

**1) Recommendation to be updated to the below:**

**Recommendation: That the Committee is minded to APPROVE this application: i) subject to the conditions set out below; ii) subject to referral to the National Planning Casework Unit for a determination on whether the Secretary of State wishes to call-in the application for his own determination with delegated authority to the Director of Planning to issue the decision if the Secretary of State does not call in the application (under CLG Circular 02/2009 - The Town and Country Planning (Consultation) (England) Direction 2009)**

**iii) subject to no responses being received to outstanding site notice and press notice consultations that raise substantial matters not already addressed; and v) subject to the completion of a Section 106 Agreement securing contributions towards affordable housing (13 shared ownership and 10 affordable rented units), health care (£92,700), education (£908,154), a bus service (4 installments of £60,000 if required after a bus service review) and to the following:**

**2) Conditions proposed by Public Protection – to be added to the list of conditions:**

**Condition 1 - Noise**

The noise rating level from the development shall not exceed the following values and locations at as specified in the SRL Noise Assessment ref:

NTWNH-SRL-XX-XX-RP-N-T03-P03 (20 September 2019), when measured using BS4142:2014.

Measurement Position	Day time Noise Rating Level Laeq dB (07:00 - 23:00)	Night time Noise Rating Level Laeq dB (23:00 - 07:00)
Existing Residential	33	30
Proposed Residential (West)	33	30
Existing Hospital Buildings (North)	45	45
Existing Hospital Buildings (South)	45	45
Proposed Residential (North)	45	30

\* T shall be assessed as one hour during daytime (0700 – 2300) and five minutes at night time (2300 – 0700).

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

### **Condition 2 - Acoustic Barrier Details:**

Prior to the development being brought into use or continuing in use, the applicant shall provide full details of the acoustic barrier (which should consist of a masonry wall or earthen mound), including location, specification, design and performance, to the local planning authority for written approval. The approved scheme shall be implemented in full and retained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

### **Condition 3 - Orientation:**

No dwelling shall be constructed until an acoustic design scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that internal noise levels of 35dB LAeq during the day and 30dB LAeq and 45dB LAMax during the night can be achieved in habitable rooms. Habitable rooms on the façade facing away from the A1 shall have windows which are not restricted from opening. The scheme shall include internal room layouts to show that the main habitable rooms # shall have access to a window which can be opened without causing the ingress of obtrusive noise above guidance levels. Thereafter, the approved acoustic design scheme shall implemented in full before the occupation of the dwelling it relates to and retained in perpetuity.

#Main habitable rooms shall be taken to mean living rooms (07:00 - 23:00) and the master bedrooms (23:00 - 07:00)

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

### **Condition 4 - Construction Delivery / Collection hours:**

Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

#### **Condition 5 - Noisy Working Hours:**

During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours: Monday to Friday -

0800 to 1800, Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

#### **Condition 6 Contaminated Land (Area 1)**

The development within Area 1 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 Dunelm Remediation Strategy ref: D9893 (18 December 2019). 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.

#### **Condition 7 - Contaminated Land (whole development)**

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.

#### **Condition 8 – Ground Gas Protection:**

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

### **Condition 9 – Validation and Verification of Ground Gas Protection:**

No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 8\*, which has been approved in writing by the LPA.

\*in this list of conditions

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.

### **Informative**

1) The effectiveness of the development's design in ensuring that a nuisance is not created, is the responsibility of the applicant / developer and their professional advisors / consultants. Developers should, therefore, fully appreciate the importance of obtaining competent professional advice.

In all cases, the Council retains its rights under Section 79 of the Environment Protection Act 1990, in respect of the enforcement of Statutory Nuisance