

**Development Control (North Sunderland) Sub-Committee**  
17 December 2019  
Late Sheet

**ITEM 3 – Planning and Related Applications**

<b>PAGE NO(s).</b>	<b>APP'N. NO</b>	<b>SITE</b>	<b>DETAILS OF SPEAKERS AND ATTENDEES</b>
3-38	19/01427/FU4	Former North Hylton College, North Hylton Road, Southwick, Sunderland	No speakers or attendees.

At the time of writing the main report, there were outstanding matters relating to noise constraints, the sustainable drainage system for the site and in respect of ground conditions/land contamination and demolition works. In addition, a final consultation response from Natural England was awaited.

An update in respect of these outstanding matters, together with a recommended decision, is provided below.

**Flood risk and sustainable drainage**

Since the preparation of the main report, the applicant's drainage consultant has submitted a revised Flood Risk Assessment and proposed Sustainable Drainage Strategy in respect of the development proposals. The revised proposals have been assessed by the Council's Flood and Coastal team, in their capacity as Lead Local Flood Authority, who initially advised that the revisions were still deficient in respect of details of discharge rates, the details of the drainage layout and source control interception.

Additional information to address these outstanding matters was submitted by the applicant's consultant and the Council's Flood and Coastal team have now confirmed that the submitted details are acceptable and demonstrate an acceptable sustainable drainage strategy which will ensure the development does not increase the risk of flooding either on or off the application site, in compliance with the requirements of the NPPF, policy EN12 of the UDP and policies WWE2 and WWE3 of the draft CSDP.

It is requested, however, that a condition be imposed which requires that, prior to the occupation of the new dwellings, the applicant submits a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. It is recommended that Members impose such a condition (wording of which is provided below, condition no. 17) in the event they are minded to Grant Consent for the proposed development.

## **Noise**

As set out in the main report, the Council's Environmental Health team had indicated that there were some deficiencies in the modelling and conclusions of the submitted Noise Assessment. The applicant's noise consultant has since provided some additional information in respect of these deficiencies, including regarding the modelling of an acoustic barrier, glazing specifications, sound insulation calculations, a ventilation strategy and the monitoring points used.

The Council's Environmental Health team has considered the submitted details and advises that they provide useful information to allow a conclusion that residents of the new development would not be exposed to an unacceptable noise environment, in accordance with the objectives of paragraph 180 of the NPPF, policy EN6 of the UDP and policy HS2 of the draft CSDP.

It is recommended, however, that in the event Members are minded to Grant Consent for the proposed development, a condition be imposed requiring the submission of a final noise assessment which incorporates the additional submitted information and provides final conclusions and proposed mitigation measures in order to ensure a satisfactory noise environment for future residents. Recommended wording for a condition to this effect is provided below (condition no. 16).

## **Ground conditions/demolition works**

At the time of writing the main report, the Council's Environmental Health team advised that additional information was required in respect of ground conditions, land contamination and the method of demolishing the existing college buildings at the site. The applicant has provided additional information in respect of these matters, including the submission of an Unexploded Ordinance report, a revised demolition method statement and further detail in respect of the methodology used in the preparation of the submitted land contamination reports.

The additional information provided by the applicant in respect of these matters has been considered by the Council's Environmental Health team, who are satisfied that the development can proceed subject to the conditions set out in the main report and the additional conditions set out below (condition nos. 13, 14 and 15).

## **Natural England consultation**

Natural England take note that the Council's Ecologist has no objections to the development in respect of its impact on the nearby European-protected coastal sites, subject to the receipt of a financial contribution of £795 per dwelling towards Strategic Access and Monitoring Measures. In light of the Council's position, Natural England confirm they have no objections to development provided that the financial contribution is obtained by the Council; as set out in the main report, this will be secured via an agreement under s106 of the Town and Country Planning Act 1990.

## **Additional condition**

In addition to the conditions set out in the main report, it is recommended that Members impose a condition requiring the submission of final details of the proposed outdoor play equipment within the development site, together with a scheme for the management and maintenance of the equipment, for the approval of the Council. Suggested wording for the condition is set out below (condition no.18).

## **Conclusion**

For the reasons set out above, and subject to the additional recommended conditions below, the development is considered to be acceptable in respect of flood risk and sustainable drainage, noise, ground conditions and demolition works. Additionally, for the reasons set out in the main report, the development is also considered to be acceptable in respect of all other material considerations and local and national policy requirements and is considered to represent the sustainable development sought by the National Planning Policy Framework.

**RECOMMENDATION:** DELEGATE TO EXECUTIVE DIRECTOR OF CITY DEVELOPMENT, who is Minded to Grant Consent under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the conditions at pages 32-35 of the main report, the additional conditions below and the completion of an agreement under s106 of the Town and Country Planning Act 1990 (as amended):

### **Additional recommended conditions:**

13. Any mobile crusher required at the application site shall only be operated within the approved site working times (as agreed via condition 4 of this planning permission). Prior to its operation on site, the appropriate environmental permit for the crusher shall be forwarded to the Council as Local Planning Authority and the crusher shall always be operated in line with its permit conditions. A suitable water supply shall always be available on site to ensure the successful operation of the crusher's dust suppression system. The condition is required in order to ensure that the operation of the crusher does not cause harm to the amenity of residential properties and other buildings proximate to the application site, in accordance with the requirements of the NPPF and policy B2 of the UDP.

14. Prior to the commencement of development, including any demolition of existing buildings at the site, a noise assessment in respect of the proposed demolition and construction works, undertaken in line with the guidance of BS5228-1:2009 (Code of Practice for noise and vibration control on construction and open sites), shall be submitted to the Council as Local Planning Authority for its approval. The assessment must consider both demolition and construction noise and must consider all noise-sensitive receptors to be affected by the works. The approved demolition and construction works shall then be undertaken in accordance with any noise mitigation and control measures recommended by the approved assessment, in order to ensure that the works do not result in harm to the amenity of nearby receptors and to comply with the objectives of policy EN6 of the UDP and paragraph 180 of the NPPF.

15. Prior to the commencement of development, a detailed Unexploded Ordinance Assessment shall be submitted to and approved in writing by the Council as Local Planning Authority. The approved development shall then be carried out in accordance with any mitigation and method statement provided by the Assessment, in order to ensure that risks associated with UXO are properly managed during and after construction works and to comply with the requirements of policy EN14 of the UDP, policy HS3 of the CSDP and paragraphs 170 and 178 of the NPPF.

16. Prior to the commencement of development, the noise assessment submitted with the planning application (Apex Acoustics, 28<sup>th</sup> January 2019) shall be expanded/appended to address the comments provided in the Council's Environmental Health team's consultation response dated 16<sup>th</sup> October 2019. A copy of the expanded/appended assessment shall then be submitted to the Council for its consideration and approval. The approved development shall then be carried out in accordance with the recommendations and mitigation measures set out in the approved assessment, in order to ensure that occupiers of the development will reside in a satisfactory noise environment and to comply with the objectives of policy EN6 of the UDP and paragraph 180 of the NPPF.

17. Prior to the occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this verification report shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion;
- Construction details (component drawings, materials, vegetation);
- Health and Safety file;
- Details of ownership organisation, adoption and maintenance.

The condition is required to ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS and to comply with the requirements of policy EN12 of the UDP and paragraphs 155 and 165 of the NPPF.

18. Prior to the occupation of any new dwellings, final details of the play equipment to be installed within the development site, together with a scheme for the future management and maintenance of the equipment, shall be submitted to the Local Planning Authority for its consideration and approval. The agreed play equipment shall then be installed prior to the occupation of any dwellings and shall be managed and maintained in accordance with the approved scheme, in order to ensure the development delivers appropriate outdoor play facilities and to comply with the objectives of policy H21 of the Council's UDP.