risks from land contamination to the future users of the land are minimised, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

In addition, the following precautionary condition should be applied separately:

7. If during construction, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the LPA), shall be carried out until a method statement identifying, assessing the risk and proposing remediation measures, together with a programme, shall be submitted to and approved in writing by the LPA. The remediation measures shall be carried out as approved and in accordance with the approved programme. If no unexpected contamination is encountered during development works, on completion of works and prior to occupation a letter confirming this should be submitted to the LPA. If unexpected contamination is encountered during development works, on completion of works and prior to occupation, the agreed information, results of investigation and details of any remediation undertaken will be produced to the satisfaction of and approved in writing by the LPA.

MSDC Drainage

To be reported