

PLANNING COMMITTEE

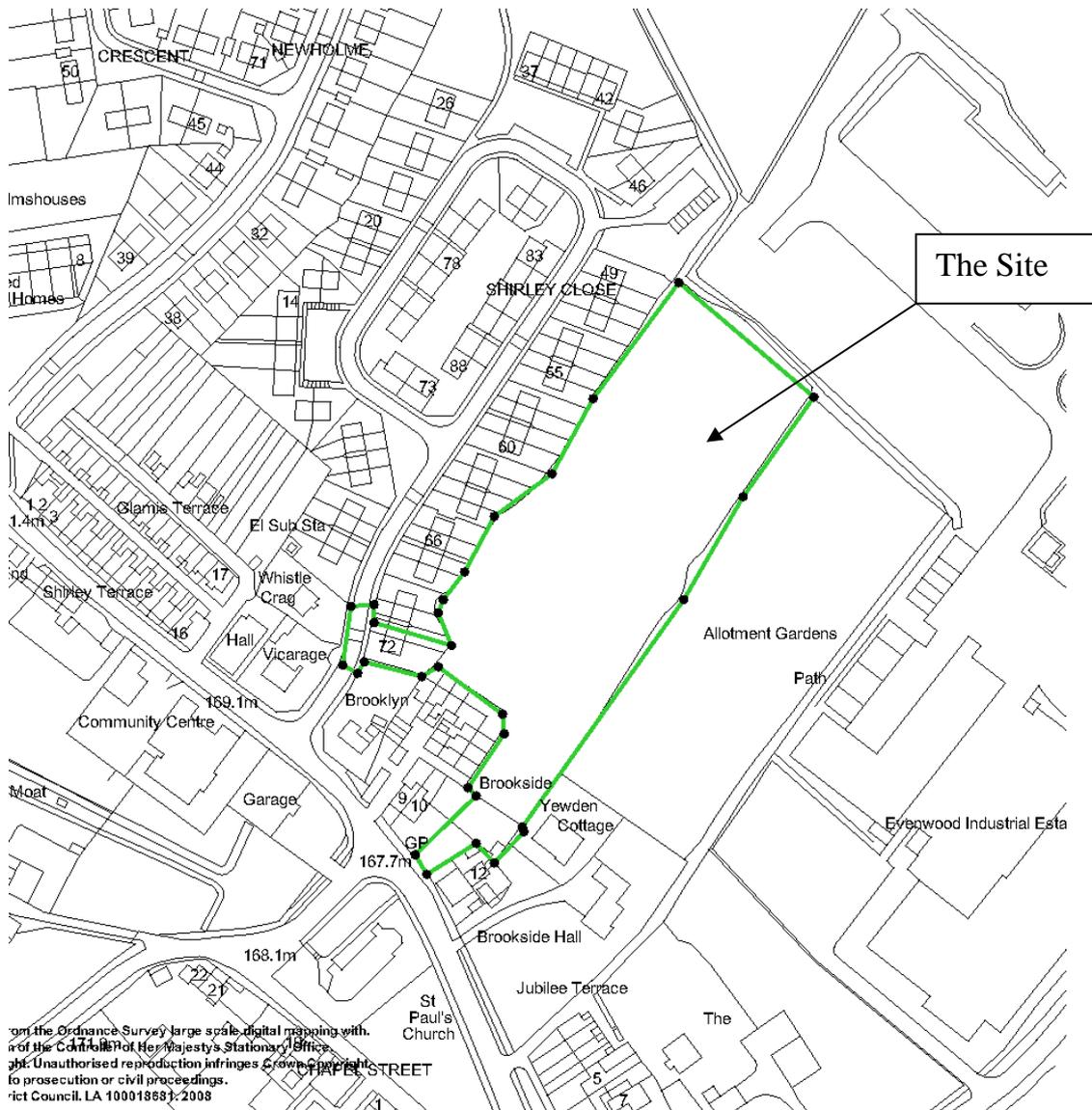
Wednesday 1<sup>st</sup> October 2008

This application is reported to Members because 11 separate letters of objection have been received along with 16 letters of a standard objection pro-forma signed by residents of Shirley Close. The Parish Council has also raised an objection to the application.

Case Officer - Charlie Colling

**EVENWOOD & BARONY - 6/2008/0187/DM**

Erection of 52 dwellings (50 net) & associated landscaping & infrastructure works including demolition of 71-72 Shirley Close & appropriate works to the gable of 70 Shirley Close at 71 & 72 Shirley Close, Evenwood for Miss J Corney (1 May 2008).



**THE SITE:**

The site is within the development limits of Evenwood and is allocated for housing within the Teesdale Local Plan. The site is 1.34 hectares in size and situated to the east of Shirley Close. The site is bound by allotment gardens to the east, residential properties to the south and west, and industrial land to the north. The site slopes gently upwards from west to east.

### **THE PROPOSAL:**

Planning permission is sought for the erection of 52 dwellings (50 net). The proposed development would require the demolition of two dwellings (71 and 72 Shirley Close) in order to allow for access to the site. The two dwellings which are to be demolished are Teesdale Housing Association properties, and two units within the development would be provided to compensate for their loss.

### **PLANNING HISTORY:**

There is no planning history relating to the whole of this site, although an outline application (6/1990/0137/DM) for a single dwelling was approved for an area of land between Yewden Cottage and Brookside at the southern most point of the site.

### **PLANNING POLICY:**

GD1 General Development Criteria  
H1 Allocated sites for residential development  
H1A Open space provision for residential sites of 10 or more dwellings  
H3 Housing development on sites over 0.4 Hectare  
H12 High standards of design in new house and housing sites.  
ENV17 Demand for off-site sewerage infrastructure

### **REPRESENTATIONS:**

#### **Statutory and Internal Consultants:**

**Rights of Way Officer** – The public footpath 10 Evenwood runs adjacent to the site boundary. I would expect it to remain unaffected by any development or use of it to access the site.

If the proposal is approved can you please ensure that the applicant is aware of the following obligations:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way available for use by members of the public.
- No damage or alteration must be caused to the surface of the right of way.

In the planning application the applicant states that the proposals require diversions/creations/extinguishments of rights of way, however I cannot find any reference to this in the plans.

**Natural England** – The proposal is unlikely to have an adverse effect in respect of species especially protected by law, subject to the following conditions (with reasons):

- No development shall take place unless in accordance with the mitigation detailed within the protected species report 'A Bat Survey of 70-72 Shirley Close, Evenwood,' including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.
- Works must avoid the hibernation period.
- If works are to commence during the maternity period confirming surveys must be carried out.
- Under Section (1) of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb, damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird. As Martin nests have been found at these buildings the developer must be advised by their ecologist for timing issues before any work is carried out.

Reason: to conserve protected species and their habitat.

The protection afforded these species is explained in Part IV and Annex A of ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact with the planning system.

The applicant should be informed that planning permission, if granted, does not absolve them from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular.

An informative should be attached to any planning permission granted advising that the developer may need to obtain a Natural England licence prior to the commencement of works. The developer should be advised by their ecologist in respect of this issue.

**DCC Highways** – The proposed site is an allocated housing site and I have no objections to the principle to the development. All new internal access roads must be designed in accordance with current DCC design standards.

The amended plan dated 5 August 2008 addresses the parking and access issues I raised in my original reply.

In order to ensure that the internal estate roads are adequately designed and constructed I consider it essential that full engineering details of the estate road and submitted and approved prior to the commencement of any works on site.

It will be necessary for the applicant to enter into an agreement under Section 38 of the Highways Act 1980, in order to ensure the adoption of the proposed new highways. It will also be necessary for the applicant to enter into an agreement under Section 278 of the same Act, to allow the required works within the existing highway to be carried out. I would be grateful if you would inform the applicant of these requirements.

**Environment Agency** – The application form and Flood Risk Assessment state that surface water will be disposed of to mains sewers and that Northumbrian Water Ltd

(NWL) have agreed to accept the flow. This being the case we have no objections to the proposals as submitted. However, if there is any change to the proposals and NWL do not accept the surface water flows, we would wish to be re-consulted.

Northumbrian Water (24<sup>th</sup> July 2008) – recommend the following condition be attached:

Development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

Reason: The Sewage Treatment Works to which the development will discharge is at full capacity and cannot accept the foul flows.

Further comments have now been received from NWL (18<sup>th</sup> September 2008) which are as follows:

Further to our discussions I am writing to provide some more information on the reply we sent you on 24<sup>th</sup> July 2008 for the planning application consultation above. In our reply we asked for the planning condition (see above) to be applied should the Council decide to grant permission.

The site would drain to the Ramshaw Sewage Treatment Works (STW) and, as stated in the planning condition, there is no capacity to treat the additional flows from this development. The matter is under investigation and a scheme is being prepared to provide additional treatment capacity by replacing or renewing components of the treatment process. The scheme would be funded through the Company's small works programme and is being prioritised to be scheduled in that programme. Until then I cannot give a date for the completion of the work but I expect it will be in the short to medium term i.e. in the next few years. I should have more information shortly and will contact you as soon as I have it.

The planning condition therefore is necessary to ensure the development is phased to allow adequate sewerage infrastructure to be provided. Policy GD1 (F) of the Local Plan requires developments to comply with criteria that there is adequate foul and storm water drainage within and away from the site.

It is acknowledged the site has been allocated in the Teesdale Local Plan for housing development. However the Company is unable to fund all potential growth in its region and has to prioritise its investment programme.

For background information, you will be aware the Company is regulated by Ofwat which determines the price levels the Company can charge its customers to fund its responsibilities and duties. This is done on a 5-year cycle and investment for growth is part of the bid the Company submits to Ofwat for approval. The current bid, called PR09, is now being prepared for the next 5-year programme, AMP5, to run from 2010 to 2015.

**Environmental Health** – The proposed development is adjacent to the buildings at C & A Roofing. This section has received complaints of noise from these buildings and it is likely that the new development will also be affected. I would recommend that a sound attenuation barrier is placed between the houses and the factory.

It is possible that a previous use of the site of the new development caused the land to become contaminated under the provisions of Part 11A of the Environmental Protection Act 1990. Four conditions have therefore been recommended which are set out in the schedule of conditions no.'s10-14.

**DCC Archaeology** – The reports have identified that there is some potential for previously unrecorded archaeological remains to be found within the development site. If these do exist, as suspected, they will be negatively impacted upon by the proposed residential development and destroyed. Therefore in line with national planning policy PPG16 I strongly recommend that the following negative condition is placed on the development if planning permission is granted.

#### Condition

No development shall take place until an archaeological mitigation strategy to include evaluation trenching, and where appropriate, mitigation and publication has been submitted to, and approved in writing, by the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing with the Local Planning Authority.

#### Reason

The development will have a negative impact on known as well as unrecorded archaeological remains thought to be of local importance. The condition is required to ensure that these features are excavated and recorded prior to destruction, in line with PPG16.

**Evenwood and Barony Parish Council:** The Parish Council has the following concerns regarding the above proposal –

- We feel the new access road from Shirley Close is not acceptable bearing in mind the excess traffic which will be involved.
- We are still waiting to hear whether the problem with the drainage has been addressed.
- The proposed dwelling near the south east corner of the site has been moved and its size has been altered, we have not been advised why this has happened.
- We would hope the hedgerows between the field and the allotment areas are not to be touched.
- The Parish Council is also concerned that there will be only one access/exit to these dwellings. However in the notes supplied (N.6.5) there is the mention of an access corridor through the garden area onto the main road. Can you confirm that this will be a pedestrian access point to these dwellings, and does this mean that the whole of the vegetation within this area is to be lost?
- We feel that there are questions that need to be answered, and the Parish Council feels further consultation between developers, residents and ourselves need to be arranged. Therefore until these concerns are answered, we cannot at this time support these amended plans.

#### **Public Responses:**

Neighbouring properties have been consulted, a site notice posted and an advert placed in the local press. 11 separate letters of objection have been received, along with 16 letters of a standard objection pro-forma signed by residents of Shirley Close. The objectors' comments are as follows:

- Concerns over parking of construction traffic and disruption to local residents.
- A brook crosses the site, has this been taken into consideration?
- Flooding concerns – The field takes most of the surplus water, but when the 52 houses are built, where will the water go?
- The Flood Risk Assessment does not assess potential flooding to properties adjoining the application site.
- Water accumulates in Brookside after heavy rain.
- Are the old pipes large enough to accommodate the sewage?
- How will properties be protected during construction?
- Is this housing needed?
- Loss of amenity and privacy from the new development.
- Potential loss of amenity from artificial lighting installed on the proposed development.
- Detrimental impact on Protected Species.
- Potential overlooking and blocking of light from the new dwellings, as they are raised up behind Shirley Close and Brookside.
- Fumes from the increase in traffic affecting residents amenities.
- There is a live and active stone well to the rear of 11 Brookside, which has not been given consideration.
- Devaluation of property.
- It is understood the houses will be 22 metres in height and would be overbearing and block our light.
- Concerns over height of the access road into the site.
- An application for a single dwelling was refused on this site.
- The access at Shirley Close is hazardous in winter months.
- The houses would be totally out of character with existing property.
- Site boundary is inaccurate.
- Removal of trees.

#### Comments from Evenwood Cricket Club

Should the development be considered favourably then may we request that you consider asking the applicant to make a financial contribution to the existing facilities in Evenwood rather than providing an on-site play area with equipment. Many residents feel that existing facilities need attention and an opportunity exists to attract funds.

#### **PLANNING CONSIDERATIONS:**

- Principle
- Affordable Housing
- Design
- Residential Amenity
- Access/Highways
- Flood Risk
- Sewerage Treatment
- Protected Species
- Response to Objectors' Comments

#### Principle

The site is allocated within the Teesdale Local Plan for housing. As such the principle of the development of the site for residential purposes would be acceptable as identified in Policy H1. The site is recognised in the Local Plan as being Greenfield by definition, but vacant and underused. Evenwood is described as being the second biggest employment base in the district, with plans to expand the amount of workspace. It is sustainable therefore to ensure that there is residential availability within the locality to allow for people to work and live in the same locality. The site is close to existing industrial locations and to the school and services in the settlement.

### Affordable Housing

The Council has conducted a housing needs assessment, which has informed the preparation of The Teesdale District Council Draft Affordable Housing SPD (2007). No need for affordable housing is identified within either document within the former coalfield area (of which Evenwood forms part). As such, the developer is not required to provide a proportion of affordable housing within the scheme. However, as two Teesdale Housing Association dwellings would be demolished in order to provide access to the site, two affordable units would be provided within the site for Teesdale Housing Association to compensate for the loss. The rest of the housing proposed is not considered to constitute 'affordable housing' for the purposes of Policy H14. Nevertheless, the development would not conflict with this Policy.

### Design

A total of 52 dwellings are proposed for the site, which would provide 50 net dwellings, as two existing Teesdale Housing Association properties would need to be demolished to allow for access into the site.

A single access road would enter the proposed development from Shirley Close. There would be housing to either side, with the road essentially running north to south through the development. A turning head would be provided at the northern most part of the development. The dwellings proposed are a mix of 2, 3 and 4 bedroomed houses and would be a mixture of 2 storey and 2.5 storey dwellings. The house types, though architecturally bland, would not appear out of context given the mixed nature of the site surroundings, with ex-local authority housing to the west and a mixture of traditional and new build to the south. Its relationship to the countryside, coupled with this means, that design is an important characteristic of the development of this site. However, for the above reasons its visual impact upon Evenwood is not considered unacceptable.

There have been some concerns raised regarding the layout of the estate in respect of the proposed dwelling, to the southern most point of the site, between 10 and 11/12 Brookside. The position of this dwelling has now been amended to improve the outlook and impact upon 11/12 Brookside. There is a substantial amount of existing screening directly in front of 11/12 Brookside, which provides a useful visual break, in terms of the visibility and impact of the proposed development, upon the outlook of this dwelling. A condition will therefore be attached to ensure that details of any tree felling, along with a landscaping schedule, are submitted to and agreed with the Local Planning Authority prior to the commencement of the development. This will ensure that any useful existing mature screening is retained and that any additional landscaping is appropriate to the development. Some concern was also raised as to the extent of the red line boundary originally submitted with the application, as it appeared to include some of the garden areas of a number of dwellings within Brookside. This has now been amended.

The overall layout and design of the development is considered to be acceptable, in that it would have a linear form, which would be appropriate to the characteristics and form of the site, and the proposed dwellings would have an acceptable relationship in design terms with those semi detached and terraced properties within Shirley Close.

Policy H12 and GD1 of the Local Plan both encourage high standards of design in new developments. Acknowledging the constraints here, it is considered that the broad aims of these policies are met.

### Residential Amenity

The development proposed has been designed to respect the privacy, outlook and amenity of existing dwellings. Adequate separation is retained, taking into consideration levels. Between principle elevations of existing dwellings and proposed dwellings a minimum distance of 19 metres has been provided (although this is in excess of 21 metres in respect of the majority of the dwellings), and between principle elevations and the gables of new dwellings a minimum distance of 12.5 metres has been achieved.

Within the site, new occupiers may expect reasonable levels of amenity, each benefitting from a garden and sufficient privacy to habitable rooms.

The environmental health section has advised that the site is adjacent to the buildings at C & A Roofing. Complaints of noise have been received in respect of these buildings and it is likely that the new development will also be affected. It has been recommended that a sound attenuation barrier is placed between the houses and the factory. A condition has therefore been proposed, should members be minded to grant permission, to ensure that this is done prior to the occupation of any of the dwellings in accordance with GD1 of the Local Plan.

### Open Space/Recreation Provision

Policy H1A of the Local Plan requires that in developments of 10 or more dwellings, open space will be required to be provided within or adjacent to the development in accordance with minimum standards where there has been a need identified. There is no up to date Open Space Needs Assessment for this area. As such it is considered that it may be difficult to insist that the developer provide open space/recreation provision within the site. However the developer has confirmed that they would be willing to provide £10,000 in lieu of open space/recreation provision off site, which equates to £200 per dwelling. Given the lack of an up to date Open Space Needs Assessment for the area this is considered to be an acceptable contribution and would be secured through a section 106 agreement. It is advised that this planning permission, should members be minded to approve, is deferred until a section 106 agreement has been entered into to ensure that this contribution is provided.

For the above reasons, and subject to entering into a Section 106, I consider the development to be in accordance with the Local Plan.

### Access/Highways

Access would be taken directly from Shirley Close and an access road within the site provided to adoptable standards. The proposed access road in to the site would require

the demolition of two existing Teesdale Housing Association dwellings (71 and 72 Shirley Close) which would be compensated for within the site. Some concern has been raised over the drop in levels from Shirley Close and the application site. The applicant has submitted a section drawing for this part of the development. The details provided are considered to be acceptable and show that suitable access to the site in terms of levels is achievable.

The County Highway Authority initially raised some concern over the entry radii and the parking within the estate. These concerns have been overcome through amended plans and no highways objection is now raised to the proposals subject to conditions and informatives.

The road network is considered suitable to serve the development proposed. It is considered that the development will not result in harm to the safety of road users or pedestrians.

### Flood Risk/Sewage

A number of objections received have made comment regarding existing flooding problems within the area, potential problems with increased risk of flooding in respect of the proposed development and suggestions that there is an old 'brook' which runs through the site.

The site lies within flood zone 1. The applicant has submitted a Flood Risk Assessment with the application which concludes that the proposed development 'will not exacerbate flood risk either on the site or downstream of it and the proposed dwellings are not at risk of flooding. Development of the site is therefore considered appropriate'. The Environment Agency have been consulted and indicated that providing Northumbrian Water Ltd. are willing to accept the surface water which will be disposed of to mains sewers, and they agree to take the flow, then no objection would be raised.

Northumbrian Water have been consulted and have indicated that the Sewage Treatment Works are at full capacity and cannot accept the foul flows. As such they have recommended that a condition be attached to any approval that no development shall commence until a detailed scheme for the treatment of the foul flows has been submitted to and agreed in writing with the Local Planning Authority in consultation with NWL. Whilst the current Sewage Treatment Works are at full capacity, NWL are looking to increase the capacity. With an appropriately worded condition such as that proposed by NWL, it is considered that this issue could be resolved at a later date should permission be granted.

### Protected Species

A protected species report has been submitted with the application which concludes that subject to mitigation it is considered that the risk of harm to individual bats can be minimised and the conservation status of the species in the local area can be maintained. Natural England have been consulted, and have raised no objection to the proposals subject to conditions and informatives, which have been included in the schedule of conditions and proposed informatives within this report.

### Response to objectors' comments

- It is not anticipated that construction traffic would need to park within Shirley Close. A condition will however be attached requiring a method statement for the construction to be submitted and agreed in writing with the LPA prior to the commencement of the development.
- Neither the Environment Agency nor the County Archaeologist have made mention of a 'brook' crossing the site and have raised no objection to the proposals. As such this is not considered reason on which to refuse the application.
- Issues of flooding and sewage have been discussed in the report.
- Amenity, access and protected species have been discussed in the report.
- Devaluing of property is not a material planning consideration.
- Threat to existing landscaping would be controlled by way of condition.

#### **PLAN Nos AND DATE RECEIVED:**

SC1 – Site Location Plan (received 5<sup>th</sup> August 2008)  
 EW – 001 Proposed Site Layout Plan (received 5<sup>th</sup> August 2008)  
 191007 – Proposed Street Section (received 23<sup>rd</sup> July 2008)  
 HT-WD01 – Hatfield Plans and Elevations (received 1<sup>st</sup> May 2008)  
 ML-WD01 – The Moulton Plans and Elevations (received 1<sup>st</sup> May 2008)  
 QW-WD01 – Queenswood Plans and Elevations (received 1<sup>st</sup> May 2008)  
 RF- WD01 – Rufford Plans and Elevations (received 1<sup>st</sup> May 2008)  
 CY-WD01 – Cherryburn Plans and Elevations (received 1<sup>st</sup> May 2008)  
 CV-WD01 – The Clevedon Plans and Elevations (received 1<sup>st</sup> May 2008)  
 HB-WD01 – Hanbury Plans and Elevations (received 1<sup>st</sup> May 2008)  
 LY-WD01 – Lumley Plans and Elevations (received 1<sup>st</sup> May 2008)  
 RK-WD01 – Runswick Plans and Elevations (received 1<sup>st</sup> May 2008)  
 SU-WD01 – Souter Plans and Elevations (received 1<sup>st</sup> May 2008)  
 SGD-01 rev B – Single and Double Garage Floor Plans and Elevations (received 1<sup>st</sup> May 2008)  
 SGD-02 – Triple Garage Plans Floor Plans and Elevation (received 1<sup>st</sup> May 2008)

**RECOMMENDED: That Full Planning Permission be granted subject to the entering into of a Section 106 Agreement, in respect of a £10,000 open space/recreation contribution and the provision of two replacement Teesdale Housing Association Properties within the development.**

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

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

To ensure that the development is carried out in accordance with the approved plans.

3. Notwithstanding the information shown on the submitted application, samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development, and

thereafter the development shall be carried out in accordance with the approved samples.

To protect the visual amenity of the surroundings and the character of the building in accordance with Policies GD1 of the Teesdale District Local Plan 2002.

4. Notwithstanding the information shown on the submitted application, no development shall commence until full details of the height, siting, appearance and construction of all means of enclosure to be erected on site have been submitted to and approved in writing by the Local Planning Authority and the works shall be carried out in accordance with the agreed details.

In the interests of the appearance of the development in accordance with policy GD1 of the Local Plan.

5. No development shall take place unless in accordance with the mitigation detailed within the protected species report 'A Bat Survey of 70-72 Shirley Close, Evenwood,' including but not restricted to adherence to timing and spatial restrictions; provision of mitigation in advance; undertaking confirming surveys as stated; adherence to precautionary working methods.
  - Works must avoid the hibernation period.
  - If works are to commence during the maternity period confirming surveys must be carried out.
  - Under Section (1) of the Wildlife & Countryside Act 1981, it is an offence to kill, injure or take any wild bird or disturb, damage or destroy the nest whilst it is in use or being built, or take or destroy the egg of any wild bird. As Martin nests have been found at these buildings the developer must be advised by their ecologist for timing issues before any work is carried out.

To conserve protected species and their habitat.

6. Full engineering works of the estate roads shall be submitted to and agreed in writing prior to the commencement of the development.

In the interests of highways safety.

7. No development shall take place until an archaeological mitigation strategy to include evaluation trenching, and where appropriate, mitigation and publication has been submitted to, and approved in writing, by the Local Planning Authority. A copy of any analysis, reporting, publication or archiving required as part of the mitigation strategy shall be deposited at the County Durham Historic Environment record within one year of the date of completion of the scheme hereby approved by this permission or such other period as may be agreed in writing with the Local Planning Authority.

The development will have a negative impact on known as well as unrecorded archaeological remains thought to be of local importance. The condition is required to ensure that these features are excavated and recorded prior to destruction, in line with PPG16.

8. Within one month of the commencement of the development, or other such time period as may be agreed in writing with the Local Planning Authority, detailed

plans showing landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority. These shall include, where required, a tree protection plan showing trees scheduled for retention and removal and the exact location of temporary protective fencing, all in accordance with B.S.5837:2005, the planting of trees, hedges and shrubs, depths of topsoil for planting and grassed areas, the provision of screen walls or fences, the mounding of earth, excavations and changes in levels, areas to be seeded with grass, and other proposals for improving the appearance of the development and for protecting and enhancing biodiversity interests. The scheme shall be carried out in accordance with the approved drawings before the end of the year in which the development starts, or within such other time as may be agreed with the Local Planning Authority in writing beforehand. The landscaped areas shall be subsequently maintained to ensure rapid and complete establishment of the agreed scheme, including watering, weeding, protection against rabbits as required, and the replacement of any plants which fail within a period of 5 years from the date of completion of the landscaping scheme, with others of a similar size and species unless the Local Planning Authority approves any variation thereto in writing.

In the interests of the appearance of the development in accordance with Policy GD1 of the Local Plan.

9. Construction work shall not begin until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. Thereafter all construction works shall be undertaken in accordance with the approved statement.

In the interests of amenity in accordance with Policy GD1 of the Teesdale Local Plan.

10. No construction works including demolition or any delivery of equipment or materials shall be carried out outside the hours of 08.00 to 18:00 on Mondays to Fridays and 08:00 to 13:00 on Saturdays. No works shall be carried out on Sundays or public holidays.

In the interests of the amenities of neighbouring occupiers in accordance with Policy GD1 of the Teesdale Local Plan.

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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 buildings, crops, livestock, pets, woodland and service lines and 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, CLR 11.

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 neighbours and other offsite receptors in accordance with policy GD1 of the adopted Local Plan.

12. 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 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 and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the neighbours and other offsite receptors in accordance with policy GD1 of the adopted Local Plan.

13. The approved 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 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.

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 neighbours and other offsite receptors in accordance with policy GD1 of the adopted Local 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 12, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 13, 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 14.

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 neighbours and other offsite receptors in accordance with policy GD1 of the adopted Local Plan.

15. Prior to the occupation of any of the dwellings hereby approved a suitable noise assessment shall be carried out to determine any noise affecting the site both from nearby roads and industrial premises. The assessment shall examine these noise sources and their potential for causes of noise nuisance. Amelioration measures should be identified where found necessary for all those affected dwellings to ensure good/acceptable internal noise environments. No dwelling shall be occupied until such measures, if identified by the assessment, are put into place.

To avoid excessive noise and disturbance to the occupants of the proposed dwellings, in conformity with Policy GD1 of the District Local Plan.

16. No development shall commence until full details of the means of energy generation within the site have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise first agreed in writing by the Local Planning Authority, a minimum of 10% of the predicted energy use of the site when completed shall be from renewable sources, and the details shall include any external fittings and equipment at a scale of not less than 1:50. The development shall be carried out in accordance with the agreed details.

To ensure the energy efficiency of the site in accordance with Policy GD1 and RSS for the North East.

17. The development shall not commence until a detailed scheme for the treatment of the foul flows from the development hereby approved has been submitted to and approved in writing with the Local Planning Authority in consultation with Northumbrian Water. The development shall not be occupied on site until the scheme for the treatment of the foul flows has been completed and commissioned in accordance with the approved details.

The Sewage Treatment Works to which the development will discharge is at full capacity and cannot accept the foul flows.

## Informatives

Planning permission, does not absolve you from complying with the relevant law, including obtaining and complying with the terms and conditions of any licences required as described in Part IV B of Circular.

Please be aware that you may need to obtain a Natural England licence prior to the commencement of works. Your ecologist should advise you in respect of this issue.

Please be aware of the following requirements in respect of public footpath 10 Evenwood:

- No building materials must be stored on the right of way
- Vehicle movements must be arranged so as to not interfere with the public's use of the way.
- The safety of members of the public using the right of way must be ensured at all times.
- No additional barriers are to be placed across the right of way.
- There must be no reduction in the width of the right of way available for use by members of the public.
- No damage or alteration must be caused to the surface of the right of way.