Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DISC/24/0216
Sumners Pond Fishery and Campsite, Chapel Road, Barns Green, West Sussex, RH13 0PR,

DESCRIPTION:
Application for Approval of Details Reserved by Condition 8 and Condition 12 (in respect of the land south of PROW ITC/1604/1 only) to approved application DC/21/2697

RELEVANT PLANNING HISTORY:

DC/21/2697	Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.	Application Permitted on 06.10.2023.

PLANNING ASSESSMENT
Planning Application DC/21/2697 was granted consent on 06.10.2023. This permission was for the following:

Erection of 32No. residential dwellings including 35% affordable housing, 6No. commercial units and 1No. reception building. Creation of access and circulation routes, parking, hard and soft landscaping together with a sustainable drainage system.

Consent is sought to discharge the details reserved by conditions 8 and 12.

Condition 8: Soils

Pre-Commencement Condition: No soils shall be imported or re-used within each phase of the development site until the developer has submitted details of the chemical testing and assessment of the soils which demonstrates the suitability of the soils for the proposed use. The assessment shall be undertaken by a suitably qualified and competent person and full details shall be submitted to and approved in writing by the local planning authority. Prior to the first occupation (or use) of any part of the development hereby permitted within that phase, a written verification report shall be submitted which demonstrates only soils suitable for the proposed use have been placed. The verification report shall be submitted and approved, in writing, by 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 Policies 24 and 33 of the Horsham District Planning Framework (2015).

Condition 12:

Pre-Commencement Condition: With the exception of the demolition and removal of existing buildings and any concrete hardstanding 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 pre-demolition 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) - (c) 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 toall 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 a verification plan providing details of what data will be collected in order to demonstrate that the remedial works are complete.
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 Policies 24 and 33 of the Horsham District Planning Framework (2015).

Information submitted by the Applicants includes the Addendum Site Investigation - LEAP Environmental (dated 15 August 2024 as received on the 11 September 2024) and plan Drawing Ref. LP3662-LW-111-XX-D-G-11101-C01 (appendix B), which has been submitted to address matters in relation to the site investigation and chemical testing of the soils within the Sumners Pond development as well as the LEAP Environmental letter dated 25.09.24.

The scope of the investigation encompasses the southern half of the site only which for the purposes of this report is referred to as "the site" throughout the supporting information as submitted. The Applicants set out in their supporting information that '*further investigation of the site was required as during the initial Phase II investigation access was limited by the presence of buildings. The scope of these further investigation works was agreed in writing with the Environmental Protection Officer from Horsham District Council (HDC) prior to the works taking place.'*

The Council's Environmental Health Department have been consulted and they have advised that despite discussions with the Applicants regarding the extent of testing required prior to the submission of details the submitted, the information does not fully address concerns regarding the contamination of the Southern part of the site.

Detailed comments made by Environmental Health are as set out below for the Applicants information:

1. *The comments in sections 1 and 2* [LEAP Environmental letter dated 25.09.24] *are noted, the comments do however assume an homogenous distribution of contamination across the site which may or may not be the case. We appreciate that there are no significant point sources of contamination on the southern part of the site, experience with other similar former agricultural sites has however shown the made ground to be variable.*

2. *Given the above we therefore do not agree that LEAP can infer that the ground conditions in the garden areas will be the same as the areas that were investigated. Garden areas remain areas of interest and, in our view, should therefore be subject to an appropriate level of investigation.*
3. *We appreciate that location TP6, TP205 and TP209 are located in the eastern part of the site. It is however not clear if this specific source of contamination which we raised concerns about in previous comments has been targeted.*

4. With regards to the western part of the site – we appreciate that the multiple services are located in this area and that the majority of this area will be hardstanding. From previous visits to the site it would appear that reasonably significant depths of made ground were present in this part of the site. We appreciate that investigations in this western part of the site was not raised in previous comments, unfortunately this was overlooked at the time, but in order to obtain sufficient confidence that all areas of the site have been subject to investigation we would like to see some investigation undertaken in this western area.

5. We note the comment there is no significant contamination within the location of TP204 that could impact the future residents onsite. It is not clear how LEAP can make this comment based on site investigation information to date. Whilst we appreciate that a discovery strategy will be in place, which is welcomed, where there is the potential for contaminated soils to be present in an area of a site in our view this should be fully explored at this stage.

6. The comments in relation to the ground gas are noted, we do however remain concerned that the material presents a potential source of ground gas.

7. We are not in a position where we can provide comments on the RMS until we are satisfied that all areas of the southern part of the site have been subject to adequate investigation.
Given the above unfortunately Environmental Health are not in a position where we can recommend the discharge of conditions 8 and 12 at this time.

In view of the above the information submitted does not satisfactorily address the requirements of Conditions 8 and 12 at this time and cannot therefore be discharged. The Applicants is advised to resubmit a further Discharge of conditions application with additional information for further consideration.

The requirements of the condition have not been satisfied.

Recommendation: Application Refused

In respect of the details submitted pursuant to Conditions 8 and 12, the submitted details are refused for the following reasons:-

1. It has not been demonstrated to the satisfaction of the Local Planning Authority that the details of the chemical testing and assessment of the soil's details submitted pursuant to condition 8 (soil details) include satisfactory contamination testing details in order to secure a safe and satisfactory development scheme. The submitted details, therefore, fail to satisfy the requirements of Policies 24 and 33 of the Horsham District Planning Framework (2015) in this regard.

2 It has not been demonstrated to the satisfaction of the Local Planning Authority that the details of a scheme to deal with the risks associated with contamination, (including asbestos contamination), purusant to condition 12 (contamination detials) include a satisfactory level of details to secure a safe and satisfactory development scheme. The submitted details, therefore, fail to satisfy the requirements of Policies 24 and 33 of the Horsham District Planning Framework (2015) in this regard.

NOTE TO APPLICANT

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/24/0216
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Docs	Phase III Investigation Report	LP3444	23.08.2024
Supporting Docs	Remediation Method Statement	LP362/RMS/South	23.08.2024
Supporting Statement	PLANNING STATEMENT - CONDITION DISCHARGE		23.08.2024
Supporting Docs	LANDSCAPE SPECIFICATION		23.08.2024

DELEGATED

Case Officer sign/initial Amanda Wilkes Date: 16/10/2024

Authorising Officer sign/initial Adrian Smith Date: 16/10/2024