Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0213
Delspride, Kent Street, Cowfold, West Sussex, RH13 8BB,

DESCRIPTION:
Application for Approval of Details Reserved by Condition 1 to approved application DC/24/0560

RELEVANT PLANNING HISTORY:

DC/24/0560	Prior Notification for Change of Use of 2No. Agricultural Buildings to 5No. dwellinghouses	Prior Approval Required and PERMITTED on 05.06.2024

PLANNING ASSESSMENT

Prior Notification DC/24/0560 was granted consent on 05.06.2024. This prior notification was for the following:

Prior Notification for Change of Use of 2No. Agricultural Buildings to 5No. dwellinghouses

Consent is sought to discharge the details reserved by condition 1.

Condition 1:

Pre-commencement Condition*: No development shall commence until the following components of a scheme to deal with the risks associated with contamination, (including asbestos contamination), of the site 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.*

The following aspects (b) - (d) shall be dependent on the outcome of the above preliminary risk assessment (a) and may not necessarily be required.

(b) An intrusive site investigation scheme, based on (a) to provide information for a detailed risk assessment to the degree and nature of the risk posed by any contamination to all receptors that may be affected, including those off site.

(c) Full details of the remediation measures required and how they are to be undertaken based on the results of the intrusive site investigation (b) and an options appraisal.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action where required.

The scheme shall be implemented as approved. Any changes to these components require the consent of the local planning authority.

Reason: As this matter is fundamental to ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with the National Planning Policy Framework.

The applicants have submitted a Desk Study by Geo Environmental. This has been considered by the Council's Environmental Protection officer.

It is noted that the foundations of the building are not to be disturbed but no other comment is made regarding the risk from the presence of contamination that may prejudice the safe occupation the proposed dwellings through the provision of soft landscaping, new of water supply pipework or other buried services etc. The Desk Study Report for land at Lot 1 And Lot 2, advises that:

"that an appropriately building survey is undertaken to identify whether asbestos is present within the existing barn building. If so, this asbestos material would need to be appropriately removed from the site under the relevant control measures."

And

"If, however, the development proposals include the removal of the current floor slab, creation of gardens or soft landscaping, and/or intrusive works which expose the underlying Made Ground and shallow soils then further assessment is likely to be required to better characterise contamination on site, as a result of current and historical land uses and the associated risk to identified receptors."

In accordance with the advice from the consultant, confirmation should be provided that provision of new service runs will be laid within clean inert material, no areas of soft landscaping are to be excavated and that an asbestos survey of the building in accordance with HSG 264 has been undertaken.

The applicant has provided further information in the form of an email that states that an asbestos survey is not required that all new installations will be surrounded by clean inert material to mitigate any risk of contamination.

However, in order to be satisfied that these works have not resulted in contamination of the site a copy of the method statement prepared by a competent person and the hazardous wate consignment notes should be provided. A video is not sufficient.

Taking into account the comments of the environmental consultant in the Desk Study Report, it is considered that the comments with respect to the contaminated land, soft landscaping and buried services are insufficient to demonstrate that there is no significant possibility of significant harm to the future occupiers of the development. As a minimum a technical note prepared by a competent person should be provided to support the comments in the email. In addition, a site plan that clearly delineates the areas of suspected contaminated land, soft landscaping and the line of the buried services should be provided.

As such, it is considered that there is insufficient information to discharge this condition.

Recommendation: Application Refused

Reason for Refusal:

1. Insufficient Information has been provided to discharge the condition. The information provided does not demonstrate that there is no significant possibility of significant harm to the future occupiers of the development.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in

determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DISC/24/0213
Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Plans	Foundation Design		20.08.2024
Supporting Docs	Desk Study Report		20.08.2024

DELEGATED

Case Officer sign/initial Kate Turner Date: 07/11/24

Authorising Officer sign/initial RHERMITAGE Date: 20.01.2025