


I N T E R	<h1>MEMO</h1>	 NORTH LINCOLNSHIRE COUNCIL
O F F I C E		

To: Leanne Pogson-Wray, Development Management

From: Lindsay Unwin, Environmental Health (Commercial)

Your Ref: PA/2017/535

Our Ref: PLU 002963

Subject: Planning permission for the construction of two new buildings comprising two retail outlets and a flat at ground floor, and two duplex and one flat on first-floor (including demolition of existing building) [resubmission of PA/2016/1350]

Location: Post Office House, Town Street, South Killingholme, North Lincolnshire

Date: 25 April 2017

I note the above application and confirm this department has the following comments to make.

Contaminated Land

The application for residential development is a sensitive end use. It is the developer's responsibility to assess and address any potential contamination risks, however no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

This does not comply with national and local planning policy guidance and the text set out below explains why this is the case.

1. The councils contaminated land planning guidance document detailed below and produced in collaboration with other local authority Yorkshire and Lincolnshire Pollution Advisory Group (YALPAG) members is available on the councils web site at the following link :

<http://www.northlincs.gov.uk/planning-and-environment/environmental-health/pollution-air-land-and-water/contaminated-land/>

YALPAG Technical Guidance for Developers Landowners and Consultants version 8.2 January 2017.

It recommends for individual residential developments i.e. one house in a garden the applicant should submit as a minimum the Screening Assessment Form (Appendix 2 of the YALPAG Technical Guidance)

2. The information required by the YALPAG document is in line with National Policy which requires that developers should provide proportionate but sufficient site investigation information (and risk assessment) to determine the existence or otherwise of contamination.

Taking into account the above advice, **the applicant should submit the Screening Assessment Form for this department's consideration prior to the application being determined** in accordance with National Policy guidance. This will allow the council to decide whether or not further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use prior to occupation.

If the council is however mindful to determine the application without the information required under National Planning Policy guidance then this department would recommend the inclusion of the following consent conditions.

“Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the Local Planning Authority for approval prior to proceeding to further site investigation.

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 a 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'.

Part 2: Submission of Remediation Scheme

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.

Part 3: Implementation of Approved Remediation Scheme

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.

Part 4: Reporting of Unexpected Contamination

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 Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, 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 Part 3.”

Noise and dust from construction and demolition

The proposed demolition and construction site is adjacent to residential properties and therefore there is the potential for nuisance to arise from noise and dust. Therefore this department recommends the following condition.

“Construction, demolition and site clearance operations shall be limited to the following days and hours:

- **07:00 to 19:00hrs Monday to Friday.**
- **07:00 to 13:00hrs Saturday.**
- **No construction, demolition or site clearance operations on Sundays or public holidays.**
- **HGV movements shall not be permitted outside these hours during the construction phase without prior written approval from the Local Planning Authority.**
- **Installation of equipment on site shall not be permitted outside these hours without prior written approval from the Local Planning Authority.**

Prior to any demolition, site clearance or construction activities taking place the applicant shall submit to the Local Planning Authority a dust management plan for approval. The approved dust management plan shall be adhered to until the construction phase has been completed.”

Noise & Odour from commercial units

The installation of air conditioning and refrigeration systems in a residential area has the potential to give rise to noise nuisance, particularly where the plant is in use during noise sensitive hours. I would therefore recommend the inclusion of the following condition to protect residential amenity:

“No plant for refrigeration, ventilation or air-conditioning shall be installed until the details have been submitted to and approved in writing by the local planning authority. The details shall include an assessment of likely impact of the plant on residential amenity, specifying noise output and any mitigation measures necessary. All plant shall be installed and maintained in accordance with the details approved by the local planning authority.”

I am concerned that this type of development has the potential to cause nuisance to nearby residents as a result of cooking odours and noise from extraction and filtration systems. Therefore, I would recommend that the following item be included as a consent condition in the event of permission being granted.

“No development shall take place until a scheme for the extraction and filtration of cooking odours has been submitted to and approved in writing by the local planning authority. The scheme shall also provide details of the noise impact of any extraction and filtration system and the details of any noise mitigation measures necessary. The approved scheme shall be implemented prior to commencement of the use and maintained thereafter.”

Note to applicant: The scheme submitted in accordance with the above condition should identify the final discharge point of cooking odours from the extraction and filtration system.

I am concerned that noise from the coming and goings of patrons to the proposed development has the potential to impact on local residential amenity. Therefore I would recommend that the following hour's condition should be attached to any permission granted.

“The hours of opening for the A1 class use shall be restricted to

- **Monday to Saturday: 7:00am – 10:00pm**
- **Sunday and Bank Holidays: 10:00am – 4:00pm”**

“The hours of opening for the A5 class use shall be restricted to

- **Monday to Saturday: 10:00am – 10:00pm**
- **Sunday and Bank Holidays: 10:00am – 4:00pm”**

Reason: For the protection of residential amenity in accordance with local plan policy DS1.