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Item No: 9.1

Application: 180719

Applicant: Ramsay Healthcare Ltd.

Agent: Hall Needham Associates Llp

Proposal: Proposed new MRI side extension, theatre 4 & stores rear extension, re-siting of existing 2 storey portacabins and additional car parking.

Location: Oaks Hospital, The Oaks Hospital, Oaks Place, Colchester, CO4 5XR

Ward: Mile End

Officer: James Ryan

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it was called in by Councillor Goss for the following reasons:

“Concerns raised about the car parking. In essence it's only an increase of 4 spaces. 15 will be removed and 19 new ones delivered only delivering a net gain of 4. Concerns raised this isn't adequate for the increase in visitors to the hospital”.

2.0 Synopsis

- 2.1 The key issues for consideration are the parking implications and the design and layout of the scheme.
- 2.2 The application is subsequently recommended for approval.

3.0 Site Description and Context

- 3.1 The Oaks is a private Hospital located off of Mile End Road and is accessed via Oaks Place. It sits in a backland position. Apart from a care home to the north-west, it is surrounded by dwellings. It is a 1990's two storey render and brick clad building with hipped roofs. To the rear are portacabin/modular buildings containing offices. The car park surrounds much of the site which is interspersed with sporadic landscaping areas.

4.0 Description of the Proposal

- 4.1 The scheme proposes an extension to the main building for a new MRI suite. A new operating theatre and associated accommodation is proposed to the rear on what is currently a parking area and is also where the admin offices in modular/portacabin buildings sit. The existing portacabins will be moved from this position at the rear to one that is adjacent to the side. Extra parking spaces will be created at in a number of positions around the site.

5.0 Land Use Allocation

- 5.1 The land is within the settlement development boundary.

6.0 Relevant Planning History

- 6.1 The site has a detailed planning history but the applications that are of particular relevance to this scheme are:
- 6.2 COL/91/0098 - Outline application for 70 bed hospital – Approved
- 6.3 COL/91/0098A – Reserved Matters application for 57 bed hospital – Approved
- 6.4 COL/97/1827, F/COL/02/1711 and 072800 – Proposed single story physiotherapy department – approved and renewed twice.

- 6.5 COL/97/1488 and F/COL/02/1710, 072799 – Proposed extension to Consultants Suite – approved and renewed.
- 6.6 T/COL/03/1565 – Portacabins for office use – 5 year temporary approval.
- 6.7 101235 – Proposed single-storey extensions for consultants' suite. Replacement physiotherapy department, and corridor link in courtyard and 7 no additional car parking spaces and other minor works – Approved.
- 6.8 102693 - 3no. proposed portacabin type offices linked to existing hospital building, 2no. additional existing car parking spaces retained, and visitor motorbike and cycle shelter provision (inc. minor plan revisions to approved extensions under planning ref. no. 101253) – Approved.
- 6.9 160375 - 3.No proposed portacabin type offices linked to existing hospital. (Retention of existing installation constructed under planning permission No 102693 date 23rd February 2011) – Approved.

7.0 Principal Policies

- 7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.
- 7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

SD1 - Sustainable Development Locations
SD2 - Delivering Facilities and Infrastructure
SD3 - Community Facilities
CE1 - Centres and Employment Classification and Hierarchy
UR2 - Built Design and Character
PR2 - People-friendly Streets
TA1 - Accessibility and Changing Travel Behaviour
TA2 - Walking and Cycling
TA3 - Public Transport
TA4 - Roads and Traffic
TA5 - Parking
ENV1 - Environment
ER1 - Energy, Resources, Waste, Water and Recycling

- 7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP2 Health Assessments
DP3 Planning Obligations and the Community Infrastructure Levy
DP4 Community Facilities
DP5 Appropriate Employment Uses and Protection of Employment Land and Existing Businesses
DP14 Historic Environment Assets
DP17 Accessibility and Access
DP19 Parking Standards

- 7.4 Some “allocated sites” also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

N/A

- 7.5 The Neighbourhood Plan Myland & Braiswick is also relevant. This forms part of the Development Plan in this area of the Borough.

- 7.6 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments
EPOA Vehicle Parking Standards
Community Facilities
Sustainable Construction
Cycling Delivery Strategy
Sustainable Drainage Systems Design Guide
Managing Archaeology in Development.
Developing a Landscape for the Future
ECC's Development & Public Rights of Way
North Colchester Growth Area
Air Quality Management Guidance Note, Areas & Order
Myland Parish Plan AND Myland Design Statement

- 7.7 The Council is developing a new Local Plan that has been submitted to the Planning Inspectorate (October 2017). An Inspector has been appointed and the formal examination commenced in January 2018. The examination is ongoing. The following emerging policies are considered to be relevant:

SP1 - Presumption in Favour of Sustainable Development
SP4 - Providing for Employment and Retail
SP5 - Infrastructure and Connectivity
DM1 - Health and Wellbeing
DM2 - Community Facilities

DM9 - Development Density
DM15 - Design and Amenity
DM20 - Promoting Sustainable Transport and Changing Travel Behaviour
DM21 - Sustainable Access to Development
DM22 - Parking

Paragraph 216 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to:

- (1) the stage of preparation of the emerging plan;
- (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and
- (3) the degree of consistency of relevant policies to the policies in the Framework.

The Emerging Local Plan is at an advanced stage and may therefore be taken into consideration in the determination of this application. In the context of this application proposal there are no fundamental unresolved objections to the aforementioned policies in the emerging plan and it is considered, at this stage, that the relevant policies in the emerging Local Plan are consistent with the Framework. The Emerging Local Plan is, therefore, considered to carry some weight in the consideration of the application, but as it is yet to undergo examination, it is not considered to outweigh the material considerations assessed above in accordance with up-to-date planning policies and the NPPF.

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Landscape Planning Officer – No objection. Landscaping and landscape management condition requested.
- 8.3 Arboricultural Planning Officer – No objection. Tree protection conditions requested.
- 8.4 Archaeology – No objection and no investigation or conditions needed.
- 8.5 Urban Design – Parking issues noted. Hospital should consider building up on this cramped site. MRI suite needs better detailing although the functional requirement for a lack of window is understood.
- 8.6 Environmental Protection – No objection, a site boundary noise levels condition requested.
- 8.7 ECC Highways – No objection subject to the applicant signing up to a new travel plan and subject to additional secure cycle parking.
- 8.8 Contaminated Land – No objection but, based on the limited information provided, a condition and an informative is requested.

8.9 Natural England – No objection.

9.0 Parish Council Response

9.1 The Parish Council have stated: MCC support this application although we acknowledge resident's concerns regarding parking. We also note assurances on working hours.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. Three objections were received from neighbours along with general observations from Cllr Goss and The Colchester Cycling Campaign. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.

- This site is already too tight in terms of parking and can't take any more development.
- More than four additional parking spaces are needed.
- The use sometimes generates on street parking in Mile End Road which annoys residents.
- The new parking spaces are not needed, it simply encourages people to drive.
- Colchester Cycle Campaign object to the new space and they should be left at the current level.
- The two-storey elements will impinge on sight lines will lead to overlooking and a feeling of overdevelopment.
- The Oaks already generates noise and disturbance and this will make it worse.
- The noise from the construction will also cause harm to neighbours.

11.0 Parking Provision

11.1 The scheme provides a net increase of four spaces.

12.0 Open Space Provisions

12.1 This scheme has no impact on public open space.

13.0 Air Quality

13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

14.1 As a "Major" application, there was a requirement for this proposal to be considered by the Development Team. No obligations were sought.

15.0 Report

15.1 The main issues in this case are:

- The Principle of Development
- Design and Layout, Scale, Height and Massing
- Impact on the Surrounding Area and on Neighbouring Properties
- Landscape and Trees
- Highway Safety and Parking Provisions (including Cycling)
- Other Matters

The Principle of Development

15.2 As the hospital is located within the development boundary and is an existing lawful use the development proposed is acceptable in principle. The rest of the report will turn on the detail of the scheme.

Design and Layout, Scale, Height and Massing

15.3 The new MRI suite has been designed in a manner which is sympathetic to the design of the existing building. Although located on the front it is set to the side of the main entrance and will not harm the overall composition of the building. The Council's Urban Designer has asked for some additional detailing to enliven the blank front elevation of the extension which will be secured by condition.

15.4 Moving the portacabin/modular building office block is more contentious visually. It is being moved from the rear (eastern elevation), where it is visible from the public domain over a fence but sits comfortably in a relatively tucked away position, to the side of the hospital (northern elevation) where it will be visible as you enter the site and car park.

15.5 This matter has been discussed with the agent. This is a tight site and whilst other options were considered - for example pushing the modular building to the boundary of the site – the proposed option was chosen as it was held to be the most workable and would cause the least impact to the neighbours. Whilst it has some visual prominence, it is set back from the corner of the hospital by around 15m and will be read against a flank that is of limited visual interest. On balance and considering the expansion and investment in the hospital is welcomed, it is held to be acceptable.

15.6 The extension to the rear for the new operating theatre has been designed to blend in with the existing architecture and raises no concerns in visual terms.

Impact on Surrounding Area and on Neighbouring Properties

- 15.7 Apart from the parking implications of the scheme, which will be discussed in the relevant section below, it is not held that this scheme will have a material impact on the surrounding area including the neighbours that share a boundary with the site. The use is an existing one and the level of intensification from the additional MRI and operating theatre capacity is not held to be significant.
- 15.8 It is accepted that a hospital use will cause some operational noise however it is not considered that the proposal will intensify the use to a point that the proposed extensions are unacceptable. Environmental Protection have assessed the scheme and have no objections to it.
- 15.9 The neighbour comments relating to sight-lines have been carefully considered but it is not considered that any of the elements of the scheme will be materially oppressive to surrounding residents as the extensions have all been kept as close to the existing hospital as possible. The new MRI suite is single-storey and the new operating theatre area is infilling where the office portacabins currently sit on site so raise no issues of overlooking or oppressiveness.
- 15.10 The portacabin office block is taller than the eaves height of the main hospital but is lower than the ridge. In the proposed position they are not held to be materially oppressive to neighbours as they will be set 15m from the nearest boundary.
- 15.11 In terms of overlooking, the portacabins have windows at first floor level that would afford views into the gardens of the dwellings in 48 and 50 Hakewill Way. These gardens are already significantly overlooked by numerous windows from the first floor of the main hospital, a number of which serve rooms for patients and one that serves a staff room. It is accepted that the three flank windows in the first floor portacabin office will be nearer to the neighbours than the main hospital windows, but they would be smaller than the existing windows and, on balance, it is not held that the potential overlooking from the office windows would be at an intensity that is materially harmful.

Landscape and Trees

- 15.12 As is set out above, both the Landscape Officer and the Arboricultural Planning Officer are satisfied with the scheme subject to conditions. On that basis the scheme is acceptable in that regard.

Highway Safety and Parking Provision (including cycling)

- 15.13 As set out by the Ward Member, Colchester Cycling Campaign (CCC) and neighbours, car parking at the site is an issue that needs careful exploration. Whilst neighbours and the Ward Members consider that there is insufficient parking on site and the additional four parking space proposed is too few, the Council's own Travel Plan Team and CCC consider that in a location such as this the Council should be encouraging the Oaks to facilitate less car use and more sustainable transport modes.
- 15.14 Following Development Team, where the Travel Plan Team and ECC Highways raised this as an issue, one of the Council's Travel Plan Coordinators met with the management of The Oaks to discuss this issue with them. They have a high drive-to-work percentage and it was agreed that it would be in everyone's' interests if The Oaks to take measures to get this reduced. Following the meeting, the Travel Plan was updated and the Council's Travel Plan team have made the following comments:

We can confirm that their Travel Plan now addresses the key concerns that we had namely:

The objectives of the Travel Plan are now much more clearly aligned with the current practical issues including reducing the impact of business development on the local community including out of hours deliveries as well as managing over demand for parking.

They have detailed how their car park is currently managed and the split of spaces between staff and visitors. They have also committed to review how the car park is managed if over demand continues plus plans to monitor and address the illegal parking currently occurring due to the free and open access to their car park. Ramsey Health Care are trialing Automatic Number Plate Recognition in other hospitals and The Oaks could benefit from this project at a later date if deemed successful. In the shorter term they have also committed to a once weekly monitoring of the car park to try and quantify how much illegal parking is occurring.

We were concerned over the high drive to work alone rate which in 2016 was 82% according to their Travel Survey, this is significantly higher than the national average of 64% and higher still than local averages where businesses have active Travel Plans. We felt their five year target to reduce this to 72% was unambitious. They have now committed to aim for a 15% reduction by the end of 2018. This is very ambitious, but shows a much more positive attitude and we will work with them towards this. With more staff adopting sustainable travel options to travel to work, further spaces will be freed up for visitors, thus contributing to alleviating local concerns about parking overspill into neighbouring roads at peak times.

They have formally joined the Travel Plan Club as a paying member and committed for a minimum of 5 years in recognition that behaviour change takes time. This means we can work closely with them to develop, market and monitor their Travel Plan plus offer them the public transport discounts we have available. They have also recognised that the Park and Ride with the stop at the hospital is only a short walk away from the Oaks and is another key transport choice they could promote to staff.

Through their membership of the Travel Plan Club, we can help facilitate closer working with other key organisations in the area. Particularly CHUFT as there are mutual benefits as well as knock on effects of the parking management approaches both organisations are taking.

They will also commence attending the Colchester Station Stakeholder meetings along with Turner Rise Retail Park, Asda, CHUFT, ECC and ourselves who are all committed to discussing and reviewing the problems caused by congestion around the station roundabout, their contribution towards it as well as the knock on effect it has on their organisations.

We consider there is plenty of scope within The Oaks Travel Plan given the current high drive to work alone rate to reduce the pressure on the car park by encouraging more staff to travel by sustainable modes to work in order to free up more parking for visitors.

We feel that further car parking is not needed just better management of the current car park provision and an active and robust Travel Plan. Our meeting with The Oaks general manager, operational manager and Travel Plan Coordinator was very positive and we are looking forward to working with them closely to achieve the aims and objectives they have outlined in their revised Travel Plan.

- 15.15 As set out above The Oaks have signed up to be Colchester Travel Plan members for 5 years. This means the Travel Plan Team will work directly with The Oaks to promote sustainable travel for both the staff and visitors. This is held to be a significant positive step for the Hospital which is welcomed.
- 15.16 In pure policy terms there is no requirement for the provision of additional parking for a hospital use. Hospitals have maximum parking standards and therefore the four extra spaces proposed by the site reshuffle are not actually required in policy terms.
- 15.17 This is a delicate balance. The Hospital is providing more spaces which could be argued to be contrary to the interests of sustainability. It is however accepted that hospitals can generate significant parking need and it would therefore be unreasonable to require a reduction in provision. It is clear that there is no policy reason to require more.

15.18 The scheme raises no other highway safety implications. The conditions relating to additional cycle parking as requested by the Highway Authority will be imposed. The condition requiring the applicants to provide an up to date Travel Plan will not be imposed as that has already occurred.

15.19 It is important to note that this proposal results in the expansion of a local business and will also potentially result in an additional 12 full time equivalent jobs. This is very much welcomed and is wholly in line with the NPPF.

16.0 Conclusion

16.1 To summarise, the scheme is acceptable in design terms, will not cause material harm to neighbouring amenity and is acceptable in terms of the on-site parking provision. It is therefore held to accord with the Neighbourhood Plan, the Development Plan and the NPPF.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following condition:

1. ZAA - Time Limit for Full Permissions

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAX - *Development to Accord With Approved Plans (qualified)*

With the exception of any provisions within the following conditions, the development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers (all 6530) 58, 59, 60, 61, 62, 63, 64, 2448-OH-01 D and 2448-OH-02 D.

Reason: For the avoidance of doubt as to the scope of this permission and in the interests of proper planning.

3. ZGG - Site Boundary Noise Levels

Prior to the first use or occupation of the development as hereby permitted, a competent person shall have ensured that the rating level of noise emitted from the site's plant, equipment and machinery shall not exceed 0dB(A) above the background levels determined at all facades of or boundaries near to noise-sensitive premises. The assessment shall have been made in accordance with the current version of British Standard 4142 and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance, as there is insufficient information within the submitted application.

4. Z00 – Non Standard Condition - Bespoke Landscape

No works shall take place until full details of all landscape works have been submitted to and agreed, in writing, by the Local Planning Authority and the works shall be carried out prior to the occupation of any part of the development unless an alternative implementation programme is subsequently agreed, in writing, by the Local Planning Authority. The submitted landscape details shall include:

- Proposed finished levels or contours;
- Planting plans;
- Written specifications (including cultivation and other operations associated with plant and grass establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
- Implementation timetable.

Reason: To ensure that there is a suitable landscape proposal to be implemented at the site for the enjoyment of future users and also to satisfactorily integrate the development within its surrounding context in the interest of visual amenity.

5. ZFE - Landscape Management Plan

Prior to the first occupation of the development, a landscape management plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to and agreed, in writing, by the Local Planning Authority. The landscape management plan shall thereafter be carried out as approved at all times.

Reason: To ensure the proper management and maintenance of the approved landscaping in the interests of amenity and the character and appearance of the area.

6. ZFQ - Tree and Natural Feature Protection: Protected Areas

No works shall take place until all trees, shrubs and other natural features not scheduled for removal on the approved plans have been safeguarded behind protective fencing to a standard that will have previously been submitted to and agreed, in writing, by the Local Planning Authority (see BS 5837). All agreed protective fencing shall thereafter be maintained during the course of all works on site and no access, works or placement of materials or soil shall take place within the protected area(s) without prior written consent from the Local Planning Authority.

Reason: To safeguard existing trees, shrubs and other natural features within and adjoining the site in the interest of amenity.

7. ZFS - Tree and Hedgerow Protection: General

All existing trees and hedgerows shall be retained throughout the development construction phases, unless shown to be removed on the approved drawing and all trees and hedgerows on and immediately adjoining the site shall be protected from damage as a result of works on site in accordance with the Local Planning Authorities guidance notes and the relevant British Standard. All existing trees and hedgerows shall then be monitored and recorded for at least five years following contractual practical completion of the development. In the event that any trees and/or hedgerows die, are removed, destroyed, fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed, in writing, with the Local Planning Authority. Any tree works agreed to shall be carried out in accordance with BS 3998.

Reason: To safeguard the continuity of amenity afforded by existing trees and hedgerows.

8. Z00 Non Standard Condition - Bespoke Brick Detailing

Prior to the construction of the proposed MRI suite, a scheme to show brick detailing on the external flanks shall be submitted to and approved in writing by the Local Planning Authority. The MRI suite shall then be built in complete accordance with the approved details.

Reason: The external elevations of the proposed MRI suite are blank for operational reasons but this results in a elevation devoid of openings so brick detailing, for example recessed panels, are required to enliven this publically visible element.

9. Z00 – Non Standard Condition - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: Insufficient 'Phase 1' Desk Study information was provided with the application and Environmental Protection wish to ensure that development only proceeds if it is safe to do so. 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.

10. ZBB - Materials As Stated in Application

The external facing and roofing materials to be used shall be those specified on the submitted application form and drawings, unless otherwise agreed, in writing, by the Local Planning Authority.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

11. ZJA - Cycle Parking TBA

Prior to the development hereby permitted coming in to use, details of the number, location and design of cycle parking facilities shall be submitted to and approved, in writing, by the Local Planning Authority. The approved facility shall be secure, convenient and covered and shall be provided prior to occupation and retained for that purpose at all times thereafter.

Reason: To ensure appropriate cycle parking is provided in the interest of highway safety.

18.0 Informatives

18.1 The following informatives are also recommended:

1. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

2. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.

3. ZTB - Informative on Any Application With a Site Notice

PLEASE NOTE that a site notice was erected in a publicly visible location at the site. Colchester Borough Council would appreciate your co-operation in taking the site notice down and disposing of it properly, in the interests of the environment.

4. Contamination Informative

The Local Planning Authority has determined the application on the basis of the information available to it, but this does not mean that the land is free from contamination. The applicant is responsible for the safe development and safe occupancy of the site.