

MEMO

Public Protection Service



From: Head of Public Protection Service
To: Head of Planning and Regeneration
FAO: Karen Gallacher
Date: 5th October 2011
Our Ref: 809776
Subject: Planning Application 11/00766/FUL

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPLICATION NO: 11/00766/FUL

SITE: 12-13 SUSSEX STREET, PLYMOUTH, PL1 2HT

PROPOSAL: Change of use from offices to 2 Student houses in multiple occupation, one containing 10 bedrooms and one containing 12 bedrooms

Public Protection Service's overall recommendation for the above application is **refusal** of the above proposed development.

Please note, we have included comments from all of our different sections, however, if an objection has been raised by one officer, conditions within the memo should not be assumed to over-ride an objection. We have included all of the comments so that Planning Officers and applicants can clearly see which aspects of the application are acceptable and unacceptable to this department.

Environmental protection observations

Not consulted

Land quality observations

Having consulted the online details for the above application PPS notes that an appropriate contamination assessment has not been submitted with the application in accordance with PPS 23. The applicant has not acknowledged in section 15 of the form that the proposed development is a use that would be vulnerable to contamination. Proper acknowledgement would normally trigger production.

Additionally, the proposed site is located nearby to former works and underground fuel storage areas which may have caused contamination. In light of the above observations and due to the proposal for particular development sensitivity involved with the change of use and in particular,

basement conversion, PPS recommends refusal until the necessary information has been submitted.

Food safety & standards team observations

Not consulted

Health and safety observations

No comments

Neighbourhoods and environmental quality observations

Not consulted

Recommendations:

Objection: Public Protection Service recommends refusal to the proposed development because there is insufficient information to demonstrate that the risk of contaminated land or that the risk of pollution to controlled waters is acceptable.

There are three strands to this objection. These are that:

1. We consider the level of risk posed by this proposal to be unacceptable.
2. The application fails to provide assurance that the risks of pollution are understood, as a preliminary risk assessment including an adequate desk study, conceptual model and initial assessment of risk has not been provided. PPS23 takes a precautionary approach. It requires a proper assessment whenever there might be a risk, not only where the risk is known.
3. Under PPS23, the application **should not be determined** until information is provided to the satisfaction of the Local Planning Authority that the risk to contaminated land and controlled waters has been fully understood and can be addressed through appropriate measures. This is not currently the case.

Reason: There is a potential for contamination to be present at the site as it is located close to areas with significant previous potentially contaminative land use, but no preliminary risk assessment has been submitted with the application. The risk is considered unacceptable because there is no evidence to indicate otherwise.

The potential for contamination may be suspected on the basis of past and/or current use or experience of contamination issues at similar types of sites.

Should the application be recommended for approval Public Protection Service must be given the opportunity to condition the application to protect human health and the wider environment.