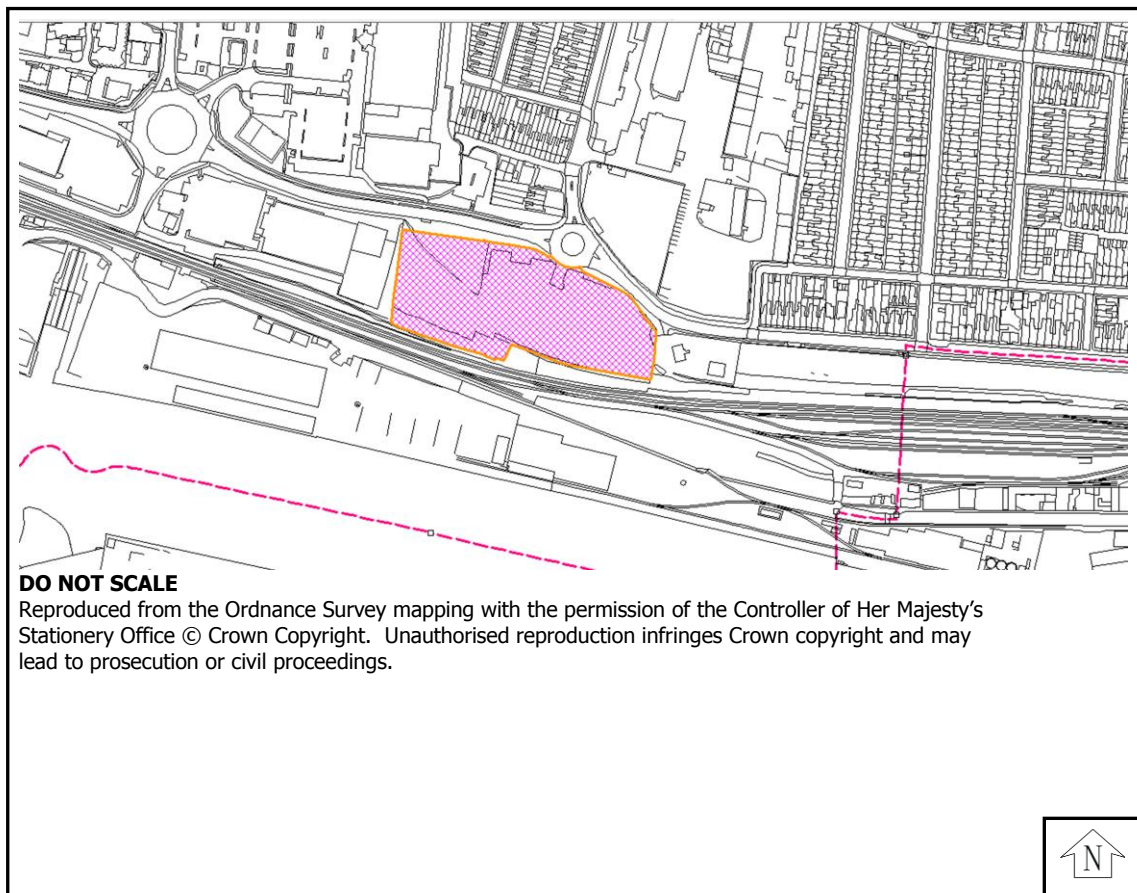


PLANNING COMMITTEE – 13 DECEMBER 2016**APPLICATION NO** DC/16/3845/VOC**LOCATION**Coal Stacking Ground
Denmark Road
Lowestoft
Suffolk**EXPIRY DATE** 13 December 2016**APPLICATION TYPE** Outline**APPLICANT** Austringer Land Limited**PARISH****PROPOSAL** Variation of Condition No.4 of DC/15/3089/VOC – (Approved Plans) - Retail warehouse development and associated car parking and access arrangements – Amendment of configuration.

1 SUMMARY

- 1.1 There is an extant planning permission on the application site, granted on appeal in 2014, for 3,856 sq.m of retail warehouse floorspace. The layout was subsequently amended in 2015. This application seeks a further amendment to the layout and access within the site. The proposed amendment reduces the amount of previously approved floorspace by 651 sq. m. However a separate application seeks to balance this reduction by proposing 651 sq.m of retail warehouse floorspace in the eastern part of the site (DC/16/3844/OUT). As such the total amount of retail floorspace across the whole site would remain the same.
- 1.2 The land is allocated in the AAP under Policy SSP9 for employment uses. However given the extant planning permission this is not considered to be a viable reason for refusal. In any event it is likely that there is still an oversupply of employment land in the District.
- 1.3 The proposed reduction in retail floorspace in this part of the site is not considered to raise any retail policy issues above those that have already been considered to be acceptable.
- 1.4 The application site is a potential landing point for the proposed third crossing of Lake Lothing. However this is not considered to be an issue of material substance for the consideration of this application. The Nationally Significant Infrastructure Proposal (NSIP) process makes provision for dealing with such circumstances where third party land is required to deliver an NSIP project. There are provisions within the NSIP Development Consent Order (DCO) process to enable the land required to deliver the bridge to be delivered. This application, if approved, would not affect the third crossing process at all. Should this application be approved Counsel advice has confirmed that there would be no liability on the Council.

2 SITE DESCRIPTION

- 2.1 The site covers some 1.2 hectares to the south of Peto Way and Denmark Road and is accessed off the roundabout at the junction of these two roads. The area surrounding the site contains a mix of retail, residential, commercial and port related uses. To the northwest lies the North Quay Retail Park and to the north is residential development along Rotterdam Road. To the south, beyond the railway line, is port related employment land and associated buildings.
- 2.2 Along the southern boundary of the site is the railway line whilst to the east is a second hand car dealers. The Wickes DIY store is located to the west of the site and beyond this is the Lidl foodstore (currently being replaced with a new larger store) and Bannatynes.
- 2.3 The site currently lies vacant and is derelict. Its previous uses have been as a coal depot and, more recently, as a car storage and parking area. The majority of the site is covered by concrete hardstanding and is enclosed with palisade fencing along each of its boundaries. The site is vacant and there is some evidence of fly tipping.

3 PROPOSAL

- 3.1 This application relates solely to the western half of the site. It seeks to amend Condition 4 of DC/15/3089/VOC which relates to the approved plans for the layout of the retail development within the site. The approved plan layout shows 3,856 sq.m of retail warehouse floorspace across the site. The proposed amendment in this application reduces the amount of retail floorspace by 651 sq.m in the western part of the site.
- 3.2 A separate application for consideration on this Agenda (DC/16/3844/OUT) seeks to balance the proposed reduction in this application by proposing a 651 sq.m retail unit in the eastern part of the site. The amount of proposed retail warehouse space across the site would therefore remain the same.
- 3.3 Across the whole site the proposed developments will provide 177 car parking spaces for use by customers. Of the 177 customer spaces, 16 spaces for less-able bodied users will be provided and 3 electricity charging spaces will be provided. In addition, space for 24 bicycles and 15 motorcycles will be provided.
- 3.4 The proposal is anticipated to create 67 FTE employment positions across the whole site. This is an additional 33 FTE employment positions when compared to the extant permission (See Section 6 – Planning History).

4 CONSULTATIONS/COMMENTS

- 4.1 **Neighbour Consultation/representations:** 17 neighbouring properties were notified of the application. 3 representations have been received raising the following points:
- The development is too close to the third crossing roundabout
 - The development should be refused/deferred until the third river crossing is finalised and built.

Consultees

- 4.2 **Suffolk County Council Highways:** Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:
- 4.3 **Condition 1:** No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place. Thereafter the access shall be retained in its approved form.
- 4.4 **Reason:** To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

- 4.5 Condition 2: No part of the development shall be commenced until details of a cycleway/footway is provided from the development to connect the existing footway on the south side of Denmark Road have been submitted to and approved in writing by the Local Planning Authority. The approved footway shall be laid out and constructed in its entirety prior to occupation of the properties. Thereafter the access shall be retained in its approved form.
- 4.6 Comments: A footway should be a minimum width of 1.8m.
- 4.7 Reason: To ensure that the footway is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.
- 4.8 Condition 3: Before the development is commenced details of the areas to be provided for disabled car parking provision and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.
- 4.9 Note: The submitted car parking provision is not in accordance with Suffolk Guidance for Parking which requires disabled car parking bays dimensioned at 2.9m x 5.5m with a 1m buffer strip between bays. Cycle storage should be secure and covered.
- 4.10 Reason: To ensure the provision and long term maintenance of adequate on-site space for parking and manoeuvring of vehicles.
- 4.11 Condition 4: Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.
- 4.12 Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.
- 4.13 Condition 5: Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.
- 4.14 Reason: To prevent hazards caused by flowing water or ice on the highway.
- 4.15 **Suffolk County Council – Consenting Manager, Ipswich and Lowestoft Crossings;** I have prepared this response in the context of the Lake Lothing Third Crossing project in

response to the land use conflict between the proposed applications and that project, as described in more detail below.

- 4.16 I note that the site to which the above applications relate benefits from planning permission granted via appeal in 2014, reference DC13/0110/OUT and that application was subsequently varied in 2015, reference 15/3089/VOC.
- 4.17 The current situation is that 3,856m² of A1 retail land uses is permitted spread across five retail units. Condition 5 of the current consent restricts the use to the sale of the following bulky goods: DIY and improvement products for the home; garden products; furniture and carpets and floor coverings.
- 4.18 This restriction allowed the Inspector in the aforementioned appeal (reference APP/T3535/A/13/2210580) to conclude that “there would be no harmful impact to the vitality or viability of the town centre is predicted, provided that the new floor space would trade in bulky goods only”.
- 4.19 The Inspector went on to say that “The parties agreed that a condition could secure the goods restrictions intended and which is necessary to protect the role and vitality of the town centre” [emphasis added].
- 4.20 The restriction to bulky goods was thus a central tenet of allowing the appeal in 2014. The current application 16/3844/OUT seeks outline permission for 279m² of class A1/A3/A5 floor space and a 338m² Class A3/A5 restaurant. It is not clear that any restrictions are proposed on the sale of goods from the retail “pod units”.
- 4.21 Collectively these uses represent a net increase in floor space over that which has existing consent. The uses proposed in this application are also contrary to those found to be acceptable in the previous appeal and remain contrary to the Local Plan, which seeks to both protect the town centre (policy RLT1) and allocate this site for B class uses (policy SSP9). As such, should WDC be minded to approve the application, it should be advertised as a Departure in line with the provisions of the Development Management Procedure Order.
- 4.22 With respect to the sequential test, I note that the applicant has applied this on the basis of the entire site, including development proposed which is not the subject of application 16/3844/OUT. I ask WDC to consider the acceptability of this approach and whether such a methodology has been taken to complicate the process of being able to find a sequentially preferable site for the smaller scale of development proposed as part of this application.
- 4.23 No evidence is provided for the justification of the increase in overall retail floor space, which at 15% the applicant considers “minimal”. It is not clear why, for example, the proposed new floor space should not be offset by reductions in other units.
- 4.24 I also ask that WDC consider the application in the context of its *Retail and Leisure Needs Assessment 2016*¹, not referred to by the applicant and whether the scheme contributes to meeting needs identified therein.

- 4.25 Finally, I believe there is an error in the Design and Access Statement, which describes the site as long-term vacant (paragraph 1.22 (4)). Evidence from Google Earth shows the site in use (see Annex).
- 4.26 Lake Lothing Third Crossing
- 4.27 Suffolk County Council is proposing to construct a new road crossing of Lake Lothing in Lowestoft (known as Lake Lothing 3rd Crossing). Lake Lothing 3rd Crossing has been designated by the Secretary of State for Transport as a Nationally Significant Infrastructure Project, meaning that Suffolk County Council is able to apply to the Secretary of State for Transport for a Development Consent Order. The Direction is available on SCC's [website](#). SCC has received a provisional funding award of £73.39m from the Department for Transport.
- 4.28 We have identified a central crossing of Lake Lothing as the preferred location. The general alignment is as shown in our recent [newsletter](#). The northern landing point of the scheme is in the same area as both of the applications currently under consideration. The northern landing point is constrained by:
- The need to provide a satisfactory tie in to Denmark Road;
 - The positioning of the East Suffolk Line and the clearance required over that;
 - The location of buildings on the north quay within the Port;
 - The need to cross the Lake perpendicular to the quays to allow a bascule bridge;
 - The positioning of the shipping turning circle within the Lake; and
 - The alignment of Riverside Road to the south
- 4.28 As such, there are no circumstances in which the use of the land covered by applications 16/3844/OUT and 16/3845/VOC can be avoided.
- 4.29 Consequently, I would like to also make you are aware that we are in discussions with the landowner in respect of the interaction of the project with this land and are undertaking surveying and design work to be better understand the impact on the land.
- 4.30 WDC will also be aware that the Outline Business Case made an allowance for land acquisition costs and that landowners are entitled to compensation where the land is required for the scheme, whether that is secured by agreement, or by the use of compulsory acquisition powers, which development consent orders may include.

SITE NOTICES

4.31 The following site notices have been displayed:

General Site Notice	Reason for site notice: Major application, Departure. Date posted 16.09.2016 Expiry date 06.10.09.2016
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5 PLANNING POLICY

5.1 The National Planning Policy Framework (NPPF) was published in March 2012. At the heart of the NPPF is a presumption in favour of sustainable development (para. 14). The NPPF

makes clear that for decision taking, the presumption means approving development proposals that accord with the development plan without delay. In particular the NPPF, at paragraph 17, encourages the effective use of land by reusing land that has been previously developed (brownfield land).

- 5.2 The **Core Strategy** was adopted in January 2009. **Policy CS01** states that Lowestoft is the main town in the District where it is envisaged approximately 70 to 80% of the housing growth and 70 to 80% of the additional 5000 jobs are to be created, with the majority of this growth on previously developed land. **Policy CS02** requires high quality and sustainable design. In particular proposals should reflect local character and distinctiveness. **Policy CS05** states that an Area Action Plan for the Lake Lothing and Outer Harbour area will be prepared. **Policy CS07** states that the Lake Lothing area will be identified and developed as a strategic employment site through the Area Action Plan. **Policy CS10** requires new retail, leisure and office uses to be located in existing town centres wherever possible. **Policy CS15** states that the District Council will continue to promote the creation of a third crossing of Lake Lothing.
- 5.3 The **Development Management Policies** were adopted in 2011. **Policy DM02** sets down Design Principles for new development, in particular proposals should be sympathetic to the character of a site and the quality of the built environment.
- 5.4 The **Lake Lothing and Outer Harbour Area Action Plan** was adopted in 2012. **Policy SSP9** designates the application site as part of the Peto Way/Denmark Road Corridor which is allocated for employment development comprising B1, B2 and B8 uses. **Policy RLT1** states that retail development will be accommodated as part of a town centre expansion, including the redevelopment of Peto Square. **Policy FRM1** is concerned with flood risk.

6 PLANNING HISTORY

- 6.1 In 2012 outline consent for a non-food retail warehouse on the site was refused for two reasons. The first reason was on the grounds that the proposal was contrary to Policy SSP9 of the Lowestoft Lake Lothing and Outer Harbour Area Action Plan (January 2012) which allocates the site for employment development. The second reason was that the proposal was considered is likely to have an adverse impact on the vitality and viability of the town centre (DC/11/1224/OUT).
- 6.2 In 2013 a second application for the same scheme was also refused but this time only on the grounds that the proposal was contrary to Policy SSP9 (DC/13/0110/OUT) as evidence had shown that the proposal would not have an adverse impact on the town centre.
- 6.3 In 2014 an appeal against this second refusal was allowed and planning permission was granted for a retail warehouse development measuring 3,856 sq.m and associated car parking and access. The site therefore benefits from an extant planning permission.
- 6.4 In 2015 the layout of the development was subsequently amended to provide five large format retail warehouse units rather than one unit. The application did not propose any additional floorspace and the combined floorspace of the five units remained at 3,856 sq.m (DC/15/3089/VOC).

- 6.5 A separate application for consideration on this Agenda seek outline planning permission for a retail warehouse, Class A1/A3/A5 floorspace and a drive-thru restaurant (DC/16/3844/OUT).

7 PLANNING CONSIDERATIONS

- 7.1 The main issues to take into account in the consideration of this application are planning policy and the planning history of the site. A further consideration is the proposed third crossing of Lake Lothing.
- 7.2 The site is allocated for employment uses (B1, B2 and B8) by Policy SSP9 of the Area Action Plan (AAP). The aim of Policy SSP9 is to provide priority relocation space for appropriate businesses that will be displaced by other strategic site proposals as set out in the AAP. The proposed retail uses are therefore contrary to the uses envisaged by Policy SSP9.
- 7.3 However, as will be noted in Section 6, the site benefits from planning permission granted via appeal in 2014 for a retail warehouse of 3,856 sq.m. Condition 5 of the consent restricts the sale of goods to 'bulky' goods, recommended by independent retail advice obtained at the time of the appeal, in order to ensure that there would be no harmful impact on the vitality of viability of the town centre. The layout was subsequently amended and the current situation is that consent exists for 3,856 sq.m of A1 retail space spread across five retail units.
- 7.4 Furthermore, in allowing the appeal the Inspector was of the view that:-
- 7.5 "Loss of the appeal site, and therefore some 1.4 ha of employment land, is unlikely to impact on supply to such an extent as to be prejudicial to the wider employment outcomes sought in the AAP".
- 7.6 The Inspector concluded as follows:-
- 7.7 "It is true that there is conflict with the adopted Policy SSP9, but other material considerations lead me to conclude that the proposal represents sustainable development (for the economic, social and environmental gains forthcoming) without compromising compliance with the development plan as a whole. No other matters raised alter the balance of my considerations or my decision to allow the appeal."
- 7.8 Therefore in view of the appeal decision and the Inspectors reasoning it is not considered appropriate to refuse this application on the grounds that it is contrary to Policy SSP9.
- 7.9 As will be noted above, planning permission exists on the site for 3,856 sq.m of retail warehouse floorspace. The approved layout shows 4 retail units (2,741 sq.m) in the western part of the site and one retail unit (1115 sq.m) in the eastern part of the site. This application seeks to amend the approved layout by proposing 5 retail units in the western part of the site with a combined total of 3,205 sq.m. There is a separate proposal for a 651 sq.m retail unit in the eastern part of the site in application DC/16/3844/OUT. Therefore the combined total of retail warehouse floorspace across the whole site remains at 3,856

sq.m. As such these proposals do not alter the amount of retail warehouse floorspace granted on appeal.

7.10 Retail policy issues are considered in more detail in application DC/16/3844/OUT but in summary the appeal decision has found retail warehouse development on this site to be acceptable. The proposed reconfiguration of the retail warehouse floorspace in this part of the site results in some revisions to the access but as will be noted above the Highway Authority raise no objection to the application, subject to conditions. It is considered that the revised layout is not significantly different from the approved layout and therefore it is considered to be acceptable. In view of the planning history of the site it is considered that there are no grounds to oppose this application.

7.11 Lake Lothing Third Crossing

7.12 The proposed Lake Lothing Third Crossing has been identified by Policy CS15 of the Core Strategy as important to dealing with transport problems in Lowestoft and Suffolk County Council, as the relevant Highway Authority, will lead the delivery of the crossing.

7.13 The application site is a potential landing point for the northern side of the proposed third crossing of Lake Lothing. However this is not considered to be an issue of material substance for the consideration of this application. The Nationally Significant Infrastructure Proposal (NSIP) process makes provision for dealing with such circumstances where third party land is required to deliver an NSIP project. There are provisions within the NSIP Development Consent Order (DCO) process to enable the land required to deliver the bridge to be delivered. As will be noted in the response above from the Consenting Manager for the third crossing (paras. 4.14-4.30) discussions are currently taking place with the landowner who would be entitled to compensation, whether the land required for the scheme is secured by agreement, or by the use of compulsory acquisition powers, which the DCO may include. Therefore if this planning application is approved it would not affect the proposed third crossing process at all.

7.14 As a precautionary measure Counsel advice has been obtained as to whether, should planning permission for this application be granted, the Council would be liable to pay compensation in view of the proposed third crossing affecting the application site. Counsel has advised as follows:

7.15 *Having reviewed the statutory scheme I consider that were WDC to grant permission for the instant application the applicants would not be able to serve either a blight notice or purchase notice on WDC. With regards to blight notices, although there is a possibility that other parts of the statutory test may be met by the applicants, WDC is not the appropriate authority under the statute. Therefore, were the applicants minded to serve a blight notice it would be on SCC rather than WDC.*

7.16 *Turning to purchase notices, I consider that the applicants would be unlikely to be able to demonstrate that the Site is incapable of beneficial use. The site currently benefits from an extant planning permission for warehouse development, The current application is for warehouse development and some other uses. These are beneficial uses to which the Site*

could be put. If and when a DCO is granted to SCC to build the third crossing, this would then be a beneficial use to which the site could be put.

- 7.17 Counsel advice has confirmed that there would be no liability on the Council should this application be approved.

8 CONCLUSION

- 8.1 An extant planning permission exists on the site for 3,856 sq.m of retail warehouse floorspace which was granted on appeal. This application proposes to reduce the quantum of retail warehouse floorspace by 651 sq.m to 3,205 sq.m. A separate application (DC/16/3844/OUT) seeks to balance this reduction by proposing a retail unit of 651 sq.m, as such there is no change to the overall amount of retail warehouse floorspace on the site. The proposed layout is similar to the approved layout and the access is considered acceptable.
- 8.2 The site is allocated for employment purposes by Policy SSP9 of the AAP. However as the site benefits from planning permission for retail use it is not considered appropriate to refuse this application on the basis that it is contrary to Policy SSP9 particularly as it is likely that there is still an oversupply of employment land in the District.
- 8.3 The site is a potential landing point for the third crossing of Lake Lothing. However this is not a material consideration in the determination of this application as there is no firm proposal for the third crossing and as the planning consent for retail use exists. When land is required for the bridge it can be secured either by agreement with the landowner or by the use of NSIP Compulsory Acquisition powers.
- 8.4 Given the existing retail planning permission on the site it is considered that there are no grounds for refusing this application. Approval of the application is therefore recommended.

9 RECOMMENDATION

- 9.1 That permission be granted subject to the following conditions:

1. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended).

2. Details of the appearance, landscaping and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To secure a properly planned development.

3. Application for approval of the reserved matters shall be made to the local planning authority not later than 22 July 2017.

Reason: To comply with section 92 of the Town and Country Planning Act 1990.

4. The development hereby permitted shall be carried out in accordance Drwg. Nos. 8449-P09C and 8449-P11D received 14 November 2016 and in compliance with any conditions imposed by the Local Planning Authority.

Reason: To secure a properly planned development.

5. The retail floorspace hereby approved shall not be used for any purpose other than for the sale of the following bulky goods: DIY and improvement products for the home; garden products; furniture and carpets and floor coverings. Ancillary goods and services shall not occupy more than 10% of the internal floorspace in each retail unit used for retail sales.

Reason: In order to help maintain and enhance the vitality and viability of the town centre.

6. No part of the development shall be commenced until details of the proposed access have been submitted to and approved in writing by the Local Planning Authority. The approved access shall be laid out and constructed in its entirety prior to any other part of the development taking place.

Thereafter the access shall be retained in its approved form.

Reason: To ensure that the access is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

7. No part of the development shall be commenced until details of a cycleway/footway is provided from the development to connect the existing footway on the south side of Denmark Road have been submitted to and approved in writing by the Local Planning Authority. The approved footway shall be laid out and constructed in its entirety prior to occupation of the properties.

Thereafter the access shall be retained in its approved form.

Comments: A footway should be a minimum width of 1.8m.

Reason: To ensure that the footway is designed and constructed to an appropriate specification and made available for use at an appropriate time in the interests of highway safety.

8. Before the development is commenced details of the areas to be provided for disabled car parking provision and secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long term maintenance of adequate on-site space for parking and manoeuvring of vehicles.

9. Before the access is first used visibility splays shall be provided in accordance with details previously approved in writing by the Local Planning Authority and thereafter shall be retained in the approved form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason: To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely, and vehicles on the public highway would have sufficient warning of a vehicle emerging to take avoiding action.

10. Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Reason: To prevent hazards caused by flowing water or ice on the highway.

11. Development shall not begin until a scheme for the provision of fire hydrants within the site has been submitted to and approved in writing by the local planning authority. The fire hydrants shall be installed in accordance with the approved details before the development is first brought into use.

Reason: To ensure adequate provision of fire hydrants in the interests of fire safety.

12. No development shall take place within the site until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: The site is potentially of archaeological and historical significance.

13. No building on the site shall be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme forming part of the written scheme of investigation approved under Condition 10 and provision made for analysis, publication and dissemination of results and archive deposition.

Reason: The site is potentially of archaeological and historical significance.

14. The development hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development.

Reason: To ensure the satisfactory drainage of surface water from the site.

15. Before development begins an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme and a written report of the findings of the investigation and risk assessment is to be submitted to and approved in writing by the local planning authority. The report of the findings must include:
- i) a survey of the extent, scale and nature of contamination;
 - ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

16. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and approved in writing, by the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (sometimes referred

to as a validation report) that demonstrates the effectiveness of the remediation carried out must be submitted to the local planning authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

18. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition 15, and where remediation is necessary, a remediation scheme must be prepared in accordance with the requirements of Condition 16, and submitted in writing to the local planning authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted in writing to the local planning authority in accordance with Condition 17.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

BACKGROUND INFORMATION:

See application ref: DC/16/3845/VOC at
www.waveney.gov.uk/publicaccess

CONTACT

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