

<u>APPLICATION NO:</u>	18/00805/NMA	<u>CASE OFFICER:</u>	Alan Kilroe
<u>WARD:</u>	Prescot North	<u>PARISH:</u>	Prescot Town Council
<u>LOCATION:</u>	Land To Side Of 46, High Street, Prescot		
<u>PROPOSAL:</u>	NON MATERIAL AMENDMENT FOLLOWING THE GRANT OF PLANNING PERMISSION 18/00805/FUL (ERECTION OF PART TWO STOREY/PART THREE STOREY RESIDENTIAL BUILDING TO FORM 5 NO. APARTMENTS, TOGETHER WITH HARD LANDSCAPING) -TO AMEND THE WORDING OF CONDITION NO. 5 (COAL MINING) AND NO.6 (LAND CONTAMINATION) REQUIRED PRIOR TO COMMENCEMENT OF DEVELOPMENT.		

Site Description

This application relates to a vacant site currently enclosed with advertisement hoardings to the front/side. The site fronts onto High Street, Prescot.

Proposal

Planning Permission was granted to erect a part two storey/part three storey residential building to form 5 No apartments together with associated landscaping in October 2019, it was subject to 10 conditions (ref: 18/00805/FUL).

This application seeks a non-material amendment to conditions 5 and 6 of the permission to remove the requirement for the details to be agreed before development commences.

Consultations

N/A

Representations

N/A

Assessment

The Non-material amendment application seeks to amend the 'triggers' on conditions 5 and 6, which require information to be submitted and agreed before development commences. The applicant has submitted information to discharge both conditions but following a review of it more information or changes are required before the conditions can be discharged. The planning permission expires on 9 October so in order to allow the applicant to make a lawful start they have proposed that the conditions are no longer 'pre-commencement'.

Condition number 5 of the permission states that:

"The development hereby permitted shall not be commenced until a scheme of intrusive site investigations to determine the presence or otherwise of shallow workings which shall include :-

- i) A report of findings arising from the intrusive site investigations

- ii) The submission of a scheme of remedial works for approval which should be completed in accordance with the approved details prior to the commencement of development.!

This application proposes to change the condition to read

~~“The development hereby permitted shall not be commenced until Foundations shall not be pilled or concrete poured in foundation trenches until~~ a scheme of intrusive site investigations to determine the presence or otherwise of shallow workings ~~has been submitted to and approved in writing with the local planning authority. The scheme which~~ shall include :-

- i) A report of findings arising from the intrusive site investigations
- ii) The submission of a scheme of remedial works for approval which should be completed in accordance with the approved details ~~prior to the commencement of development.”~~

Reports have been submitted to discharge the condition but there are some matters outstanding which would not be resolved before 9 October 2022. The changes proposed to the condition would ensure that coal mining information is still required before foundations are properly constructed, and this would still ensure that the development is carried out safely in the knowledge of the risks from shallow coal workings. The change can be considered non-material.

Condition number 6 of the permission states:

“No development approved by this permission shall be commenced until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:

- a) The results of the site investigation shall be made available to the Local Planning Authority before any development begins.
- b) If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
- c) The site shall be remediated in accordance with the approved measures before development begins.
- d) If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority.
- e) The remediation of the site shall incorporate the approved additional measures and a timetable for their implementation.
- f) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by

the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.”

This application proposes to change the condition to read:

~~“No foundations shall be completed until development approved by this permission shall be commenced until~~ a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:

- a) The results of the site investigation shall be made available to the Local Planning Authority before any development begins.
- b) If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
- c) The site shall be remediated in accordance with the approved measures ~~before development begins.~~
- d) If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority.
- e) The remediation of the site shall incorporate the approved additional measures and a timetable for their implementation.
- f) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.”

Reports have been submitted to discharge the condition but there are some matters outstanding which would not be resolved before 9 October. The changes proposed to the condition would ensure that a remediation strategy is required to be agreed and implemented and this would still ensure that the development is carried out safely in the knowledge of the risks from shallow coal workings. The change can be considered non-material.

Conclusion

The application proposes changes to the triggers for conditions 5 and 6 of the permission. The revised triggers would still ensure that the information required by

the conditions is submitted at an appropriate time and implemented and would be a non-material change.

Recommendation

Grant the non-material amendment subject to the following revised conditions

5. Foundations shall not be pilled or concrete poured in foundation trenches until a scheme of intrusive site investigations to determine the presence or otherwise of shallow workings has been submitted to and approved in writing with the local planning authority. The scheme shall include :-
 - i) A report of findings arising from the intrusive site investigations
 - ii) The submission of a scheme of remedial works for approval which should be completed in accordance with the approved details
6. No foundations shall be completed until a contaminated land assessment and associated remedial strategy, together with a timetable of works, has been submitted to and agreed in writing by the Local Planning Authority:
 - a) The results of the site investigation shall be made available to the Local Planning Authority before any development begins.
 - b) If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority.
 - c) The site shall be remediated in accordance with the approved measures
 - d) If during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the Local Planning Authority.
 - e) The remediation of the site shall incorporate the approved additional measures and a timetable for their implementation.
 - f) No soil is to be imported to the site until it has been tested for contamination and assessed for its suitability for the proposed development; a suitable methodology for testing this material should be submitted to and agreed by the Local Planning Authority prior to the soils being imported onto site. The methodology should include the sampling frequency, testing schedules, criteria against which the analytical results will be assessed (as determined by the risk assessment) and source material information. The analysis shall then be carried out and evidence submitted to and approved in writing to by the Local Planning Authority.

Alan Kilroe

Mark Cawood

7 October 2022