

Delegated Report

Application for Approval of Details Reserved by Condition

Case Officer:	Cari Jones	Valid Date:	09 June 2021
Application Number:	21/01051/AOD	Recommended Date:	30 June 2021
Deemed Discharge Notice:	NO		
Address:	37 Trefgarne Road, Dagenham, Barking And Dagenham, RM10 7QT		
Proposal:	Details pursuant to Condition 5a (Remediation Scheme) attached to planning consent 21/00302/FULL dated 10/05/2021.		

ASSESSMENT

Condition 5a (Remediation Scheme)

No development shall commence until:

(a) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risk to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. 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.

Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

Details Submitted and APPROVED:	<ul style="list-style-type: none"> Cover Letter dated 9th of June 2021, ref JS2-let-04 Phase 3 Implementation Plan - prepared by Demeter Environmental Ltd, dated June 2021, ref: 21-05-08a Revision 0
Details Submitted for information and NOT APPROVED:	<ul style="list-style-type: none"> N/A
Officer Assessment:	<p>The Council's Environmental Protection Officer was consulted as part of this application, who was satisfied that the report fulfils part 5a of the condition. For clarity, condition 5 reads as follows, and "5a" to which this application refers is highlighted:</p> <p>5. No development shall commence until: (a) 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, has been prepared and submitted to the Local Planning Authority for approval in writing. 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.</p> <p>As such, Officers are satisfied that the details provided in pursuant to Condition 5a (Remediation Scheme) are satisfactory and the condition can be discharged.</p>
Officer Recommendation:	APPROVE
Conditions and Reasons:	<p>The development shall be implemented in accordance with the Details Submitted and APPROVED listed above only.</p> <p><i>Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised,</i></p>

together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

APPENDIX 1

Development Plan Context	
The Council's decision in this instance arose following careful consideration of the relevant provisions of the Council's adopted development plan and of all other relevant material considerations. Of particular relevance to this decision were the following Framework and Development Plan policies.	
National Planning Policy Framework (NPPF) (MHCLG, February 2019)	
London Plan (March 2016)	Policy 7.15: Reducing and Managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
Local Development Framework (LDF) Core Strategy (July 2010)	N/A
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)	Policy BR5: Contaminated Land
<i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, October 2020) is at an "advanced" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making unless other material considerations indicate that it would not be reasonable to do so.</i>	
The London Borough of Barking and Dagenham's Draft Local Plan (Regulation 19 Consultation Version, October 2020)	N/A

APPENDIX 2

Consultations		
<i>Consultee:</i>	<i>Date Consulted:</i>	<i>Summary of response:</i>
Environmental Protection	09/06/2021	The report fulfils part 5a of the condition.

INFORMATIVE

In dealing with this application, the London Borough of Barking and Dagenham has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with the applicant in a positive and proactive manner. As with all applicants, we have made available detailed advice in the form of our statutory policies in the relevant constituent parts of the Local Plan and London Plan, Supplementary Planning documents, and all other Council guidance, as well as offering a full pre-application advice service, so as to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably.