

**NEASHAM ROAD DRAFT PLANNING CONDITIONS IN THE
EVENT THAT MEMBERS ARE MINDED TO APPROVE THE
DEVELOPMENT**

TIME LIMITS

1. A1 (Reserved matters)
2. A2 (Reserved matters)

DETAILS

3. B4 (Details of materials)
4. B5 (Development in accordance with approved plans)
5. B9 (Details of means of enclosure)
6. B10 (Test panel)
7. B11 (Details of windows)
8. D4 (Details of refuse storage required)

ENVIRONMENT AGENCY CONDITIONS

9. Prior to the commencement of development a scheme for the provision and management of a buffer zone of no less than 5 metres alongside the watercourse to the south west of the site shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority.
REASON – Development that encroaches on watercourses has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. The land adjacent to the watercourse is an important wildlife corridor with mature shrubs and trees and should be protected. Article 10 of the Habitats Directive stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.
10. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include details of how the scheme shall be maintained and managed after completion.
REASON – To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage.
11. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the local planning authority), the following components of a

scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment that has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways and receptors
 - Potentially unacceptable risks rising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components will require the express consent of the local planning authority. The scheme shall be implemented as approved.

REASON – The information provided with the planning application is insufficient to fully assess whether the site has been subject to a potentially contaminative land-use i.e. made ground and hot spots of elevated pollutants have been identified. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

12. Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

REASON – The information provided with the planning application is insufficient to fully assess whether the site has been subject to a potentially contaminative land-use i.e. made ground and hot spots of elevated pollutants have been identified. The environmental setting of the site is sensitive as it lies on the Magnesian Limestone major aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.

13. If, during development, contamination not previously identified is found to be present at the site, then no further development, unless otherwise agreed in writing by the local planning authority, shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

REASON – Unsuspected contamination may exist at the site, which may pose a risk to controlled waters.

NORTHUMBRIAN WATER CONDITIONS

14. Development shall not commence until a detailed scheme for the diversion of its apparatus or redesign of the proposal to avoid building over by the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON – A 600mm public sewer crosses the site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

15. Development shall not commence until a detailed scheme for the diversion of its apparatus has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON – An existing 39 inch and 48 inch steel water main crosses the proposed development site and is shown built over on the application. Northumbrian Water will not permit a building over or close to its apparatus. Diversion or relocation of the apparatus may be possible at the applicant's full cost.

16. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON – To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 'Development and Flood Risk' and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. In discharging the condition the Developer should develop the Surface Water Drainage solution by working through the hierarchy of Preference contained within Revised Part H of the Building Regulations 2000. Namely:

- Soakaway
- Watercourse and finally
- Sewer

NATURAL ENGLAND

17. Any on site vegetation clearance should avoid the bird breeding season (March to end of August), unless the project ecologist undertakes a checking survey immediately prior to clearance and confirms that no breeding birds are present.

REASON – To conserve protected species and their habitat.

DBC HIGHWAYS

18. No development shall take place until a scheme for the provision of a right turn facility at the access to the site on Neasham Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter the facility shall be provided in complete accordance with the approved details prior to the first occupation of any of the houses on the site.

- REASON - To provide safe vehicular access to the site.
19. The layout of the housing development hereby approved shall be designed to provide for a 20mph speed limit and shall include precise details of the street lighting, signage and traffic calming measures necessary to ensure a 20mph speed limit. Such details shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in complete accordance with the approved details.
- REASON - In the interests of highway safety.

HIGHWAYS AGENCY

20. The development hereby approved shall implement the Travel Plan (Issue 7) prepared by Dougall Baillie Associates.
- REASON – To reduce the traffic impact on the strategic road network.

DBC COUNTRYSIDE

21. Prior to the commencement of the development hereby permitted, a detailed environmental masterplan, the scope of which shall first be agreed in writing by the local planning authority. The environmental masterplan shall also provide for a 10-year management plan for the site. Thereafter the development hereby approved shall be carried out in accordance with the contents of the environmental masterplan and the necessary mitigation measures shall be implemented in full.
- REASON – In the interest of safeguarding and enhancing the biodiversity of the site.

DBC VISUAL AND PUBLIC ARTS OFFICER

22. J6 (Percent for Art – provision of sculpture/artwork on the site)

DBC ENVIRONMENTAL HEALTH

23. Before the commencement of any works on site, a scheme for controlling dust emissions shall be submitted and agreed in writing with the Local Planning Authority. The scheme shall include information on measures to be taken to prevent and minimise dust emissions, monitoring procedures and procedures for dealing with complaints. The scheme shall be implemented and reviewed at the request of the Local Planning Authority.
- REASON – In the interests of residential amenity
24. Construction and demolition work shall not take place outside the hours of 08:00 – 18:00 Monday to Friday, 08:00 – 14:00 on a Saturday and not at all on a Sunday or a Bank Holiday.
- REASON – In the interests of residential amenity
25. J2
26. Prior to the development hereby approved being commenced, a scheme for the protection of the proposed residential accommodation from noise from roads, the railway, telecommunications mast and the Stadium shall be submitted to and approved by the Local Planning Authority. The scheme shall include predicted noise levels at residential properties, include details of sound attenuation methods to be used and shall achieve internal noise levels of less than 35 dB(A) LAeq in living rooms, less than 30 dB(A) LAeq in bedrooms, less than 55 dB(A) LAeq in garden areas and individual noise events not to exceed 45 dB LAFmax

in bedrooms. Any works, which form part of the scheme, shall be completed in accordance with the approved scheme and prior to any part of the housing development being first occupied or used.

REASON - To protect occupiers of the development from noise attributable to the use of the adjacent roads, railway line and stadium.

INFORMATIVES

NATURAL ENGLAND

Any works in or near the watercourse may require the prior written consent of the Environment Agency under the Terms of the Land Drainage Act 1991.

ENVIRONMENT AGENCY

Any works in or near the watercourse may require the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.

HIGHWAYS

The applicant is advised that contact must be made with the Assistant Director – Highways and Engineering (contact Mrs B Bowles 01325 388774) in relation to the introduction of the site into the Neasham Road Residents Parking Scheme.

The applicant is advised that the development will be the subject of a Section 38/278 Agreement (Highways Act 1980) and contact must be made with the Assistant Director – Highways and Engineering (contact Mr S Brannan 01325 388755) to discuss this matter.

The applicant is advised that contact must be made with the Assistant Director – Highways and Engineering (contact Ms P Goodwill 01325 388760) to discuss naming and numbering of the development.

The applicant is advised that contact must be made with the Assistant Director – Highways and Engineering (contact Mrs B Bowles 01325 388774) to progress the introduction of a 20mph limit on the development.