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

19 March 2019

Late Sheets

ITEM 3 – Planning and Related Applications

PAGE NO(s).	APP'N. NO	SITE	DETAILS OF SPEAKERS AND ATTENDEES
24-43	18/02002/FU4	Former Dubmire Primary School, Britannia Terrace, Houghton-Le-Spring, DH4 6HL	A representative from Karbon Homes to Speak

18/02002/FU4, Former Dubmire Primary School, Britannia Terrace, Houghton-Le-Spring, DH4 6HL

At the time of writing the main report, consideration was still being given to the revised details, assessments and plans provided in relation to noise, land contamination and construction management. This 'late sheet' provides Members with an update with regard to the situation in respect of these matters.

Further to the publication of the Committee Agenda, The Council's Environmental Health have responded to the additional details and information provided in relation to the following matters:

Noise Considerations

An updated noise assessment has been submitted by E2 Consultants dated 3rd August 2018. Further monitoring has been undertaken of road traffic noise on 4th March 2019. Mitigation measures have been proposed for the development including all properties are to have mechanical ventilation along with a 2m high barrier to be installed along the boundary between plots 5-8. Details of the mechanical ventilation design should be submitted for approval prior to installation and occupation of the properties.

Accordingly, it is recommended that the following additional draft conditions are attached to any consent issued in respect of noise and should Members be minded to recommend approval for the development:

9. *Prior to the occupation of plots 5-8 an acoustic barrier, as shown on Drg No. 200.10 Rev 10, received on 13.02.19, and as described in the E2 'Measurement of Environmental Noise' Report, reference: 8266-7, dated 3rd August 2018 and received on 5th March 2019 shall be installed. Once*

installed, the acoustic fencing shall then be retained and maintained thereafter for the life of the development.

In order to protect the amenities of the occupiers of the development in accordance with Policy EN6 of the adopted Unitary Development Plan.

10. *Prior to the first occupation of the development hereby approved, details of the proposed mechanical ventilation to be installed to the dwellings shall be submitted to, and approved in writing by, the Local Planning Authority. Once approved the mechanical ventilation shall be installed, maintained and retained thereafter.*

    In the interests of the amenities of the occupiers of the development in accordance with Policies B2 and EN1 of the adopted Unitary Development Plan.

Land Contamination

The remediation strategy should include provision for the submission and agreement of a revised gas risk assessment and if necessary the design of gas protection measures and a verification plan agreed prior to the construction of foundations in Zone B.

The design assumptions and constraints for the cover layer should be provided to ensure the cover layer is of an adequate thickness. Thickness of the cover layer and presence of the geotextile as built should be proven in plots 1 in 3 plots.

Contamination testing for site verification should be provided in accordance with YALPAG guidance for cover layers for as-built conditions as a minimum. For the avoidance of doubt, the verification report should include details of source approval including any chemical testing for contaminants, compliance certification to British Standards for topsoil and subsoil and delivery notes providing the source origin of materials and quantities delivered to site. By agreement in each individual case the source approval documentation may be taken into account if there are non-compliances for as-built contaminant concentrations for example to show that the values are within the expected and acceptable range of the chemical in the source material.

Limits should be provided for phytotoxic metals copper, nickel and zinc in order to reduce the risk for presence of leachable metals and promote healthy plant growth.

A limit should be proposed for Benzo(a)pyrene as a surrogate for coal tars to screen soils for the additive impact of carcinogenic / genotoxic PAHs. For imported soils the recommended limit for BaP is 1mg/kg based on the S4SL (alternatively the values can be quoted for different SOM values).

Details should be provided for the selection of geotextile warning layer for agreement prior to placement.

Accordingly, it is recommended that the following additional draft conditions are attached to any consent issued in respect of contaminated land and should Members be minded to recommend approval for the development:

11. *No intrusive ground works including the construction of foundations shall be commenced in Area B until an investigation and risk 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 (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, ground waters 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 the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to works, neighbours and other off site receptors in accordance with Policy EN1 of the adopted Unitary Development Plan.

12. *Following the completion of the investigation and risk assessment, a detailed remediation scheme for Area B and any amendment to the remediation strategy already submitted for Area A 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 risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that development can

be carried out safely without unacceptable risks to works, neighbours and other off site receptors in accordance with Policy EN1 of the adopted Unitary Development Plan.

13. *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 prior to the site being occupied.*

    To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to works, neighbours and other off site receptors in accordance with Policy EN1 of the adopted Unitary Development Plan.

14. *If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination, it must be reported in writing immediately to the Local Planning Authority. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.*

    To ensure that risks from land contamination to the future users of the land and the neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that development can be carried out safely without unacceptable risks to works, neighbours and other off site receptors in accordance with Policy EN1 of the adopted Unitary Development Plan.

<u>Construction Management</u>

A revised Construction Method Statement has been submitted to support the application. The statement confirms the following:

Hours of Working Normal construction site hours;
8.00 am to 6.00 pm – Monday to Friday
8.00 am to 1.00 pm – Saturday
No working on Sundays and Public Holidays

Delivery Hours Deliveries will be outside school hours 9.30 –2.30pm

Noise and Vibration Work will be completed in accordance with the recommendations of BS 5228-1:2009, Control of Noise at Work Regulations 2005 and the Noise Service.

The contractor will consult with adjoining neighbours and agree, if possible, certain times of day when noisy work is minimized.

All dust levels are to be kept to a minimum and where possible controlled at source by the use of dust suppression systems.

The site will be registered with Considerate contractors; this signage will give the site managers name and mobile number. This also gives the opportunity to leave feedback on site in writing if required.

Visits will take place in person to local residents impacted by the works. The contractor will have a twitter account on the site maintained by the site manager giving another method of contact and information sharing.

It is recommended as a consequence, that a draft condition is included to any approval of planning permission to ensure that the approved works are carried out in accordance with the Construction Management Statement and to include the following:

15. *The proposed development hereby approved shall be completed in accordance with the Construction Method Statement dated 13.02.19 Rev 3.*

    In the interests of the satisfactory management of the site in accordance with Policies B2, EN1 and T14 of the adopted Unitary Development Plan.

Recommendation

Given the above, and for the reasons set out in the main report, it is recommended that the decision is delegated to the Executive Director of Economy and Place for approval, subject to the completion of an appropriate agreement under Section 106 of the Town and Country Planning Act and subject to the conditions set out in the main report and the additional conditions detailed above.

PAGE NO.	APP'N. NO	SITE	DETAILS OF SPEAKERS AND ATTENDEES
43 - 48	18/02120/REM	Land at North Road, Hetton-le-Hole	Adam McVickers Persimmon Homes

Further to the main agenda report it is considered appropriate to re-apply the conditions included on the previous planning approvals for this development, in order to ensure consistency in the decision making process. Where applications for the formal discharge of conditions previously applied to this scheme are pending a decision from the Local Planning Authority they have been reproduced below.

Members are therefore recommended to approve this application subject to the draft conditions set out below:

RECOMMENDATION: APPROVE subject to conditions:

1. 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 approved plans and documentation:

2. The scheme of working submitted to the satisfaction of the local planning authority shall be fully implemented in accordance with the agreed details. such scheme to include, 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. Precise written details of protection measures to be put in place for the protection of ecologically sensitive areas of the site shall also be included 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, EN1, CN20 and T14 of the UDP.

3. No more than 69 (sixtynine) of the dwellings hereby approved shall be occupied prior to the roundabout access approved as part of this permission being fully constructed and brought into use. In the interest of highway safety and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.

4. The method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be fully implemented as approved by the Local Planning Authority. These details shall include the installation and maintenance of a wheelwash facility on the site. All works and practices shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policies B2 and T14 of the approved UDP.

5. 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.

6. The development hereby approved shall be carried out in strict accordance with the approved Phasing Plan. In the interest of road safety, hydrology and nature conservation.

7. No dwelling shall be occupied on site until the access roads within the development, or the access roads within that phase of the development, have been completed to at least base level and off street parking has been made available for the parking of vehicles within the development, or that phase of the development, in the interest of highway safety and the free passage of

traffic and to comply with the requirements of Policy T14 of the adopted Unitary Development Plan.

8. No development shall commence on site until precise written details of the improvements to be made to bus stops, bus lay-bys and bus shelters have been submitted to the Local Planning Authority and approved in writing. Thereafter the development shall proceed in strict accordance with the approved details unless otherwise first agreed in writing with the Local Planning Authority. In the interest of sustainable transport and to comply with the requirements of Policy T14 if the adopted Unitary Development Plan.

9. The mitigation measures detailed within sections 4-10 of the Bat Outline Mitigation Strategy (Thompson Ecology, December 2012) shall be fully implemented as set out in the strategy as part of the development and shall thereafter be retained as such in perpetuity unless otherwise first agreed in writing with the Local Planning Authority. In the interest of Nature Conservation and the protection of European Protected Species and to comply with the requirements of Policies CN18, CN20, CN21 and CN22 of the adopted Unitary Development Plan.

10. The mitigation measures detailed within Sections 4-10 of the Amphibian Outline Mitigation Strategy (Thompson Ecology, December 2012) shall be fully implemented as set out in the strategy as part of the development and shall be retained as such in perpetuity unless otherwise first agreed in writing with the local Planning Authority. In the interest of Nature Conservation and the protection of European Protected Species and to comply with the requirements of Policies CN18, CN20, CN21 and CN22 of the adopted Unitary Development Plan.

11. Land Contamination

    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 under conditions 15 and 16 must commence until conditions number 14 to number 16 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 17 has been complied with in relation to that contamination. Reasons: 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 adopted Unitary Development Plan.

12. Site Characterisation

Unless otherwise agreed in writing by the Local Planning Authority, development must not commence until an investigation and risk 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 (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; and 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.' Reasons: 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 adopted Unitary Development Plan.

13. 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. Reasons: 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 adopted Unitary Development Plan.

14. The remediation scheme approved under Condition number 13 (Submission of Remediation Scheme) must be carried out and completed in accordance with its terms prior to the commencement of development other than that required to carry out the 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 the measures identified in the approved remediation scheme and prior to the commencement of any part of the development, a verification report (referred to in former PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the prior approval in writing of the Local Planning Authority. Reasons: 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 adopted Unitary Development Plan.

15. 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 immediate investigation and risk assessment must be undertaken in accordance with the requirements of condition number 12 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 13 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of the 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 14 (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. Reasons: 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 adopted Unitary Development Plan.

16. No groundworks or development shall commence until a programme of archaeological fieldwork (to include geophysical survey, evaluation trail trenching and where appropriate mitigation excavation) has been completed. This shall be carried out in full accordance with a specification to be provided by the Local Planning Authority. In the interest of preserving archaeology on site because the site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with Unitary Development Plan Policies B11, B12, B13 and B14.

17. The development hereby approved shall not be occupied until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 18 has been submitted to and approved in writing by the Local Planning Authority. In the interest of preserving archaeology on site and because the site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of, and will allow public access to, the work undertaken in accordance with the NPPF and in accordance with the requirements of Policies B11 and B13 of the adopted Unitary Development Plan.

18. No development shall commence on site until a written noise assessment for the proposed dwelling houses located nearest to North Road has been submitted in writing to the Local Planning Authority and approved in writing. For the avoidance of doubt the assessment shall include: - An assessment of the day time and night time ambient noise levels of the most exposed units i.e. those located closest to North Road, including the external amenity spaces (garden areas) of those dwellings; and - Details of any noise attenuation measures required. The development shall then be carried out in strict accordance with the approved details and retained as such in perpetuity (unless otherwise agreed in writing by the Local Planning Authority) In the interest of residential amenity and to comply with the requirements of Policy EN6 of the adopted Unitary Development Plan.

19. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of all of the buildings as approved 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.

20. No development shall commence on site until intrusive site investigation works to establish the exact situation regarding the coal mining legacy issues on the site have been undertaken and reported to, and approved by, the Local Planning Authority in writing. In the event that the site investigation works undertaken confirm the need for remedial works to be undertaken to ensure the safety and stability of the proposed development the required remedial works shall be detailed in a written report and submitted for the written approval of the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the approved works unless otherwise first agreed in writing with the Local Planning Authority. In the interest of the safe development of the site and to comply with the requirements of Policy EN14 of the adopted Unitary Development Plan.

21. No intrusive ground works shall commence until an updated botanic survey has been undertaken and the results submitted in writing to the Local Planning Authority. Precise written details of the parametres of future survey work and a timetable for future monitoring of botanic interest shall also be submitted for the written approval of the Local Planning Authority. For the avoidance of doubt, botanic monitoring shall be undertaken for a period of not less than 2 years post completion of the development.

    Where the results of the monitoring undertaken, identify a botanic deterioration as a result of the development, or works to facilitate the development, precise written details of remediation measures to be undertaken and a timetable for the implementation of the agreed measures shall be submitted to and approved by the Local Planning Authority. The approved measures shall then be undertaken in strict accordance with the approved details until further botanic survey results demonstrate that remediation has been achieved to the written satisfaction of the Local Planning Authority.

22. Access to the inspection chamber (manhole) (or any replacement inspection chamber) shown on drawing ENG-004-A for the purposes of water monitoring shall be maintained in perpetuity, in the interest of nature conservation and to comply with the requirements of Policy CN20 of the adopted Unitary Development Plan.

23. No intrusive groundworks shall commence until precise written details of water quality monitoring points have been submitted to the Local Planning Authority and approved in writing. Thereafter, water quality monitoring shall be undertaken in accordance with a timetable to be first agreed in writing with the Local Planning Authority for a period of not less than two years post completion of the development hereby approved. The results of the water quality monitoring undertaken shall be submitted in writing to the Local Planning Authority. Where the results of the monitoring undertaken, identify a

deterioration in water quality as a result of the development, or works to facilitate the development, precise written details of remediation measures to be undertaken and a timetable for the implementation of the agreed measures shall be submitted to and approved by the Local Planning Authority. The approved measures shall then be undertaken in strict accordance with the approved details until water quality test results demonstrate that remediation has been achieved to the written satisfaction of the Local Planning Authority.

Reason: In the interest of nature conservation and to comply with the requirements of Policies CN20 and CN21 of the adopted Unitary Development Plan.

24. No intrusive groundworks shall commence until precise written details of a flow monitoring point for measurement of surface water flow within the outfall of the western attenuation basin is provided. This will be accompanied by written details of an associated rainfall monitoring point to provide interval rainfall data, to be agreed with the Local Planning Authority. Data from these monitoring points will be provided at appropriate intervals (identified in a timetable to be first agreed with the Local Planning Authority), in a report to the Local Planning Authority to confirm the constructed system is operating as designed for a period through construction until not less than two years post completion of the development hereby approved.

Reason: In the interest of nature conservation and to comply with the requirements of Policy CN 20 of the adopted Unitary Development Plan.