DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0657/21/COND
Proposal: Discharge of Condition 8 - Detailed Remediation Strategy - relating to previously approved Planning Application ST/0955/20/FUL
Location: St Wilfrids RC College
Temple Park Road
South Shields
NE34 0QA

Relevant policies/SPDs

1 LDF CS EA5 - Environmental Protection
2 DM1 - Management of Development

Description of the site and of the proposals

Planning permission was granted on 05/03/2021 for a two storey extension to the existing school building, to provide 6 new teaching classrooms and additional dining space. Ancillary storage, plant, circulation and W.C.s to be provided internally. Externally the current covered walkway is to be removed and the current catering pod to be relocated to the edge of the Memorial Garden. Hard landscaping is to be provided, to enable external dining and existing paths to be widened and re-alignment of fence lines. Some existing soft landscaping is to be removed but re-provided in planters and borders at St Wilfrids RC College, Temple Park Road, South Shields.

Planning permission was granted subject to conditions.

Condition 7 stated;
'*Notwithstanding details submitted, the development hereby permitted must not commence until an investigation and risk assessment 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 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 and 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 'Land Contamination: Risk Management'.*

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.'

A discharge of conditions application was submitted to discharge condition 7 (ref: ST/0552/21/COND); A Supplementary Ground Contamination Risk Assessment was submitted for consideration to discharge the condition and the report (the detailed assessment of the soils at the site) were approved in consultation with the Council's Environmental Protection Officer.

Condition 8 stated;
'The development hereby permitted must not commence until a detailed remediation strategy for the proposed remedial works, deemed necessary by the investigation and risk assessment, has been

submitted to and approved in writing by the Local Planning Authority. The remediation scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. Where remediation of gas has been identified as necessary by the site investigation, a gas verification plan must be submitted for the proposed gas protection measures. The remediation 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.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.'

A discharge of condition application has been submitted to discharge condition 8, the subject of this report. The submitted investigation and risk assessment submitted in respect of condition 7 (as detailed above) concluded that there was no requirement for remediation on this site prior or post-development of the proposed school building extension.

Publicity / Consultations (Expiry date: N/A)

1) Neighbour responses
None

2) Other Consultee responses
Environmental Protection - The DQRA and bio-accessibility testing showed there was no risk to the end user therefore this condition can be discharged.

Assessment

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

Under the original planning permission (ref: ST/0955/20/FUL), the discharge of condition 8 was only necessary if the investigation and risk assessment submitted under condition 7 concluded that remediation of the site was necessary. In this case the investigation and risk assessment concluded that there is no requirement for remediation on this site prior or post-development of the proposed school building extension, therefore a remediation strategy has not been submitted to discharge condition 8 as it is not required.

Environmental Protection also confirmed that the condition can be discharged as the DQRA and bio-accessibility testing showed there was no risk to the end user.

It is recommended that Condition 8 be discharged in accordance with Local Development Framework (LDF) Policies EA5 and DM1.

Recommendation
Approve Details of Condition

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 17/08/2021

Authorised Signatory:
Date:

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