

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the Commercial Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Alison Fellows  
Executive Director of Commercial Development

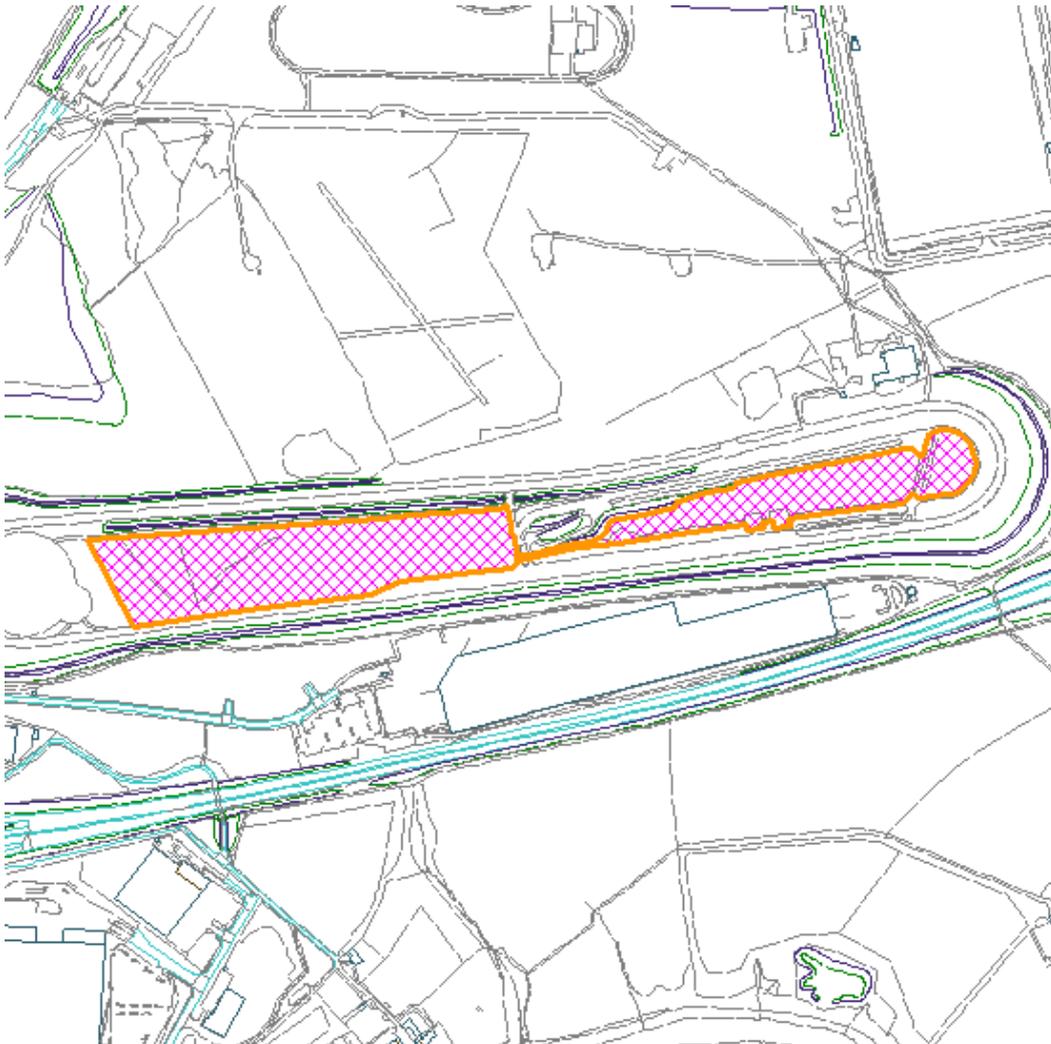
**Reference No.:** 16/00178/VAR Variation of Condition

**Proposal:** **Variation of Condition 8 of planning application 15/00942/FUL (Construction, Operation and Decommissioning of a 4.774MWp Solar Photovoltaic (PV) Array comprising 19,096, 250W, 60 Cell 1650 x 990 x 35mm Photovoltaic Panels, Mounting System, Holtab 400kVA stations, DNO Connection, Cabling and Cable Trenches, CCTV, Weather Station and Temporary Storage Area), to extend construction hours to include weekend and bank/public holiday working hours of 07:00 - 19:00**

**Location:** Nissan Test Track Nissan Motor Manufacturing (UK) Limited Washington Road Usworth Sunderland

**Ward:** Washington North  
**Applicant:** On-Site Land Solutions Limited  
**Date Valid:** 5 February 2016  
**Target Date:** 6 May 2016

#### Location Plan



## **PROPOSAL:**

Consent is sought under section 73 of The Town and Country Planning Act 1990 to vary condition 8 of planning permission ref. 15/00942/FUL which, Members may recall, was granted at the Sub-Committee meeting of 15 July 2015 and comprised the construction, operation and decommissioning of a 4.774MWp solar photovoltaic (PV) Array comprising 19,096, 250W, 60 cell 1650 x 990 x 35mm photovoltaic panels, mounting system, Holtab 400kVA stations, DNO connection, cabling and cable trenches, CCTV, weather station and temporary storage area. The condition in question is set out below:

8. No construction works required for the development hereby approved shall be carried out outside the hours of 07:00 and 19:00 on Mondays to Fridays (excluding bank/public holidays) and between the hours of 07:00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise first agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.

The current application proposes to extend the permitted construction hours to between 07:00 and 19:00 on weekends and bank/public holidays. The applicant has set out that such additional hours would prevent an extension of the construction programme for the PV array and to allow greater flexibility in working hours during construction works.

This application is also supported by a written justification provided by the applicant and an Ecological Method Statement prepared by Whittingham Ecology (dated 03.02.2016) which is to be signed and read by contractors to ensure awareness and understanding of potential ecological features and appropriate action should such features be encountered during works on site.

The application site forms the majority of the central area of the existing operational vehicle test track which is situated to the southern section of the wider Nissan Motor Manufacturing (UK) Limited site. The site has an irregular loosely oval shape and an area of 8.7 hectares, of which 2.8 hectares would be occupied by the proposed PV panels (excluding the area between and around the panels) and associated installations. The levels of the site are varied, containing a number of embankments and generally sloping gradually downward from west to east, and mounds surround its periphery creating somewhat of a basin. The site is composed predominantly of grass and scrub land and includes sections of hedging whilst dense tree and hedge coverage and fencing runs along the south side of the wider test track and a pond and woodland, known as Hylton Plantation, exist on the opposite side of the test track to the north. There exists ten 750kW wind turbines to the west of this Plantation within the wider curtilage of the Nissan site.

The site is situated some 120 metres to the north of the A1231, which runs east-west and forms the northern border of the nearest section of the Tyne and Wear Green Belt along the River Wear corridor, and some 220 metres to the west of the A19. The site is separated from the A1231 by an existing substantial Vantec warehouse and part of the wider Turbine Park employment site. The nearest residential properties are in Woodhouse Farm and Low Barmston Farm to the south of the A1231, the closest of which is in excess of 500 metres away, whilst North Hylton is situated some 700 metres to the north east on the opposite side of the A19.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Network Management  
Environmental Health  
Washington North - Ward Councillor Consultation

Final Date for Receipt of Representations: **31.03.2016**

## **REPRESENTATIONS:**

The application has been publicised by means of site and press notices and letters to nearby occupants and no representations have been received.

The Council's Network Management section confirmed that no observations or recommendations are offered in this instance.

## **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

B\_2\_Scale, massing layout and setting of new developments  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments

## **COMMENTS:**

The main issue to consider in assessing this application is the impact of the proposed additional hours of working on the amenities of the area.

To this regard, policy B2 of the adopted Unitary Development Plan (UDP) states that the scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas. In addition, UDP policy EN5 requires an assessment to be carried out where development is likely to significantly increase ambient noise or vibration levels in residential or other noise sensitive areas.

In support of this application, the applicant has provided a statement setting out the view that the proposal would not result in any significant additional impacts to those caused by the host planning permission given that the wider Nissan site already operates for 24 hour per day for every day of the week, the perimeter of the site is bunded, the A19 and A1231 are situated within close proximity and there is a significant distance between the nearest residential property and the subject installation.

It is accepted that the approved installation and associated works would be contained within the wider Nissan site where operations are continuous. As set out above, it is noted that the nearest residential properties are situated some 500 metres away from the approved PV array which are separated by a bund and a busy A Class road, so it is not considered that construction works would result in any significant increase in ambient noise levels at these dwellings and there is no other noise sensitive receptor within closer proximity or otherwise more susceptible to any notable increase in noise levels as a result of the proposal. In addition, the current proposal does not alter the working programme set out in the Construction Traffic Management Plan submitted with the original application (apart from hours of working) and, in particular, no changes are proposed to the times for deliveries to the site, number of HGV movements or routes to the site utilising

existing access and roads within the Nissan Complex and the completion of construction works is still anticipated to be completed by week 11 from commencement.

## Other Issues

The host planning permission is subject to 11 no. other conditions, 4 no. of which require the submission of additional details which have subsequently been provided and such conditions have now been discharged. In particular, an Archaeological Evaluation prepared by Archaeological Services: Durham University (ref. 3881) dated August 2015 has been submitted which satisfies conditions 4-6, so it is not considered necessary for these conditions to be re-imposed. In addition, an Ecological Management Plan prepared by Whittingham Ecology dated 07 September 2015 has been submitted which satisfies condition 9, so it is recommended that this condition (which would become condition 6) be re-worded to require compliance with the approved details and the aforementioned Ecological Method Statement submitted with the current application. All other conditions which were imposed are considered to remain relevant and should therefore be included should Members be minded to approve.

## Summary

For the reasons given above and subject to the imposition of the conditions set out below, it is not considered that the proposed additional hours of working would have any detrimental effect on the amenities of the area.

The proposal therefore accords with policies B2 and EN5 of the adopted UDP and it is recommended that Members approve the application.

**RECOMMENDATION:** Approve subject to the following conditions:-

### Conditions:

- 1 This permission must be implemented within 3 years of the date (22.07.2015) of the original permission (15/00942/FUL) and does not extend the time period for implementation.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Drawing no. OSLS01: Location Plan dated 11.02.2015

Drawing no. OSLS02: Site Plan dated 12.03.2015

Drawing no. OSLS03: Site Plan - Existing dated 12.03.2015

Drawing no. OSLS04: Site Plan - Proposed dated 25.04.2015

Drawing no. OSLS05: Cross Sections dated 25.04.2015

Drawing no. OSLS06: Site Plan - Landscape and Ecological Mitigation Works dated 12.03.2015

Drawing no. OSLS07: Panel and Mounting System - Elevations dated 25.04.2015

Drawing no. OSLS08: Holtab 400kVA Station - Plan and Elevations dated 25.04.2015

Drawing no. OSLS09: DNO - Plan and Elevations dated 25.04.2015

Drawing no. OSLS10: Cables Trenches - Cross Section dated 25.04.2015

Drawing no. OSLS11: CCTV - Elevation dated 25.04.2015

Drawing no. OSLS12: Weather Station - Elevations dated 25.04.2015

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 When the solar farm ceases its operational use, which shall be no later than 25 years of the date of this decision, all panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current state, given that the nature of the development is such that, once it ceases operation, it will not serve its purpose of generating electricity thus removing the justification for its presence, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 4 The development hereby approved shall be carried out in full accordance with the submitted Construction Environmental Management Plan, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 5 No construction works required for the development hereby approved shall be carried out outside the hours of 07:00 and 19:00 on any day, in order to protect the amenities of the area and to comply with policies B2 and EN5 of the adopted Unitary Development Plan.
- 6 The development hereby approved shall be carried out in complete accordance with the measures detailed in the submitted Ecology Report (updated version dated 24.06.2015), Ecological Management Plan dated 07 September 2015 and Ecological Method Statement dated 03.02.2016, all prepared by Whittingham Ecology, and maintained as such thereafter, where applicable, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.
- 7 In the event that, when carrying out the development hereby approved, land contamination that was not previously identified or known is encountered, it must immediately be reported in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and where remediation is necessary and a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority. 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 this condition has been complied with in relation to that contamination, in order 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 and in accordance with policy EN14 of the adopted Unitary Development Plan.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 9 No removal of hedgerows, trees or shrubs shall take place between the 01 March and 31 August inclusive, unless the Local Planning Authority has confirmed in writing that such

works can proceed, based on the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site, to ensure that the development does not cause harm to any protected species or their habitats in accordance with policies CN18 and CN22 of the adopted Unitary Development Plan.

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**Reference No.:** 16/00341/VA4 Variation of Condition (Reg 4)

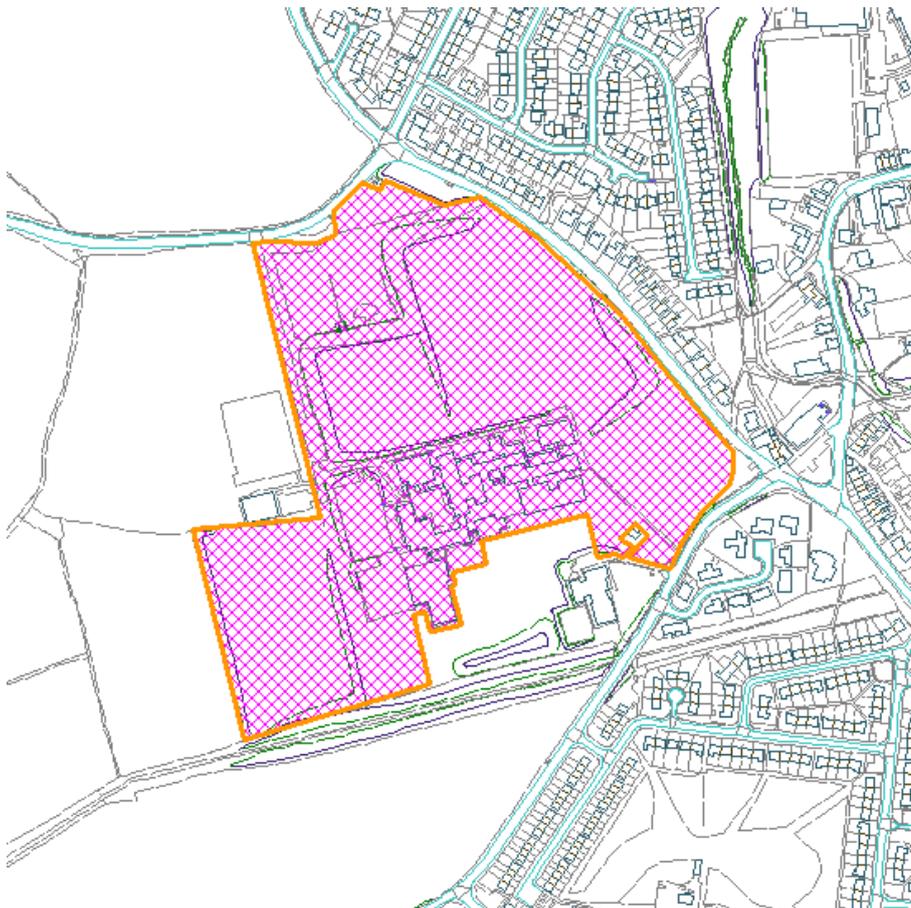
**Proposal:** **Variation of condition 2 of planning approval 14/01704/LP4 (Demolition of existing school and redevelopment of the site to provide replacement school premises, parking, landscaping and sports facilities) to include new substation on the west side of the site, alterations to size/shape of external plant compound, clarification of proposed ventilation/ductwork arrangements to roof, alterations to windows/doors and removal of plant louvres at first floor in lieu of brickwork (to west elevation) (part retrospective).**

**Location:** Hetton School North Road Hetton-le-Hole Houghton-le-Spring DH5 9JZ

**Ward:** Hetton  
**Applicant:** Galliford Try  
**Date Valid:** 8 March 2016  
**Target Date:** 7 June 2016

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### Location Plan



## PROPOSAL:

The proposal relates to the variation of condition 2 of application reference 14/01704/LP4 (Demolition of existing school and redevelopment of the site to provide replacement school premises, parking, landscaping and sports facilities) to include new substation on the west side of the site, alterations to size/shape of external plant compound, clarification of proposed ventilation/ductwork arrangements to roof, alterations to windows/doors and removal of plant louvres at first floor in lieu of brickwork (to west elevation) (part retrospective) at Hetton School, North Road, Hetton-le-Hole, Houghton-le-Spring, DH5 9JZ.

The application proposes to vary a condition of planning permission reference 14/01704/LP4 which, as Members may recall, was approved at the Development Control (Hetton, Houghton and Washington) Sub-Committee meeting on 17th October 2014. The development proposed by the approved application involved the demolition of the existing Hetton School buildings and the redevelopment of the site to provide a new school building, together with areas of parking, landscaping and sports facilities.

The school occupies extensive grounds (approximately 11ha in area) on the western edge of Hetton-le-Hole, which are bordered by the B1284 North Road to the east, Moorsley Road to the south and Hazard Lane to the north. Hazard Lane provides the main vehicular access into the school grounds. The opposite sides of North Road and Moorsley Road are flanked by residential dwellings, whilst the land to north and west of the school is primarily open and agricultural.

Planning permission for the redevelopment of the school site was granted subject to a series of conditions, one of which (condition no. 2) requires the development to be undertaken in accordance with the list of approved plans set out by the condition. Section 73 of the Town and Country Planning Act 1990 (as amended) allows for applications to be made to vary or delete conditions attached to a planning permission and to this end, the current application seeks to vary the list of the approved plans set out by condition 2 in order to allow for a series of minor material amendments to be made to the approved development.

Members may recall that at the Houghton, Hetton and Washington Sub-Committee meeting of 16th June 2016, consent was granted to vary condition 17 of the initial approval, which related to the flood-risk and drainage strategy for the site (application ref. 15/00521/VAR).

The amendments to the approved scheme sought by the current application involve:

- the erection of a substation building on an area of grass between the existing access road and the west elevation of the new school building. The substation is to measure 4 metres in depth, 6.2 metres in width, will have a flat roof of 3.14 metres height and is to finished in brickwork to match the new school building;
- minor alteration to the size and shape of the external plant compound, which comprises a fenced enclosure located immediately adjacent to the west elevation of the new school building;
- clarification of size, position and form of external plant (i.e. ventilation and ductwork apparatus) to roof of new school building;
- minor alterations to the number and position of doors and windows to external elevations of new school building;
- use of brickwork instead of plant louvre screen to west elevation of new school building;

The proposals do not affect the access and parking arrangements or treatment of the wider school site (e.g. landscaping and playing pitch provision) approved as part of the initial planning application.

Members should note that Hetton School and its grounds are in the ownership of the City Council, although the application has been submitted by AHR Global on behalf of Galliford Try, the main contractors engaged in the redevelopment of the school site.

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Hetton - Ward Councillor Consultation  
Hetton Town Council  
Network Management  
Environment Agency  
Northumbrian Water  
Sport England

Final Date for Receipt of Representations: **06.04.2016**

#### **REPRESENTATIONS:**

Public consultation - 96 no. letters were sent to the closest residential dwellings to the school grounds, whilst the application was also advertised by site and press notices. No representations have been received from members of the public.

Sport England - no comments to offer, on the basis that the alterations to the approved scheme do not impact upon the existing or proposed sports facilities/playing fields at the school.

#### **POLICIES:**

In the Unitary Development Plan the site is subject to the following policies;

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
B\_2\_Scale, massing layout and setting of new developments

#### **COMMENTS:**

#### **CONSIDERATION OF APPLICATION**

The principle of the proposed redevelopment of the site to deliver a new school, with associated landscaping and sports facilities, has already been established through the approval of application ref. 14/01704/LP4 at the Development Control (Hetton, Houghton and Washington area) Sub-Committee meeting on 17th October 2014. In determining the initial application, regard was given to the full range of material considerations relevant to the proposed development, including the implications of the development in respect of ecology, flood risk and drainage, land contamination and highway and pedestrian safety.

The proposed variation of condition 2 of the initial approval seeks the provision of a new substation building at the school, together with a series of modifications to the new school building and the external plant area. Given their minor nature, the proposals are only considered to give rise to fresh issues in relation to design/visual amenity and residential amenity and as such, it is not considered necessary to revisit the full range of matters previously addressed in the determination of the initial application. For a consideration of the full range of matters listed above, please refer to the report to the Sub-Committee produced in respect of app. ref. 14/01704/LP4.

In assessing the merits of the proposed variation to the approved scheme, regard must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 'core planning principles' which underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should always seek to secure a high quality design and a good standard of amenity.

The relevant guidance of the NPPF as detailed above feeds into policies EN10 and B2 of the Council's adopted Unitary Development Plan, which are consequently considered to be pertinent to the determination of this application.

As noted above, the NPPF requires new development to deliver a high standard of design and amenity, an approach which is echoed by policy B2 of the Council's adopted UDP.

In terms of visual amenity, the revisions to the scheme sought by the proposed variation of condition 2 are relatively minor in scope in relation to the scale of the development for which planning permission was initially granted. The new substation will introduce a small ancillary building to the site which, given its location to the west side of the new school building, is generally screened from public vantage points and will consequently have negligible impact on the visual amenity of the area. Similarly, the alterations to the size and shape of the external plant compound are very minor within the context of the development as a whole. The modifications to the new school building, meanwhile, will not significantly affect its design and appearance as initially-approved and will not result in any harm being caused to the visual amenity of the locality.

In addition to the above, the proposed amendments to the approved scheme do not raise any residential amenity concerns - the revisions to the new school building do not alter its position, size or relationship with the dwellings fronting North Road to the east, whilst the new substation and revised external plant compound will be screened from the nearest dwellings by the new school building.

## **CONCLUSION**

For the reasons set out above, it is considered that the implications of the proposed revisions to the previously-approved scheme in relation to visual and residential amenity and the overall design quality of the development scheme are acceptable. As such, the proposal is considered to comply with the requirements of the NPPF and policy B2 of the Council's adopted Unitary Development Plan (1998).

## **RECOMMENDATION:**

Consequently, it is recommended that Members Grant Consent under Regulation 4 of the Town and Country General Regulations 1992 (as amended) subject to the following conditions:-

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which planning permission reference 14/01704/LP4 was granted (i.e. 17/10/2014), as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans and particulars:

the location plan received 01.08.2014 (drawing no. (PL)HS\_AHR\_LP\_001);  
the proposed ground floor plan received 01.03.2016 (drawing no. HS\_AHR\_20\_000, revision N);  
the proposed first floor plan received 01.03.2016 (drawing no. HS\_AHR\_20\_001, revision D);  
the proposed roof plan received 01.03.2016 (drawing no. HS\_AHR\_27\_000, revision D);  
the proposed overall elevations received 01.03.2016 (drawing no. HS\_AHR\_20\_401, revision J);  
the proposed courtyard elevations received 01.03.2016 (drawing no. HS\_AHR\_20\_403, revision C);  
the annotated proposed site plan received 01.03.2016 (drawing no. (PL)HS\_AHR\_LL\_001, revision F);  
the proposed general arrangement around building plan received 01.03.2016 (drawing no. (PL) HS\_AHR\_LL\_002, revision B);  
the proposed contour plan and tree plan received 01.08.2014 (drawing no. (PL)HS\_AHR\_LL\_003);  
the Sport England plans received 01.03.2016 (drawing nos. (PL)HS\_AHR\_LL\_004, revision A) and received 01.08.2014 (1.1\_HS\_004);  
the circulation plan received 01.03.2016 (drawing no. (PL)HS\_AHR\_LL\_005, revision A);  
the proposed site sections received 01.08.2014 (drawing no. (PL) HS\_AHR\_LL\_006);  
the proposed substation details received 08.03.2016 (drawing no. XX\_AHR\_90\_003);  
the proposed plant fencing details received 08.03.2016 (drawing no. HS\_AHR\_500\_504);  
the proposed phasing plan received 05.08.2014;  
the Hetton School Flood Risk and Outline Drainage Strategy Study (produced by Curtins, 18th July 2014);  
the Hetton School Travel Plan (produced by Curtins, 17th July 2014)

In order to ensure that the completed development accords with the scheme approved and to comply with policy B2 of the adopted Unitary Development Plan.

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning

Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.

- 5 Notwithstanding the submitted plans and details, any entry and exit gates to the school drop off area and car park shall remain open and the facilities made available during all school hours, unless otherwise agreed in writing with the Council as Local Planning Authority, in the interests of highway and pedestrian safety and to comply with the requirements of policy T14 of the UDP.
- 6 No part of the new school building hereby approved shall be occupied until space and facilities for bicycle parking have been provided in accordance with the approved plans and details. These facilities shall then be retained and permanently reserved for bicycle parking to ensure that adequate and satisfactory provision is made for bicycle parking and to comply with policy T14 of the UDP.
- 7 The monitoring and review strategy as set out at section 9.0 of the Hetton School Travel Plan (prepared by Curtins, dated 17 July 2014) shall be implemented upon occupation of the new school buildings, in order to ensure that the Travel Plan targets are being met and subsequently reviewed, in the interests of reducing the impact of the development on the highway network and to accord with policy T14 of the approved UDP.
- 8 Prior to the development being brought into use, full and precise details of all soft landscaping works shall be submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt the submitted details shall include finished levels or contours; schedules of plants and trees, noting species, plant and tree sizes and proposed numbers and densities. Thereafter development shall be carried out in accordance with the approved landscaping details and the approved landscaping shall be implemented in accordance with the timings agreed pursuant to condition 9, in the interests of visual amenity and to comply with policies CN17 and B2 of the UDP.
- 9 All planting, seeding or turfing comprised in the details of landscaping approved pursuant to condition 8 shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 10 The playing fields and pitches at the school (excluding the multi-use games area and facilities within the school building) shall not be used for formal or informal sporting activities and games outside of the following hours:  
  
Monday to Saturday (except Bank Holidays) 09:00 to 20:00;  
Sundays and Bank Holidays 09:00 to 19:00.  
  
In order to protect the residential amenity of the area and to accord with policy B2 of the UDP.
- 11 Within 3 months of the occupation of the new school building, the following documents shall be submitted to and approved in writing by the Council as Local Planning Authority (following consultation with Sport England):

- (i) a detailed assessment of ground conditions (including drainage and topography) of the land proposed for the replacement playing field, which identifies constraints which could affect playing field quality; and
- (ii) based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soil structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation;

The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Council as Local Planning Authority after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme, in order to ensure that the playing field is prepared to an adequate standard and is fit for purpose and to comply with the requirements of Sport England's playing fields policies, policy L7 of the Council's adopted UDP and paragraph 74 of the NPPF.

- 12 Use of the development hereby approved shall not commence until a community use agreement, prepared in consultation with Sport England, has been submitted to and approved in writing by the Council as Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing fields, indoor sports facilities (and ancillary facilities) and include details of pricing policy, hours of use, access by non-school users, management responsibilities and a mechanism for review, and anything else which the Local Planning Authority, in consultation with Sport England, considers necessary in order to secure the effective community use of the facilities. The development shall not be used at any time other than in strict compliance with the approved agreement, in order to secure well managed, safe community access to the sports facilities, to ensure sufficient benefit to the development of sport and to comply with the requirements of Sport England's playing fields policies, policy L7 of the Council's adopted UDP and paragraph 74 of the NPPF.
- 13 No development shall commence until a transitional pitch access plan has been submitted to and agreed in writing by the Council as Local Planning Authority (following consultation with Sport England). The pitch access plan shall identify:
- which playing pitches at the application site will be available for the use of Hetton Juniors during building works; and
  - alternative pitches which Hetton Juniors can access in order to fulfil fixtures and training within that period should the above prove insufficient.

The agreed transitional plan shall be brought into effect upon the commencement of development and be complied with in full throughout the carrying out of the development, in order to comply with the requirements of Sport England's playing fields policies, policy L7 of the Council's adopted UDP and paragraph 74 of the NPPF.

- 14 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, a method statement for the demolition of the existing school buildings and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and

to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.

15 The development hereby approved shall not be brought into use until the exact specifications/ details and luminescence of any external lighting to be installed have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless first otherwise agreed in writing with the Local Planning Authority. Such detail shall include the direction and intensity of emanating light. In the interests of protecting residential amenity and to accord with policies B2 of the UDP.

16 Notwithstanding any specifications on the submitted plans details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.

17 The development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Curtins (ref. 75497-HS-FRA-SB) and the following mitigation measures:

- surface water run-off is restricted to a maximum discharge of 107 litres per second.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing with the Council as Local Planning Authority, in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and comply with the requirements of policy EN12 of the UDP and the NPPF.

18 The development hereby permitted shall not commence until such time as a scheme for surface water management has been submitted to, and approved in writing, by the Council as Local Planning Authority. This should include confirmation of:

1. the design standards of the proposed network;
2. confirmation of maintenance responsibilities;

The agreed scheme shall be fully implemented and subsequently maintained in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Council as Local Planning Authority, in order to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and comply with the requirements of policy EN12 of the UDP and the NPPF.

19 Prior to the commencement of any works associated with the demolition of the existing school buildings, a further detailed ecological assessment of the buildings must be undertaken and submitted to the City Council as Local Planning Authority and its methodology and conclusions accepted in writing by the Local Planning Authority. For the avoidance of doubt, the focus of the assessment must be a minimum of 3 no. bat activity surveys at appropriate times, with an appropriate number of experienced surveyors to provide full coverage of the site. The demolition of the existing school buildings must then be undertaken in accordance with any method statement and/or recommendations

provided by the accepted assessment. The assessment is required in order to ensure the demolition will not give rise to harm to a protected species and its habitat, in compliance with the requirements of policy CN22 of the UDP and section 11 of the NPPF.

- 20 Prior to the commencement of development, an ecological assessment, mitigation strategy and method statement for the construction phases of the new school shall be submitted and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, the assessment shall make particular reference to impacts upon moderate-risk trees and other key features on and off site and include mechanisms to ensure delivery of all ecological measures. The development shall then proceed in accordance with the approved method statement and mitigation strategy, in order to ensure the impact of the development on the biodiversity of application site is acceptable and comply with the requirements of policy CN22 of the UDP and section 11 of the NPPF.
- 21 Prior to the commencement of development, comprehensive details of all ecological mitigation and enhancement measures and the sustainable post-development management of features, including viability assessments associated with landscaping and external lighting, has been submitted to and approved in writing by the Council as Local Planning Authority. For the avoidance of doubt, during- and post-development monitoring must be included in the programme to ensure compliance and gauge the viability of ecological mitigation and enhancement measures, in order to ensure the development will not give rise to harm to the biodiversity value of the site and protected species, and to comply with the requirements of policy CN22 of the UDP and section 11 of the NPPF.
- 22 Unless otherwise agreed by the Local Planning Authority, no development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 23 to number 25 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 condition number 26 has been complied with in relation to that contamination. To ensure that risks from land contamination to 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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 23 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), 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 building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments;
  - (iii) an appraisal of remedial options, 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, CLR11.' To ensure that risks from land contamination to 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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 24 Unless otherwise agreed by the Local Planning Authority, development must not commence until 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 Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated 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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 25 The remediation scheme approved under Condition number 24 (Submission of 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 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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, 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 offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 26 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 condition number 23 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 24 (Submission of Remediation Scheme), 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 condition number 25 (Implementation of Approved Remediation Scheme). 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 this condition has been complied with in relation to that contamination. 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 and in accordance with policy EN14 of the Unitary Development Plan.