



Tuesday, 29 November 2022

Planning Committee
Wednesday, 7 December 2022

LATE ITEMS

6.3 LATE ITEMS

(Pages 3 - 8)

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SUMMARY of LATE ITEMS

5.1 22/00228/FUL – Gardeners Inn

No late items to report

5.2 22/00602/FUL – Hulks Farm

- Paragraph 8.1 refers to the application as outline when this is a full application.
- **Housing Services and Strategy Manager:** In relation to 'first homes', request that split is 4 x 2 bed and 1 x 3 bed homes due to high property prices in area, as 3 bed prices could limit access to the scheme. Request to move the 1 shared ownership home into another category.
- **Agent:** Amended split of housing to the following: Affordable rent - 4 x 1 bedroom (plots 17, 18, 19, 20), 6 x 2 bedroom (plots 24, 25, 26, 45, 46, 47) and 2 x 3 bedroom (plots 29, 30). First Homes - 4 x 2 bedroom (Plots 9, 10, 11, 12) and 2 x 3 bedroom (plots 31 and 32).
- **NCC Highways:** Amended swept path analysis submitted by agent was submitted under the 21/00555/FUL application and therefore will not pursue matter any further as this was accepted previously.
- **Notts Wildlife Trust:** Satisfied with amendments; however, request the proposed tree for removal is soft felled as soon as possible to prevent bats occupying the tree and to prevent impact on remaining trees when coming down.
- From the response provided by Notts WT, the below condition is advised to be included in the recommendation:

Condition

If development has not commenced on site by 1 April 2023, a further bat survey is required to be carried out on Tree 7 (T7) and submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the mitigation measures if any are required.

Reason

To ensure the protection of bat species on site and in accordance with Policy 31 of Part 2 Local Plan (2019) and Policy 17 of the Aligned Core Strategy (2014).

SUMMARY of LATE ITEMS

- Email from agent to Cllr David Watts on 28.11.22 explaining Biodiversity Net Gain (BNG) proposal to secure off-site for a minimum of 30 years. Plan attached to the email showing extent of BNG outline.
- Page 3 paragraph 1.2 refers to a balancing pond which is incorrect and is the newt migration pond to the north of the railway line.
- Agent submits a supplementary sustainability statement which details that the proposed homes will be designed to tackle climate change, reduce carbon emissions and in accordance with Part L of Building Regulations.
- Agent acting on behalf of the 22/00619/REM application adjoining site to the south submitted a letter on 6 December discussing the following points:
 - Error referring to the application as outline in paragraph 8.1 Agreed, this should specify FUL
 - Support submitting highway improvements within highway plans
 - Agree within wording of Condition 11 and it is essential it is worded in this way to ensure highways improvements are delivered as required
 - All aspects of Policy 3.4 of the P2LP must be adhered to for both sites forming the allocation
 - The Site Location Plan does not include all of the land necessary to carry out the proposed development as submitted, therefore, condition 11 cannot be delivered. LPA disagree as this is addressed in the summary by the Head of Service.

5.3 22/00826/FUL Land at end Braemar Avenue Eastwood

Additional comments received from Environmental Health Officer in respect of various questions received:

Q: Firstly, the site is considered to be at the highest level of “Characteristic Situation” for which house building is permissible. This has been raised in the revised application from CS level2 to CS level3. A detailed mitigation plan is advised to be required, prior to development, to include significant actions aimed at addressing the contamination risks.

All migration pathway risks relating to Methane and Carbon Dioxide are given a probability rating of LIKELY, a consequence rating of SEVERE and a risk level of HIGH.

A: To clarify CS3 is not the highest level for which housing building is permissible. Table 4 in British Standard 8485 outlines that CS4 and above would require additional levels of intervention and CS5 and CS6 are permissible; but a different risk assessment method is required to define the level of protection/remedial measures needed to ensure safe development. (CS5/6 are out of the scope of the BS).

SUMMARY of LATE ITEMS

It is not unusual for the Conceptual Site Model to classify the ground gas pollutant linkage in such a way (before remedial measures). Residential Properties are always classed as HIGH risk, the coal measures and adjacent landfill are both LIKELY generators of ground gas; and should no mitigation measures be introduced and should a build-up of ground gas occur then the resulting consequences could indeed be SEVERE.

The Hydrorock report has taken data from their assessments and previous assessments to review the ground gas scenarios based on the three geological models. The final CS3 requirement is rightly based on a precautionary/worst case basis. A Remediation Strategy and Verification Plan has been submitted with the application.

Q: Strong recommendations are also made on the precautions necessary for staff working in recorded gas levels that are deemed to present a risk of explosion.

Recommendations over time limits and the use of respiratory protection equipment when working in recorded concentrations of Carbon Dioxide in the soil, that exceed workplace exposure limits, restricting the time the workforce should spend to no more than 15 minutes.

There is great concern that if these are required for people working on site what consequences are likely for those living close to and next to the site?

A: Risks identified to construction workers

As noted in the Hydrorock report, this section relates specifically to Construction and ground workers. This relates to when “working in trenches and confined spaces” i.e. in the ground (but not on site).

During construction deep trenches into the ground can be excavated and once shoring installed, excavations up to 2.5m or deeper could be utilised and have people working in them at depth, say to install deep sewer pipes or other services, or foundations.

These are termed confined spaces, and due to the nature of carbon dioxide, it is foreseeable that gases could concentrate in the base of such trenches, and have little ventilation. Hence levels of oxygen could be depleted which would require use of respiratory equipment. This is not specific to this site, but is a general risk when excavating deep trenches, especially in areas of Coal Measures.

The risk of using naked flames (i.e. welding and metal cutting) in such confined spaces also means precautions need to be taken regarding methane, which at certain concentrations is an explosive gas. This is a hazard on any site with excavations into Coal Measure strata.

SUMMARY of LATE ITEMS

This is a short term hazard during construction akin to any typical hazards associated generally with construction work. Once construction is complete no confined spaces will exist and hence it is only relevant to Construction Workers.

Q: Bentonite Curtain Wall/ Vent Trench

A: This was not something I was aware that was previously considered. I have asked Hydrock to comment, the response was as follows:

We feel we covered this in section 7.9.1, although we discussed it in terms of a gas vent trench. We maintain that:

“there are a number of drawbacks to the successful use of a gas vent trench with this site. The first is that to be successful the vent trench would need to intersect the coal seams present beneath the site that intersect the sidewall of the former quarry excavation / landfill and are the primary pathway for lateral gas migration as the majority of the shallow soils are clay derived and likely to inhibit gas migration. If the trench does not intersect the coal seam then gases could flow along the seams thereby bypassing the vent trench and potentially entering housing.

However, the majority of the identified coal seams are considered to be too deep for a vent trench to be economically feasible to intersect. In addition, there are maintenance issues surrounding the long-term success of a vent trench. As such, it is considered that the use of ground gas protection measures (in accordance with the CS classification for the site) would provide a more technically robust and economically feasible solution that is protective of the health of future residents.

Although not specifically mentioned as a bentonite curtain wall, (talked about in previous applications), the principals are very similar.

Also in section 7.5.2 we highlighted that

- *The landfill reportedly ceased accepting waste in 1985. Landfill gas generation occurs due to the degradation of organic waste in the landfill. Gas starts to be produced when the waste is placed in the landfill and peak gas generation rates usually occur over the first few years after the closure of the landfill, gas generation then decline gradually. After 20 years the gas generation will have normally reduced significantly, although high gas concentrations may still be present in the landfill. As the site ceased operating 35 years ago, gas generation from the landfill is considered to be in the process of decline, although it may still present a hazard to development, if the landfill is capped and highly permeable migration pathways exist.*
- *Mine gas includes methane (fire damp) and carbon dioxide (blackdamp) is released when coal seams are disturbed, by activities such as coal mining. Abandoned coal workings are potential sources of mine gas. Unworked coal seams can also release mine gas to a lesser extent*

SUMMARY of LATE ITEMS

I.e. the peak of ground gas generation from the landfill has occurred and is now declining, and as you state in the Committee report section 7.8.2, the Section 106 Agreement is in place for the operation and integrity of the adjacent landfill site.

It is understood the obligations on the landfill operator are to continue operating the gas extraction system in the future and monitor gas level until levels return to background concentrations.

Hydrock (and previously Kiwa) has undertaken 53 ground gas readings in total, with Hydrock undertaking 28 visits over the last fourteen months, including during low and falling atmospheric pressure. As such, the conclusions presented are considered appropriate based on current data.

As such a gas resistant membrane is proposed in foundations, based on the precautionary approach.

5.4 21/00672/REM Boots Campus, Beeston

The agent wishes to make it clear that, whilst the intention is to work with potential purchasers to deliver some affordable tenures on the site as part of the final housing mix, the Section 106 signed as part of the outline planning permission granted in 2021 did not secure a percentage to be delivered. Instead, the S106 required a re-assessment of the viability of the site in order to guide the percentage of affordable housing that should be delivered. The Council is currently reviewing the viability assessment submitted as part of the S106 process which sits outside of the determination of this reserved matters application.

It should be stressed that the review of the viability assessment is a separate matter to that being considered under the Reserved Matters application; and as such the committee is asked to consider the matters here before them in relation to layout, appearance, scale, massing and landscaping of the site only.

- Officer note: the comments from the Council's Housing Officer state satisfaction with the housing split, however it is important to note that the figures quoted are that which the developer hopes to achieve but which would be subject to the outcome of the review of the viability assessment. Achievement of securing any affordable housing on site would, therefore, represent a benefit to the Authority, and, should the review of the viability assessment determine that affordable housing not be achievable, this would be a neutral benefit as the outline permission did not secure a percentage to be delivered.

5.5 22/00295/FUL Cricket Pavilion and Sports Ground Greenhills Road

No late items to report

5.6 21/00242/ENF Bistro 66, 66 High Road

SUMMARY of LATE ITEMS

No late items to report