

## **REPORT FOR: PLANNING COMMITTEE**

---

**Date of Meeting:** 16 March 2011

**Subject:** Wood Farm – Discharge of Planning Condition 19

**Responsible Officer:** Stephen Kelly, Divisional Director Planning

**Exempt:** No

**Enclosures:** None

### **Section 1 – Summary and Recommendations**

This report seeks authorisation from the committee for the approval of details submitted in connection with a planning condition (number 19) to the planning permission for the development of 10 dwellings and a country park, on Council owned land at Wood Farm in Stanmore.

**Recommendations:**

The Committee approve the details submitted pursuant to parts 1, 2, 4 and 5 of condition 19 to planning permission ref P2203/06/CFU granted on appeal (APP/ M5450/V09/2092566) on 17 November 2009.

## **Section 2 – Report**

### **1. Background**

Planning permission for “demolition of existing redundant farm buildings and erection of 10 new dwellings, refurbishment of existing vacant house and refurbishment of listed dairy and associated vehicular entrances, roadways and landscape works and change of use of residual land to Country Park / open space” was granted by the Secretary of State following a call in public inquiry on 17<sup>th</sup> November 2009. The planning permission included a number of conditions requiring a range of details to be submitted, in order to address material planning considerations associated with the development. One such condition relates to management of potential contamination risks on the site as follows:

Condition 19;

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.

#### 1. Site Characterisation

An investigation and risk assessment 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 if required, 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’*.

## 2. Submission of Remediation Scheme

If required, 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.

## 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.

## 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 of this condition, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of part 2 of this condition, 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 of this condition.

## 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 5 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's '*Model Procedures for the Management of Land Contamination, CLR 11*'.

## **2. Current situation**

The applicants are seeking to dispose of the site to a developer and have sought the Council's approval of condition 19 on the basis of a Geo Environmental Risk assessment report, prepared by consultants Scott Wilson to a brief agreed with the Council's Environmental Health team and the planning service.

The Geo Environmental Risk assessment uses as its basis, a series of data sources and reports collected over the period 2001 – 2005 associated with the surrender of the waste management license on the site. The Assessment also encompasses further studies, undertaken on the housing site by the potential developer in 2010 and additional tests undertaken in a specific identified area of the Country Park this year which were commissioned at the request of Environmental Health.

The Risk assessment reviews the effects of the proposals on sensitive receptors, including people and groundwater resources having regard to the proposed future uses and outlines recommendations for remediation and mitigation where required.

The report concludes that the potential risks associated with development of the site as a country park and for 10 residential houses is capable of being managed, subject to the implementation of a number of recommendations as follows:

For the residential development area:

- Use of a cover layer/growing medium to 600mm in all gardens, landscaping and communal grassland in the residential area in accordance with NHBC standards.
- The use of an upgraded gas protection membrane in the construction of the houses plus sub floor ventilation to limit ingress of gas
- As an alternative to the above, remediation of the material based upon or off site techniques together with a monitoring strategy.
- Use of specific concrete with appropriate design specification for the ground conditions. If deep foundations are required, suitable testing in accordance with BRE guidance will need to be undertaken.
- The provision of below ground services in accordance with specific guidelines
- Post development validation testing to ensure that the development is undertaken in accordance with the measures in the report and a formal record of as built conditions in provided.

For the Country Park Area:

- Oversize, sharp, blocky or otherwise coarse landfill material at the surface be removed or picked to screened to remove waste type materials or a top soil/sub soil be placed as a growing medium to enable establishment of the planting scheme
- A cover layer (600mm) of notional radium 25m from investigation point W7 is introduced to act as a barrier to non volatile determinants in the underlying ground.
- An assessment of concrete structures proposed (if any) is undertaken in line with the recommendations for residential development above.
- Provision of any new permanent buildings being assessed in accordance with practice guidance set out in the report.
- The works for the creation of the country park being subject to a programme of validation testing to ensure that the development is undertaken in accordance with the measures details and a record of as built conditions is made.

The risk assessment, the conclusions reached against the findings and the recommendations set out in the report have been considered by the Environmental Health team at the Council. Officers from the Environmental Health team are satisfied that the proposals are acceptable and that the terms of parts 1.2 4 and 5 of condition 19 can be discharged.

### **3. Financial Implications**

The discharge of this planning condition has no direct financial implications.

### **4. Risk Management Implications**

Risk included on Directorate risk register? No

Separate risk register in place? No

### **5. Corporate Priorities**

Build stronger communities

### **Section 3 - Statutory Officer Clearance**

Name: Kanta Hirani	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 15 March 2011		
Name: Abiodun Kolawole	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 15 March 2011		

### **Section 4 - Contact Details and Background Papers**

**Contact:** Stephen Kelly Divisional Director – Planning 020 8736 6149

**Background Papers:**

Wood Farm Stanmore – Geo Environmental Risk Assessment  
Report: March 2011

If appropriate, does the report include the following considerations?

1.	Consultation	NO
2.	Corporate Priorities	NO