

18/03390/FUL - Land to the South of Berristock, Cambois

Further update and recommended conditions

- 1.1 The above planning application was heard at the Ashington and Blyth Local Area Council on 13th March 2019 with the proposal seeking consent for 1no residential dwelling with a detached garage.
- 1.2 Members overturned the officers refusal recommendation upon the application citing that the application site was considered as brownfield land as well as being situated between 2no existing residential properties. Providing issues in relation to land contamination could be addressed by the applicant and agreed with the local authority's Public Protection team, along with the agreeing of a unilateral undertaking for coastal mitigation contributions, the proposal would be approved.
- 1.3 Following this Local Area Council decision, the applicant has sought to rectify both matters. The submission of a coal mining report and further statement were provided to the local planning authority on 15th and 19th July respectively, thus allowing consultation to be carried out with Public Protection. A consultation response was provided by Public Protection on 8th August 2019 in which they raised no objection to the proposal, subject to appropriate conditions being attached upon any approval. These conditions are listed below.
- 1.4 Furthermore, the applicant has agreed to a Unilateral Undertaking in relation to coastal mitigation contributions requested by the local authority's ecologist team due to the proximity of the site to the coast. These contributions consist of £600 to be paid prior to the commencement of development.
- 1.5 It is therefore considered that issues identified by members when assessing the planning application at Local Area Council in March have been appropriately addressed. It is recommended that the below conditions be attached upon the approval decision notice.

Recommended conditions

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

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

- 2) Except where modified by the conditions attached to this planning permission, the development shall be carried out in accordance with the details shown on plans:
 - 1) Location plan (received 21st September 2018)
 - 2) Proposed site plan drawing no. 02 (received 21st September 2018)
 - 3) Proposed floor plans and elevations (house) drawing no. 03 (received 21st September 2018)
 - 4) Proposed floor plans and elevations (garage) drawing no. 04 (received 21st September 2018)

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

- 3) The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application. The development shall not be constructed other than with these approved materials.

Reason: In the interests of the satisfactory appearance of the development upon completion and in accordance with the provisions of policy GP30 of the Wansbeck District Local Plan.

- 4) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), no extensions, porches, dormer windows, or free standing buildings or structures shall be added to or constructed within the curtilage of the dwelling house hereby permitted without the prior grant of planning permission from the Local Planning Authority.

Reason: In order that the impact on the appearance of the dwelling house and surrounding area, of any additions or curtilage buildings may be properly assessed in the interests of amenity and in accordance with policy GP30 of the Wansbeck District Local Plan and National Planning Policy Framework.

- 5) The development hereby permitted shall not be brought into use or continue in use until two full copies of a full closure (Verification Report) report shall be submitted to and approved by the Local Planning Authority. The report shall

provide verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the closure report to demonstrate that the required remediation has been fully met.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with the NPPF.

- 6) If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future occupants in accordance with the NPPF.

- 7) No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the CS2 standard specified in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties in accordance with the NPPF.

- 8) The dwellinghouse shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved

methodology in Condition 7, which has been approved in writing by the Local Planning Authority.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective Properties in accordance with the NPPF.

- 9) The development shall not be occupied until the car parking area indicated on the approved plans has been implemented in accordance with the approved plans. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

- 10) Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: In order to prevent surface water run off in the interests of the amenity of the area and to ensure suitable drainage has been investigated for the development and implemented, in accordance with the National Planning Policy Framework.

- 11) No development shall take place unless and until any new lighting on the site is designed in accordance with the guidance set out in Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series Bat Conservation Trust/Institute of Lighting Professional 2018). New external lighting will be directional, low wattage and controlled by motion sensor.

- Where security lights are required, these will be set on a short timer and will be motion sensitive only to larger objects.
- External lighting that may reduce bat use of the buildings will be avoided.
- High intensity security lights will be avoided

Reason: to maintain and enhance the biodiversity value of the site and to maintain the favourable conservation status of protected species.

- 12) Full details of the fence along the railway boundary and scheme for its future maintenance and renewal shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be a minimum of 1.8m high and be a suitable trespass proof fence.

Reason: In the interests of health and safety in line with the NPPF.

Informatives

- 01) Building materials or equipment shall not be stored on the highway unless otherwise agreed. You are advised to contact the Streetworks team on 0345 600 6400 for Skips and Containers licences.
- 02) Security of the railway boundary will need to be maintained at all times. If the works require temporary or permanent alterations to the mutual boundary the applicant must contact Network Rail's Asset Protection Project Manager.
- 03) All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no materials or plant are capable of falling within 3.0m of the nearest rail of the adjacent railway line, or where the railway is electrified, within 3.0m of overhead electrical equipment or supports.
- 04) All excavations/ earthworks carried out in the vicinity of Network Rail property/ structures must be designed and executed such that no interference with the integrity of that property/ structure can occur. If temporary works compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for the approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Project Manager should be undertaken. Network Rail will not accept any liability for any settlement, disturbance or damage caused to any development by failure of the railway infrastructure nor for any noise or vibration arising from the normal use and/or maintenance of the operational railway. No right of support is given or can be claimed from Network Rails infrastructure or railway land.

- 05) Method statements may require to be submitted to Network Rail's Asset Protection Project Manager at the below address for approval prior to works commencing on site. This should include an outline of the proposed method of construction, risk assessment in relation to the railway and construction traffic management plan. Where appropriate an asset protection agreement will have to be entered into. Where any works cannot be carried out in a "fail-safe" manner, it will be necessary to restrict those works to periods when the railway is closed to rail traffic i.e. "possession" which must be booked via Network Rail's Asset Protection Project Manager and are subject to a minimum prior notice period for booking of 20 weeks. Generally if excavations/piling/buildings are to be located within 10m of the railway boundary a method statement should be submitted for NR approval.
- 06) Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed.
- 07) Consideration should be given to ensure that the construction and subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land, and therefore all/any building should be situated at least 2 metres from Network Rail's boundary. This will allow construction and future maintenance to be carried out from the applicant's land, thus reducing the probability of provision and costs of railway look-out protection, supervision and other facilities necessary when working from or on railway land.
- 08) The developer/applicant must ensure that their proposal, both during construction, and after completion of works on site, does not affect the safety, operation or integrity of the operational railway, Network Rail and its infrastructure or undermine or damage or adversely affect any railway land and structures. There must be no physical encroachment of the proposal onto Network Rail land, no over-sailing into Network Rail air-space and no encroachment of foundations onto Network Rail land and soil. There must be no physical encroachment of any foundations onto Network Rail land. Any future maintenance must be conducted solely within the applicant's land ownership. Should the applicant require access to Network Rail land then must seek approval from the Network Rail Asset Protection Team. Any unauthorised access to Network Rail land or air-space is an act of trespass and we would remind the council that this is a criminal offence (s55 British Transport Commission Act 1949). Should the applicant be granted access to

Network Rail land then they will be liable for all costs incurred in facilitating the proposal.

- 09) The Developer should be aware that any development for residential use adjacent to an operational railway may result in neighbour issues arising. Consequently every endeavour should be made by the developer to provide adequate soundproofing for each dwelling. Please note that in a worst case scenario there could be trains running 24 hours a day and the soundproofing should take this into account.
- 10) Where trees/shrubs are to be planted adjacent to the railway boundary these shrubs should be positioned at a minimum distance greater than their predicted mature height from the boundary. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary. We would wish to be involved in the approval of any landscaping scheme adjacent to the railway. Where landscaping is proposed as part of an application adjacent to the railway it will be necessary for details of the landscaping to be known and approved to ensure it does not impact upon the railway infrastructure. Any hedge planted adjacent to Network Rail's boundary fencing for screening purposes should be so placed that when fully grown it does not damage the fencing or provide a means of scaling it. No hedge should prevent Network Rail from maintaining its boundary fencing. Lists of trees that are permitted and those that are not permitted are provided below and these should be added to any tree planting conditions:
Acceptable: Birch (Betula), Crab Apple (Malus Sylvestris), Field Maple (Acer Campestre), Bird Cherry (Prunus Padus), Wild Pear (Pyrus Communis), Fir Trees – Pines (Pinus), Hawthorne (Cretaegus), Mountain Ash – Whitebeams (Sorbus), False Acacia (Robinia), Willow Shrubs (Shrubby Salix), Thuja Plicatata "Zebrina"
Not Acceptable: Acer (Acer pseudoplatanus), Aspen – Poplar (Populus), Small-leaved Lime (Tilia Cordata), Sycamore – Norway Maple (Acer), Horse Chestnut (Aesculus Hippocastanum), Sweet Chestnut (Castanea Sativa), Ash (Fraxinus excelsior), Black poplar (Populus nigra var, betulifolia), Lombardy Poplar (Populus nigra var, italica), Large-leaved lime (Tilia platyphyllos), Common lime (Tilia x europea).
- 11) Where new lighting is to be erected adjacent to the operational railway the potential for train drivers to be dazzled must be eliminated. In addition the location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. Details of any external lighting should be provided as a condition if not already indicated on the

application. Network Rail is required to recover all reasonable costs associated with facilitating these works.

Recommendation:

It is therefore recommended that Members agree to these conditions as set out to be added to the planning consent.