DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0079/18/COND
Proposal: Discharge of Condition 3 - Addendum Gas Monitoring Risk Assessment - relating to previously approved planning application ST/0322/17/FUL.
Location: Land at the junction and bounded by Whitburn Road and Moor Lane East Boldon. (Vacant formerly Vinci Construction UK Ltd Moor Lane)

Relevant policies/SPDs

1 DM1 – Management of Development.

2 LDF CS EA5 – Environmental Protection

Description of the site and of the proposals

Planning permission for the demolition and clearance of existing vacant industrial buildings/infrastructure and the erection of 18 residential properties with associated access, open space and landscaping was granted consent on 24 November 2017. This permission was granted subject to a number of planning conditions. This report relates to the submission of details in respect of condition 3.

Condition 3 stated;

An addendum gas monitoring risk assessment report which details the results of the outstanding gas monitoring visits should be submitted to the local planning authority for approval prior to the commencement of works. An investigation and risk assessment must be completed in accordance with a scheme to assess the nature and extent of any contamination across the whole 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 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) and (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, CLR 11'.

To ensure that risks from ground gas to the future users of the development site and neighbouring land are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors, in accordance with Policies DM1 and EA5 of the South Tyneside Local Development Framework.

Publicity / Consultations (Expiry date N/a **)**

1) Neighbour responses

N/a

2) Other Consultee responses
(e.g. relevant comments from consultees such as archaeologist, EA, Historic buildings officer etc)

Environmental Health Officer –

I've reviewed the Gas Addendum Report produced by Roberts Environmental Ltd in relation to the above development and would agree with the report's recommendation that gas protection measures should be installed. The monitoring results show that methane and carbon dioxide levels are within low risk limits and would not in themselves usually warrant gas protection at the concentrations detected, however there are some concerns around the levels of depleted oxygen detected and so gas protection has been recommended to safeguard against any uncertainties around this, and is further reinforced in considering the elevated concentrations of volatile organic compounds identified within some soil samples, which would benefit from vapour protection.

I would therefore ask that the following conditions are attached or fulfilled.

- A Detailed Remediation Strategy for the proposed remedial works shall be submitted to, and approved by the Local Planning Authority prior to commencing remedial works. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Where remediation of gas has been identified as necessary by the site investigation a gas verification plan shall be submitted for the proposed gas protection measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation

- Following completion of measures identified in the approved remediation strategy, a verification report (referred to in PPS23 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 prior to the site being occupied.

- 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. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To confirm I am satisfied that this condition can be discharged.

Case Officer Note: The above three conditions noted in the above comments have been attached to the grant of planning permission (conditions 4, 5 and 6) to ST/0322/17/FUL, and will therefore need to be satisfied.

Assessment

The Council's Environmental Health Officer has been consulted on the submitted details and has confirmed that these are acceptable. The submitted report recommends that gas protection measures should be installed. The monitoring results show that methane and carbon dioxide levels are within low risk limits and would not in themselves usually warrant gas protection at the concentrations detected, however there are some concerns around the levels of depleted oxygen detected and so gas protection has been recommended to safeguard against any uncertainties around this, and is further reinforced in considering the elevated concentrations of volatile organic compounds identified within some soil samples, which would benefit from vapour protection.

Environmental Health have identified that a remediation strategy and verification report will be required and conditions were attached (condition 4 and 5) to the original grant of planning permission. A further condition relating to any previously unidentified contamination (condition 6) was also attached to the grant of planning permission. These conditions will need to be addressed and complied with. An informative has been attached to notify the applicant of the requirements of condition 4 and 5.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Approve Details of Condition

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework (paragraphs 186 & 187) to seek to approve applications for sustainable development where possible.

2 NOTE TO APPLICANT

Your attention is drawn to the requirements of conditions 4 and 5 attached to the grant of planning permission (application reference: ST/0322/17/FUL).

List of approved plans for standard note

Plan Reference

Gas Addendum Report produced by Roberts Environmental Ltd, received 19/01/2018

Case officer: Helen Lynch
Signed:
Date: 09/03/2018

Authorised Signatory:
Date:

«END»