

**Development Control (Hetton, Houghton and Washington)
Sub-Committee**

29 October 2014

REPORTS FOR CIRCULATION

REPORT BY DEPUTY CHIEF EXECUTIVE

PURPOSE OF REPORT

This report is circulated to the Sub Committee Meeting. It includes additional information received after the preparation of both the report on applications and the supplement. This information may allow a revised recommendation to be made.

LIST OF CIRCULATED ITEMS

Applications for the following sites are included in this report.

Hetton, Houghton &
Washington

S2	Land at Henry Street/ Lindsay Street, Hetton-le-Hole
S4	Former London Inn Spout Lane, Washington

Number:	S2
Application Number:	14/00136/FUL
Proposal:	Demolition of No.s 24 – 28 Eppleton Estate and erection of 69no. 2 and 3 bedroom dwellings with associated works. Stopping up of highway and change of use to residential. (Amended description 04.02.14)
Location:	Land at Henry Street/ Lindsay Street, Hetton-le-Hole

Further to the main agenda this report details those conditions which have been recommended by consultee responses as well as responding to the material considerations that have arisen during the course of considering the planning application. Should Members be minded to approve these shall be imposed on the approval notice. However, Members should note that the applicant is still considering the footways around the site and as such this issue will be verbally reported to Members at the meeting.

1. Three Years

The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2. Plans

Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location Plan, GH33: L: 02
Garage Threshold/ Gravel Drive Details, SD....
Terraced Garage Details Standard Double, SD703 rev A
Detached Garage Details Single, SD700 received 20 January 2014;
201 dwelling type, 201/1E
202 dwelling type, 202/1E
301 dwelling type, 301/1F
303 dwelling type, 303/1D
304 dwelling type, 304/1D
309 dwelling type, 309/1C
310 dwelling type, 310/1C
House Type 310 (OPP), TDG-310-02
House Type 304 (OPP), TDG-304-02

House Type 309 (OPP) with 201 or 301 or 302, TDG-309-02
307 dwelling type, 307/1A;
302 dwelling type, 302/1G;
Planning Layout, GH33: L: 01D
Soft Landscaping Layout, GH33: L: 03C;
Boundary Treatments, GH33: L: 04C.

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Landscaping

All planting, seeding or turfing included in the approved details of landscaping for the development shall be carried out in the first planting season following the first occupation of any of the buildings within the relevant phase of the development to which the landscaping relates or the completion of the development, whichever is the sooner, and any trees or plants, which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, in the interests of visual amenity and to comply with policies B2 and CN18 of the UDP.

4. Construction hours

The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5. Land contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 6 to number 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 9 has been complied with in relation to that contamination.

To ensure that risks from land contamination to 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 in accordance with policy EN14 of the Unitary Development Plan.

6. Phase 2

Unless otherwise agreed in writing by the Local Planning Authority development must not commence until a Phase 2 investigation and assessment, in addition to any assessment provided with the planning application, has been 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 are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of 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 building, crops, livestock, pets, woodland and service line pipes,
adjoining land,
groundwaters and surface waters,
ecological systems,
archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

To ensure that risks from land contamination to 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 in accordance with policy EN14 of the Unitary Development Plan.

7. Remediation

Unless otherwise agreed by the Local Planning Authority, development must not commence until 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 is subject to the approval in writing of 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 Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated 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 in accordance with policy EN14 of the Unitary Development Plan.

8. Verification

The remediation scheme approved under Condition number 17 (Submission of 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, unless otherwise agreed in writing by the Local Planning Authority. 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 (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 in accordance with policy EN14 of the Unitary Development Plan.

9. Unexpected contamination

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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 and in accordance with policy EN14 of the Unitary Development Plan.

10. Existing and proposed ground levels

No development shall take place until a survey of the existing and proposed ground levels; and details of the finished floor levels of each property, hereby approved, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in complete accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority, in order to achieve a satisfactory form of development and to comply with policy B2 of the UDP.

11. Demolition & Construction

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the Demolition Statement and Construction Management Plan documents (received 28 January 2014). In the interests of the general amenity of the area and to accord with policies B2 and EN5 of the Unitary Development Plan.

12. Accordance with Ecology Report

Unless otherwise agreed in writing by the Local Planning Authority the development hereby approved shall be constructed in accordance with the Recommendations and Method Statement, as detailed in 'Bat Survey Results and Risk Assessment for 24 – 28 Eppleton Estate' report EES14-019 R02 October 2014 by Elliot Environmental Surveyors Ltd. In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

13. Updated Ecological Risk Assessment (August 2014)

Notwithstanding the contents of the 'Bat Survey Results and Risk Assessment for 24 – 28 Eppleton Estate' report EES14-019, should the demolition works to No's 24 – 28 Eppleton Estate not commence prior to August 2014, an additional updated Ecological Risk Assessment shall be submitted to and approved in writing prior to the commencement of the demolition works. In the interests of nature conservation and to comply with the requirements of policies CN18 and CN22 of the Unitary Development Plan.

14. Biodiversity Enhancement Measures

Prior to the occupation of the development, hereby approved, a scheme to enhance the biodiversity of the site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the scheme shall include precise written details of biodiversity enhancement measures and a written timetable for the implementation of the ecological enhancement measures. Once approved, the agreed ecological enhancement measures shall be installed as approved and in strict accordance with the agreed timetable, and retained as such for the lifetime of the development, unless otherwise first agreed in writing with the Local Planning Authority. In the interests of nature conservation and to accord with policy CN18 of the Unitary Development Plan.

RECOMMENDATION: Deputy Chief Executive to Report

Number:	S4
Application Number:	14/01589/FUL
Proposal:	Erection of an Extra Care Housing comprising the construction of 70 apartments for the elderly complete with communal lounge, restaurant, laundry, hair salon, parking and external secure garden. (Amended Plans received 19.09.2014)
Location:	Former London Inn, Spout Lane, Washington, NE37 2AB

Further to the main agenda report in connection with this application, additional consideration has been given to the design and impact on residential amenity, ecology and contaminated land issues.

- Impact on residential amenity

Policy B2 of the UDP requires new development proposals to respect the amenity of existing residential properties. To assist in achieving this aim, the Council's adopted 'Residential Design Guide' Supplementary Planning Document (SPD) provides spacing requirements between existing and new residential development, in order to afford occupiers acceptable levels of outlook, space and privacy. A distance of 21 metres should be provided between elevations containing main living room windows and 14 metres between an elevation containing living room windows and a blank elevation (or one which only contains secondary windows). Where the new development is more than 2 storeys an additional 5 metres should be added to the above distances.

In this case, there is a residential dwelling known as Trenethia Croft immediately adjoining to the south east of the site and there are several dwellings facing the site to the east across Spout Lane. There is a gap of at least 26 m between the front elevation of the proposed development and existing dwellings to the east, a separation distance consistent with the recommendations of the aforementioned SPD and consequently this is considered sufficient to ensure that the outlook and privacy of these dwellings will not be significantly affected.

With regards to Trenethia Croft, this dwelling has a kitchen window facing the development site along its gable wall and there is a landing window above. The former club is two storeys in nature and is some 14 m away from the gable wall of the dwelling. The southern elevation of the proposed new housing development is shown to be at least 19 m distant and is three storeys high. It would be positioned 2 metres forward of the front building line of Trenethia Croft at that distance.

Due to the concerns raised by the occupants of Trethenia Croft regarding

potential loss of privacy, outlook and light, negotiations have been on-going with the applicant in an attempt to reduce any impact to an acceptable level. The kitchen window is a main habitable room and it is important that sunlight, daylight and outlook are protected.

As outlined above, the adopted Residential Design Guide SPD requires spacing standards for new development to reflect whether or not there are main facing windows or secondary windows between dwellings. If there are main facing windows the relevant distance should be 26 m, whereas if it were main to secondary facing windows the distance should be 19 m. In the original submission the separation distance was shown to be 14 m but has since been increased to 19 m to conform with SPD main to gable separation distance requirements. In addition, the projection of the front building line of the development nearest to the objector's home has been reduced by 1 m from 3 m to 2 m. Further, the gable windows to the 3 apartments facing the neighbouring dwelling (kitchen and lounge) have been deleted in the amended scheme to minimise overlooking and loss of privacy. The objector considers that the separation distance should be 26 m to reflect the fact that there are main facing windows.

However, the removal of all windows from the 3 apartments along the gable wall facing the dwelling dictates that the lesser requirement is appropriate. Further mitigation is provided by the fact that there is a garage within the side space of Trenethia Croft that would act as a foil thus limiting direct overlooking of the kitchen window from the openings of apartments that are positioned further along the south elevation of the proposed development. There is a high conifer hedge along part of the common boundary with the development site that screens views into the frontage of the dwelling. As far as light is concerned the orientation is such that there would be no loss of direct sunlight into the kitchen area of Trenethia Croft. Outlook and daylight would be of an acceptable standard given that the proposed development is 19 m distant, which accords with the minimum standards outlined above.

In light of the above, it is considered that the impact of the proposal on the amenity of surrounding properties is acceptable and complies with the requirements of policy B2 of the UDP in this regard.

- Impact of development on visual amenity and the character of the area

In line with the core principles of the NPPF, policy B2 of the UDP requires new development proposals to respect and enhance visual amenity. The existing buildings on the site are of no particular architectural merit and an application to demolish the buildings was approved by the City Council earlier in the year without any issues being raised.

The Council's Urban Design team, who have been involved with the application proposal from pre application stage to its currently amended form, raise no objections to the overall design, scale and form of the scheme both in relation to the site itself and the wider surroundings. Concerns raised about potential shading to the future resident's private amenity space from the proposed building and surrounding trees have been satisfactorily resolved by

the selective removal of several trees within the site and by repositioning the fenestration of some end apartments along the south elevation to allow more light penetration. It is considered that the removal of those trees identified in the application would not unduly compromise the integrity and character of the substantial tree belt that exists along the west boundary of the site. With regard to the height of the building (13m) and its impact on surrounding dwellings the required separation distances have been achieved for a 3 storey development and the overall massing of the building has been broken up by the 'H' designed footprint of the building to help minimise visual impact. Whilst the building is taller than the surrounding (mainly two storey) buildings the development has been pushed back into the site as far as possible so as not to over dominate Spout Lane. The proposed boundary treatment along the north of the site has also been amended to increase surveillance and security along the pedestrian footpath by replacing the close boarded fence with railings.

On balance, the proposed building is considered to be of an appropriate design and form within the context of the development site. There is no predominant type of building type within the area - the site itself is currently occupied by a large two storey building and a dwelling; there is a school to the south west and also a variety of dwelling styles to the south east and east. Consequently, it is considered that a larger development with a staggered building line is appropriate in this setting. The design detailing, materials and finishes (brick, render and tiles) of the building are also considered to be acceptable, in principle, as is the detailing shown for boundary treatment and landscaping, subject to further details being submitted for approval by way of conditions, should planning permission be forthcoming.

Given the above comments, it is considered that within the context of the development site, the proposed scheme will be respectful to the visual amenity of the locality and as such, the proposal accord with the requirements of policy B2 of the UDP and the core principles and paragraphs 135 and 141 of the NPPF.

- Implications of development in relation to ecology

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraphs 109 and 118 of the NPPF state that local authorities should minimise impacts on biodiversity and provide net gains in biodiversity where possible. Paragraph 111 of the NPPF also encourages the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. UDP Policy CN22 states that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

In this case, the application has been accompanied by an Extended Phase 1 and Bat Survey (July 2014), produced by E3 Ecology Ltd. There was found to be moderate risk of roosting bats within the existing

buildings and a low risk that a small number of bats would use the buildings as a day roosting location. The site is considered to be of local value to birds, with woodland and trees on site providing a foraging and potential nest resource. No other protected species were considered likely to be present due to lack of suitable habitats. However, an invasive species of cotoneaster was identified, which can eventually exclude other native species that are important to wildlife. In mitigation, it is recommended that the cotoneaster is controlled and removed and also that bat roof tiles are provided in the new build.

The Natural Heritage team have assessed the submitted survey and recommend that conditions be imposed on any grant of planning permission to ensure that the Mitigation and Recommendation Section of the report, Appendix 2 Method statement for bats, Appendix 3 Removal of Cotoneaster and Appendix 4 Bat slate design, is adhered to.

With regard to the above comments, it is considered that the implications of the development proposals in respect of protected species and biodiversity is acceptable, in accordance with the requirements of policies CN22 of the UDP and section 11 of the NPPF.

- Implications of development in respect of land contamination

Policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

Land Contamination

The Geo-Environmental Appraisal Report submitted with the application recommends has been assessed by the Environmental Health team who acknowledge that the former night club has fire damage and is suspected of containing . An asbestos survey (Type 3) will therefore be required prior to demolition in accordance with the Control of Asbestos Regulations 1012. The main industrial activity identified in the area are a colliery (Washington F-Pit) 460mW and spoil heaps 380mW, Brick works and clay pit 215mN. However, shallow mining is unlikely to affect the site and any subsidence from recorded mine workings should now have ceased. Due to the anticipated thickness of clay the risk from ground/mine gas is considered by the Consultant to be Low. Moderate to High risk from heavy metals, hydrocarbons, asbestos in made ground/reworked natural soils that may impact ground workers and future users of the site via ingestion, inhalation, and dermal contact.

It is recommended that an intrusive ground investigation be carried out with collection and testing of environmental samples for contamination, and installation and monitoring of wells for groundwater level and ground gas

along with an intrusive (Phase II) investigation. Related conditions for unexpected ground conditions, development of a remediation strategy, validation/verification plan and verification report as necessary should also be applied. The consultant has highlighted a risk to investigation from live services on the site, asbestos during demolition and risks from invasive plants.

It is considered that this recommendation can, if Members are so minded, be addressed via the imposition of the suite of conditions which require the additional investigations to be carried out, followed by the submission of details of remediation and mitigation where necessary.

Construction

Environmental Health advised that consideration should be given to the selection of machinery and methods of operation in relation to noise generation and vibration when constructing the development. In instances where noise cannot be controlled at source by the appropriate selection of plant, equipment and work methods should be undertaken in accordance with British Standard (BS) 5228-1, BS5228-2 and BS6472:1992. Similar to the hours of construction, should Members be minded to approve it is considered that the detail raised by colleagues in Environmental Health can be controlled via the standard construction methodology condition.

Furthermore, provision should be made for the reasonable prevention of dust generation, supplemented by dust suppression management. As such a suitable and constant supply of water (mains supply or water bowsers in sufficient numbers) adequate for dust suppression purposes must be provided on the site. Again, and similar to the issues above, this can be controlled via the standard construction methodology condition, should Members be minded to approve the development.

In terms of constructing the development Environmental Services advised that there is the potential for nuisance to residents from construction activities. It is therefore recommended that on-site construction operations should not commence before 7am and cease at or before 7pm Monday to Friday and 7:30am and 2pm on Saturdays. Environmental Services also advised that consideration should be given to the selection of machinery and methods of operation in relation to noise generation during construction.

Accordingly, should Members be minded to approve, the standard construction methodology condition shall be imposed which will require the methods of construction to be agreed prior to the commencement of development.

In conclusion, subject to the imposition of the appropriate conditions specified above, the application is considered acceptable and in accordance with policies EN5 and EN14.

CONCLUSION

For the reasons set out above, it is considered that the proposed development is acceptable in principle, in terms of the prevailing land uses found in the locality, and will see the welcome redevelopment of a redundant brownfield site. In addition, the implications of the development proposals in respect of residential amenity, visual amenity, highway and pedestrian safety, ecology and land contamination are also considered to be acceptable.

The proposal therefore complies with the requirements of the core principles and relevant parts of the NPPF, R1, R2, R4, EN5, EN10, EN14, H1, H4, H8, H14, H15, H16, H21, L7, B2, CN22, CN23, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application and the 'Residential Design Guide' SPD.

RECOMMENDATION: APPROVE

Conditions:

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.

2. Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Location plan received 4/07/2014 (drawing no. 13039);
Proposed site plan received 16/10/2014 (drawing no. 13039 D 00 01 Y);
Proposed demolitions plan received 17/09/2014 (drawing no. 13030 D 17 A);
Proposed elevations received 16/10/2014 (drawing no. 13039 D 00 09 D);
Proposed floor plans received 16/10/2014 (drawing no. 13039 D 00 08 N);
Existing site plan received 04/07/2014 (drawing no. 13039 S 00 02);
Shadow analysis received 04/07/2014 (drawing no. 13039 D 00 16);
Existing trees plan received 04/07/2014 (drawing no. EXI-A);
Retained trees plan received 04/07/2014 (drawing no. AMS TPP-A);
Pre and post development areas plan received 04/07/2014 (drawing no. DR001 PO1);
Drainage layout received 04/07/2014 (drawing no. DR 002 PO1)

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

3. Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and

approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4. Notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

5. No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include a method statement for the demolition of existing buildings, days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policies B2 and T14 of the UDP.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development. The approved scheme shall then be implemented in accordance with the timings set out by condition 7 of this approval, in the interests of visual amenity and to comply with policy B2 of the UDP.

7. All planting, seeding or turfing comprised in the details of landscaping approved pursuant to condition 6 shall be carried out in the first planting season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

8. The development hereby approved shall not commence until a bat roost enhancement scheme, which should include details of proposed bat box, bat tile and/or bat brick locations around the development site, together with a timetable for their installation, has been submitted to and agreed in writing with the City Council as Local Planning Authority. For the avoidance of doubt, the submitted scheme shall be informed by the Mitigation and Recommendation Section of the report, Appendix 2 Method statement for bats, Appendix 3 Removal of Cotoneaster and Appendix 4 Bat slate design, submitted with the application. The agreed measures shall be installed at the approved locations in accordance with the agreed timetable, in order to minimise the risk of the proposals to bats and comply with the requirements of

policy CN17 of the UDP.

9. In the event the development hereby approved does not commence within 18 months of this decision, or there is any deviation from the approved plans (including the approved use of the buildings), an update of the 'Extended Phase 1 and bat Survey Trenethia, Spout Lane, July 2014, submitted with the application shall be carried out prior to the commencement of development, unless the City Council, as Local Planning Authority, first agrees otherwise in writing. Where applicable, the development shall then be carried out in complete accordance with the mitigation and recommendations provided within the updated surveys, unless otherwise first agreed in writing with the City Council as Local Planning Authority, in order to minimise the risk of protected species and protected wildlife sites being adversely affected by the development and comply with policy CN22 of the Council's adopted UDP.

10. Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 14 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 19 has been complied with in relation to that contamination. To ensure that risks from land contamination to 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 in accordance with policy EN14 of the Unitary Development Plan.

11. Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an intrusive (Phase II) investigation; and survey to account for unexpected ground conditions, development of a remediation strategy, validation/verification plan and verification report, where necessary, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of 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 building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination,

CLR11.' To ensure that risks from land contamination to 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 in accordance with policy EN14 of the Unitary Development Plan.

12. Unless otherwise agreed by the Local Planning Authority, development must not commence until 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 is subject to the approval in writing of 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 Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated 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 in accordance with policy EN14 of the Unitary Development Plan.

13. The remediation scheme approved under Condition number 12 (Submission of 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, unless otherwise agreed in writing by the Local Planning Authority. 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 that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, 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 in accordance with policy EN14 of the Unitary Development Plan.

14. 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 number 13 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number

15. (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. 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 and in accordance with policy EN14 of the Unitary Development Plan.

16. No part of the development shall be occupied until the off street parking provision has been constructed, surfaced, sealed and made available in accordance with the approved plans. The parking areas shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy T22 of the UDP.

17. The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.00 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.