

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/

Alison Fellows

Executive Director of Commercial Development

1.

North
Sunderland

Reference No.: 16/00460/FUL Full Application

Proposal: **Change of use from Sui generis (Stone Sales) to use class B8 (Storage and Distribution).**

Location: Commercial Vehicle Exports (Northern) Ltd Brookside House Crown Road Sunderland SR5 2BS

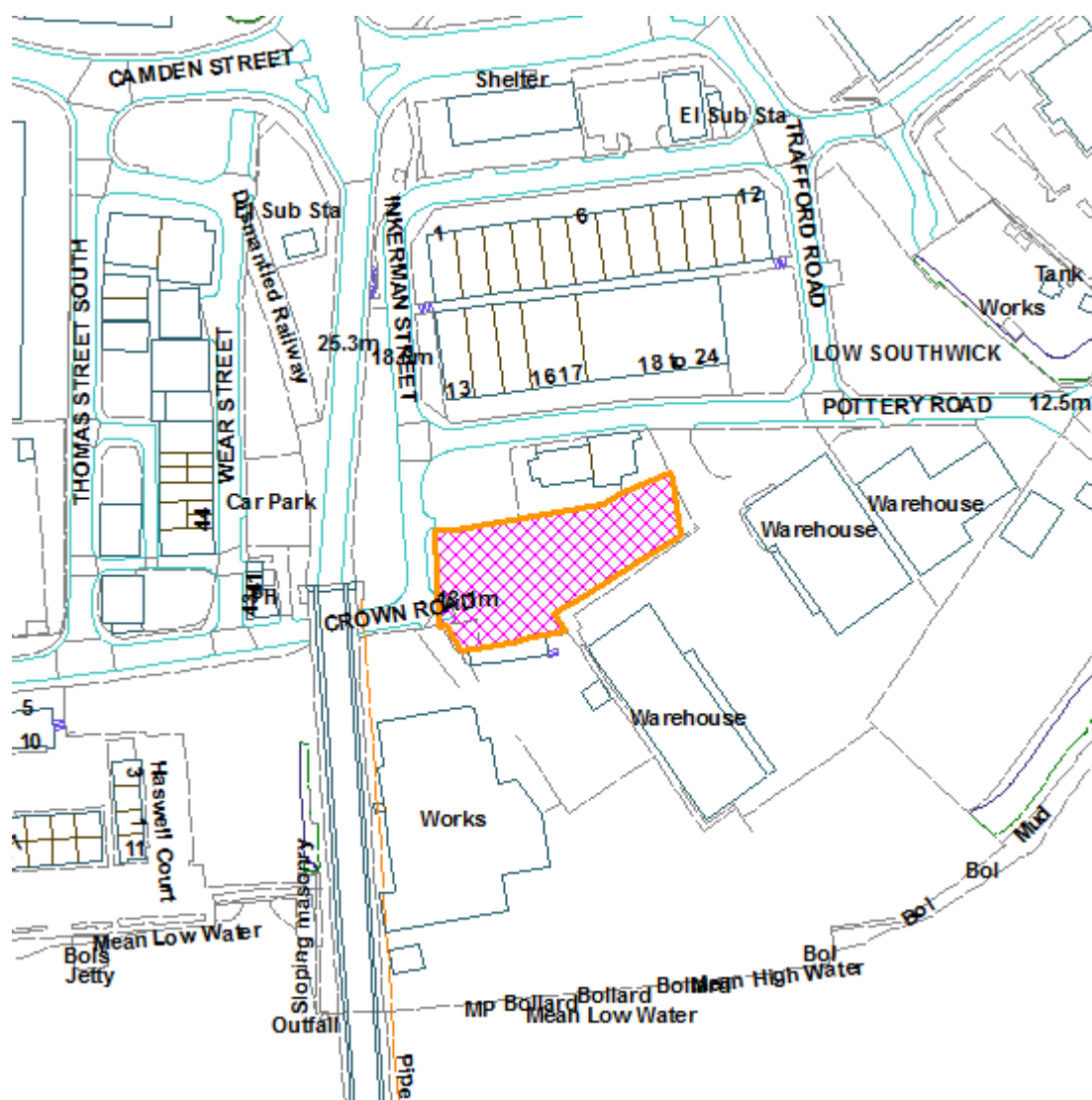
Ward: Southwick

Applicant: U Hold The Key Self Storage

Date Valid: 11 May 2016

Target Date: 6 July 2016

Location Plan



PROPOSAL:

Planning permission is sought to provide hard standing to facilitate the change of use of the site from Stone sales and manufacturers to house containers for storage, which falls within Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), to erect a new access gate from Crown Road.

The site has an area of approximately 2000 square metres and an existing building to the south corner of the site. It would incorporate various sized storage containers with one container at the entrance, dedicated to the office for the site. The site is bounded by palisade fencing and adjacent buildings.

The proposed gate would be constructed of steel to match the existing palisade fencing and would open inwards, controlled by an automatic gate system.

The application site is situated within the Low Southwick employment site immediately to the north of the River Wear and east of the Queen Alexandra Bridge. The site exists as an area of hardstanding which is currently enclosed and in a somewhat unkempt and overgrown state. The site slopes gradually downward from Crown Road to the river to the south. the north.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Southwick - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **27.06.2016**

REPRESENTATIONS:

HIGHWAY CONSIDERATIONS

The Council's Network Management section raised a concern with reference to the size of the vehicles that would visit the site and the agent confirmed that the maximum sized vehicle would probably be removal vehicles that would visit the site. The Network Management Team offered no objections.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EC_5_Sites for mixed uses

EC_9_Locations for Hotels and Conference centres.

T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

T_22_Parking standards in new developments

EN_11_Restrictions upon new development or intensified use of land liable to flooding

EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

The main issues to consider with regard to the proposed development are:

- o the principle of the proposed change of use;
- o impact on visual amenity and setting of listed structure;
- o highway implications; and
- o flood risk.

PRINCIPLE

The application site is situated within an area which is allocated by policy NA4.3 of the adopted Unitary Development Plan (UDP) as an existing employment site where General Industry (Use Class B2) and Storage and Distribution (Use Class B8) are identified as primary acceptable uses.

EC5 and EC9 of the UDP are also applicable which relate to mixed use sites and acceptable primary uses are B1, B2 and B8, therefore the use complies with this policy.

In addition, the Sunderland Local Plan (Draft Revised Preferred Options August 2013) designates the Low Southwick employment site, within which the application site is situated, as a Key Employment Area and, as such, policy DM3.2 of this document is applicable, which promotes Class B1, B2 and B8 uses.

The proposal accords with the above adopted and draft policies and is therefore considered to be acceptable, in principle.

VISUAL AMENITY AND SETTING OF LISTED STRUCTURE

Policy B2 of the adopted UDP relates to new developments and extensions to existing buildings and states that their scale, massing, layout or setting should, 'respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy' whilst UDP policy B10 sets out that proposals in the vicinity of listed buildings do not adversely affect their character or setting.

The proposed development and the proposed materials are considered to be of limited design merit. However, it is considered that the site, in its current overgrown form, makes a limited, if not adverse, contribution to the amenity of the local area and the proposal would involve effectively

tidying the site. The submitted site plan proposes an organised layout for the storage containers within the site and, as such, it is not considered that the use, would, in itself, compromise the amenity of the local area. Given the site's industrial setting, it is not considered that the proposed materials are inappropriate, the applicant has confirmed that the proposed gates would be coloured dark green to match the existing fencing and the maximum height of the containers are shown as 2.5 metres, which would not be considered to cause an adverse impact upon the amenity of the area.

In addition, despite the site's close proximity to the listed Queen Alexandra Bridge, for the reasons set out above, particularly given the relatively limited scale and height of built development proposed, together with the position of the site at the base of the bridge, it is not considered that the proposal would significantly affect the setting of the listed structure.

HIGHWAY IMPLICATIONS

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

As set out above, the Council's Network Management section initially raised a concern with reference to the size of the vehicles that would visit the site and the agent confirmed that the maximum sized vehicle would probably be removal vehicles that would visit the site. The Network Management Team offered no objections and as such the proposal would be acceptable in conjunction with policies T14 and T22 of the UDP.

FLOOD RISK

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

It is noted that the site lies within Flood Zone 1 and is not situated within a Critical Drainage Area, so is of low sensitivity in respect of potential flooding. The site generally slopes southward so the majority of run-off surface water would be directed to the River, which is considered to be acceptable in this instance.

Conclusion

For the reasons given above, the principle of the proposed change of use is considered to be acceptable and it is not considered that the proposal would compromise visual amenity, the setting of the Queen Alexandra Bridge, highway safety or the free passage of traffic, nor would the proposal increase the risk of flooding. The proposal therefore accords with policies B2, B10, EC5/9, EN11, EN12, NA4.2, T14 and T22 of the UDP and it is recommended for approval, subject to the following conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: Approve

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, 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:
 - Elevations of steel stores received on 29.4.16
 - Elevation of 12m steel store received on 11.5.16
 - Site plan and layout received on 18.4.16
 - Proposed gate elevation received on 29.4.16
 - Location plan received on 18.3.16
 - Site plan 18.3.16

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.

Reference No.: 16/00810/FU4 Full Application (Reg 4)

Proposal: Creation of new access track adjacent to that existing, replacement of existing wooden fence with 2m high palisade fence in between, erection of new 1.2m high wooden fence alongside new track, and erection of additional gate at the junction of the tracks.

Location: Land Adjacent Shields Road Allotments Shields Road Sunderland SR5 1PH

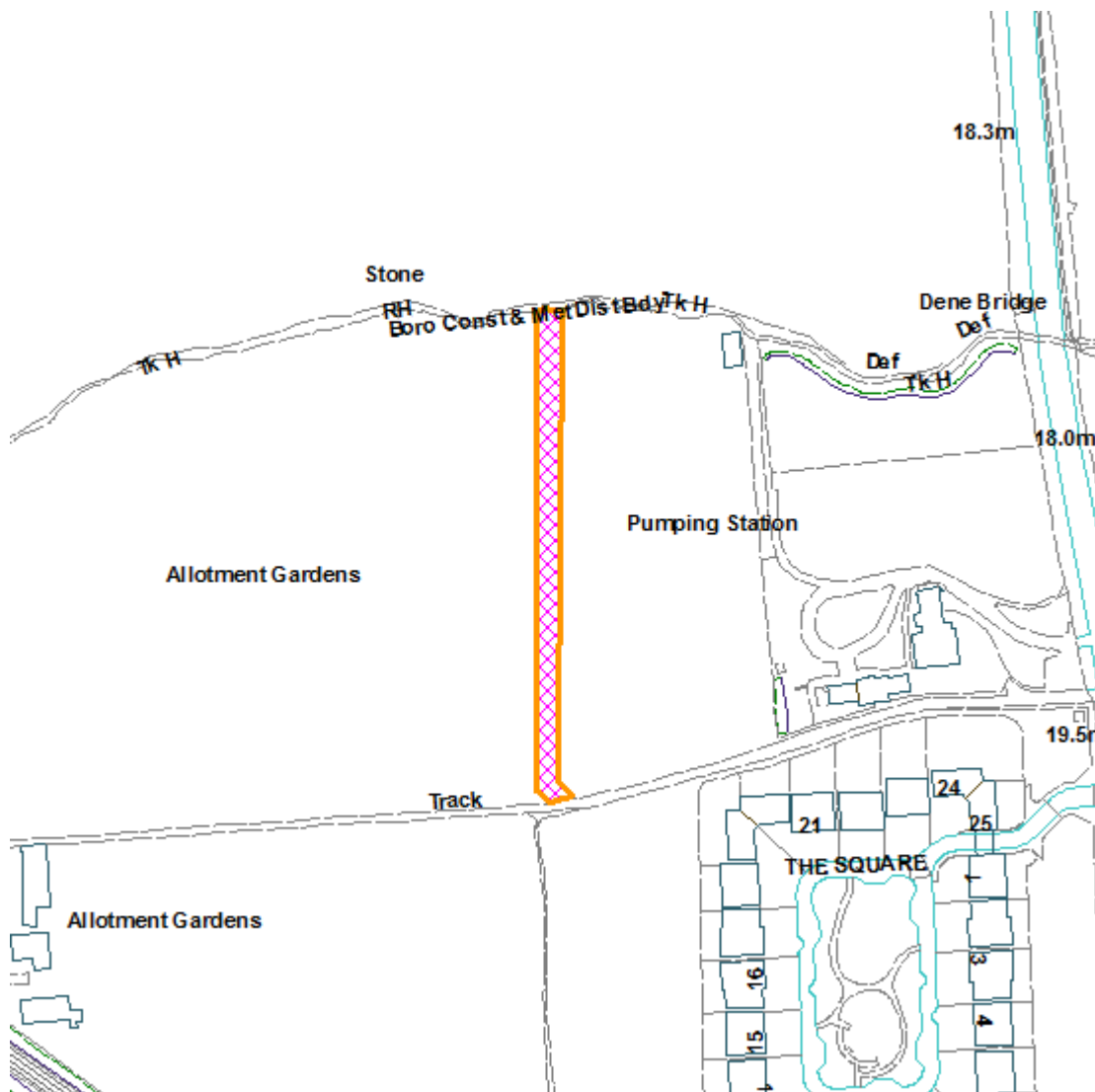
Ward: Fulwell

Applicant: Wearside Small Holders And Allotments Ltd

Date Valid: 4 July 2016

Target Date: 29 August 2016

Location Plan



PROPOSAL:

The proposal relates to the creation of a new access track adjacent to that existing, replacement of existing wooden fence with 2 metre high palisade fence in between, erection of new 1.2 metre high wooden fence alongside new track and erection of additional gate at the junction of the tracks at Shields Road Allotments, Shields Road, Fulwell, Sunderland, SR5 1PH.

The proposed development affects land at Shields Road allotments, which cover an extensive area to the east of Shields Road and to the north-east of the Sunderland-Newcastle rail/Metro line. To the north of the allotments is open agricultural land within the jurisdiction of South Tyneside MBC. An access route to the allotments is provided via a track from Shields Road, which runs between the grounds of the Fulwell Pumping Station and the group of modern dwellings at The Square (built on the site of a former abattoir). The track is gated at a point in line with the Pumping Station's western boundary.

Between the western boundary of the Pumping Station grounds and the allotments is a small grazing field, at the northern end of which is a paddock and stables. The entirety of the allotment complex and the grazing field/stables are within the Tyne and Wear Green Belt.

The application affects the existing track which runs between the grazing field and the easternmost allotments. The track leads off the access track from Shields Road and runs in a northerly direction. At present, it serves both the easternmost allotments and the stables/paddock at the northern end of the grazing field.

The application proposes to install a new, 3 metres-wide surfaced track within the grazing field, which will follow a line immediately adjacent to the existing track. The new track is proposed to be separated from the existing track by a new, 2 metres high palisade fence, to be painted green, which will run for approximately 160 metres between the main access track and the northern boundary of the allotment complex. A gate is proposed to be installed at the end of the fence, across the main access track. The side of the new track to the grazing field, meanwhile, is proposed to be bordered by a new timber fence of 1.2 metres height (similar to the fence alongside the existing track), which will run for approximately 110 metres between the main access track and the existing paddock. A gate at the end of the fence will cross the new track adjacent to its junction with the existing track.

The application submission indicates that the proposed fencing is intended to address ongoing security problems at the allotments and is backed by the local police. The application has been submitted by Wearside Smallholders and Allotments Ltd, with notice of the application served on the City Council in its capacity as landowner.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fulwell - Ward Councillor Consultation

Network Management
Fulwell - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **13.08.2016**

REPRESENTATIONS:

Public consultation - one representation received, submitted by a resident of The Square. The representation expresses concern that if the existing gate across the main access track from Shields Road is removed as part of the proposals, it would expose the boundary to dwellings within The Square, increasing the risk of security problems occurring. Removing the gate would also allow more of the track to be used by the tenant of a cottage within the Pumping Station grounds, who owns a 'scrambler' motorbike, the driving of which is alleged to represent a noise nuisance.

The representation concludes, however, that there would be no objection to the application if the existing gate is to be retained.

The applicant's agent has confirmed that there is no intention for the existing gate to be removed and the submitted plans reflect this, with the gate shown as being retained.

The period for receipt of public representations does not expire until 13th August 2016. Details of any representations received after the preparation of this report will be provided ahead of the Committee meeting.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
CN_2_Purpose of the Green Belt in Sunderland
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
NA_29_Maintenance of the Green Belt
L_8_Encourage and enhance the provision and distribution of allotments
L_9_Retention of land used for allotments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising

COMMENTS:

Regard must be given to the guidance and policies of the National Planning Policy Framework (NPPF), which has the overarching aim of delivering sustainable development. The core principles of the NPPF sets out that development proposals must always seek to secure high quality design and good standards of amenity, whilst proposals must also take account of the different roles and character of different areas, including protecting the Green Belts around main urban areas.

The abovementioned core principles of the NPPF support a range of policies within the Council's adopted Unitary Development Plan (1998) which are relevant to this application and considered in more detail below.

Given the above policy framework, it is evident that the main issues to consider in the determination of this application are as follows:

- consideration of 'permitted development' rights;
- the principle of the proposed development and impact on visual amenity/openness of Green Belt;
- the impact of the proposed development on residential amenity;
- the impact of the proposed development on highway and pedestrian safety;

PERMITTED DEVELOPMENT RIGHTS

As Members may be aware, the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the 'GPDO') affords a range of 'permitted development' rights, which allow for certain forms of development to be undertaken without firstly requiring the express permission of the Local Planning Authority. To this end, Schedule 2, Part 2, Class A of the Order permits development involving the erection of walls, gates, fences and other means of boundary enclosure, providing that the height of the enclosure does not exceed 1 metre if adjacent to a highway used by vehicles or 2 metres in all other cases. These provisions still apply in Green Belt land.

In this case, the proposed fencing is no more than 2 metres high, but it will be located adjacent to tracks (both existing and proposed) which are wide enough to be used by vehicles. However, consideration must firstly be given as to whether these tracks represent 'highway' for the purposes of the GPDO. To this end, the GPDO does not provide a definition of highway to be applied to its provisions and nor is there a clear statutory definition of highway to use instead. In the absence of a satisfactory formal definition, it is suggested that it is reasonable to consider what is deemed to constitute a 'highway' under common law. In this regard, common law has established that a highway can be characterised as a defined route over which the public can pass and re-pass as frequently as they wish and without hindrance.

With this in mind, it is evident that the tracks the proposed fencing would border are both gated, located on private land and are intended to be for the use of allotment holders and to provide access to the adjacent stables and paddock. As such, the tracks do not appear to offer any highway rights for the public to enjoy, for the closure and locking of the gates would clearly and intentionally limit and hinder the wider public's use of them.

Given the above, it is considered reasonable to conclude that the tracks should not be categorised as 'highway' and, in the absence of any formal statutory definition, nor should they be considered as highway for the purposes of Part 2, Class A of the GPDO. Consequently, as the height of the new fencing does not exceed 2 metres, it is considered that the proposed fencing can be erected under the permitted development rights afforded by Part 2, Class A of the GPDO and therefore does not require planning permission from the Council as Local Planning Authority. As such, there is no need to consider the merits of this aspect of the scheme any further.

There are, however, no such rights available in respect of the creation of the new track and so this element of the development proposal requires planning permission. The planning merits of the proposed new track are considered in more detail below.

PRINCIPLE OF THE PROPOSED DEVELOPMENT AND GREEN BELT CONSIDERATIONS

The proposals map of the UDP indicates that development site is located within the Tyne and Wear Green Belt, which was designated to restrain the spread of the Tyneside/Wearside conurbation. Sunderland's Green Belt was intended to prevent the merging of Sunderland, with Washington, Houghton-le-Spring and Tyneside.

Section 9 of the NPPF is concerned with the protection of Green Belt land. It firstly sets out (at paragraph 79) that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open - the essential characteristics of Green Belts being their openness and permanence. Paragraph 87, meanwhile, advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, whilst paragraph 88 requires Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt in its consideration of planning applications.

Further to the above, paragraph 89 states that Local Planning Authorities should regard the construction of new buildings in the Green Belt as inappropriate, unless one of six exceptions apply. Paragraph 90, meanwhile, advises that certain other forms of development, such as engineering operations, are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within the Green Belt.

On a local level, the relevant policies and advice of the NPPF as detailed above are broadly echoed by the policies of the UDP, with policy CN2 setting out the Council's intention to maintain a Green Belt and the reasons for doing so. Policy NA29 applies this to the area of Green Belt to the north of the main urban area of Sunderland, which includes the Shields Road allotments. Policy CN3, meanwhile, is essentially consistent with paragraph 89 of the NPPF in stating that the erection of new buildings within the Green Belt is inappropriate unless the building is for one of six purposes (including facilities for outdoor sport and recreation), whilst policy CN5 states that care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within, or conspicuous from, the Green Belt.

In addition, in line with paragraph 90 of the NPPF, policy CN4 states that the carrying out of engineering or other operations, or the making of material changes of use, are inappropriate development within the Green Belt unless they maintain openness and do not conflict with the purposes of including land within the Green Belt.

Policies L8 and L9 of the UDP are also relevant in this case and these set out the Council's intention to encourage and enhance the provision of allotments and to protect allotments from inappropriate development.

The proposed new track is considered to represent an engineering operation for the purposes of considering the appropriateness of such development within the Green Belt. As per paragraph 90 of the NPPF and policy CN4 of the UDP, such development is not inappropriate provided that it maintains openness and does not conflict with the reasons for including land within the Green Belt. To this end, the provision of the track is considered to represent development of a relatively minor and unobtrusive nature which, given its location within an allotment complex and immediately adjacent to the existing track, will not result in harm being caused to the openness of this area of Green Belt or conflict with the purposes of including land within it. The provision of the track is therefore considered to represent appropriate development in the context of this Green Belt location, in accordance with the requirements of paragraph 90 of the NPPF and policy CN4 of the UDP.

In addition to the Green Belt implications detailed above, the proposals are not considered to be of detriment to the use and value of the land as allotments site. As such, the scheme is also considered to be compliant with the requirements of policies L8 and L9 of the UDP.

IMPACT OF PROPOSED DEVELOPMENT ON RESIDENTIAL AMENITY

Policy B2 of the UDP also requires new development to respect the amenity of existing residential properties. The site of the proposed development is approximately 45 metres from the nearest dwelling within The Square, a distance which will ensure the amenity of these properties is not harmed by the proposals. The representation submitted in respect of the application raises security and anti-social behaviour concerns in the event the existing gate across the main access track is removed; however, as noted previously, the existing gate is intended to remain and co-exist with the new gates.

Given the above, it is considered that the implications of the scheme in relation to residential amenity are acceptable, in accordance with the core principles of the NPPF and policy B2 of the UDP.

IMPACT OF DEVELOPMENT ON HIGHWAY AND PEDESTRIAN SAFETY

Policy T14 of the UDP states that new development must not result in conditions which are prejudicial to highway and pedestrian safety. The Council's Highways team has raised no concerns in relation to this matters, but has asked for clarification as to whether the existing gate across the access track is to remain and who would have control/access of the existing and proposed gates.

As noted earlier, the existing gate is intended to be retained, whilst the applicant's agent has advised that the access from Shields Road is only used infrequently by allotment holders, with the allotments primarily accessed by a separate route off Shields Road further to the south. Both the existing and proposed gates are therefore likely to be locked on a regular basis, and only opened when necessary to provide access to the grazing field and stables and the eastern area of allotments.

Given the above, it is considered that the implications of the scheme in relation to highway and pedestrian safety are acceptable, in accordance with the requirements of policy T14 of the UDP.

CONCLUSIONS

With regard to the above comments, it is therefore considered that the proposed development is appropriate in the Green Belt and it will not result in any visual intrusion, affect the Green Belt's openness or conflict with the reasons for including the land within the Green Belt. As such, the proposal is compliant with the requirements of policies CN2, NA29, CN3, CN4 and CN5 of the UDP. In addition, the proposal will not result in any loss or harm to an existing area of allotments, in accordance with the requirements of policies L8 and L9 of the UDP.

Nor will the development cause any harm to visual and residential amenity or highway and pedestrian safety, in compliance with policies B2 and T14 of the UDP.

However, as noted in the 'Representations' section of this report, the period for the receipt of representations from members of the public has not yet expired. Details of any representations

received in response to public consultation will be provided to Members at the Committee meeting.

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act. As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to'

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION: Mindful to Grant Consent under Regulation 4 of the Town and Country Planning 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 permission is granted, 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:

the location plan received 04/07/2016,
the site plan received 11/05/2016,
the existing site layout received 11/05/2016 (drawing no. W23a),
proposed site layout received 11/05/2016 (drawing no. W23b)
proposed new fencing elevations received 11/05/2016 (drawing no. W23c);

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.

Reference No.: 16/01083/VA4 Variation of Condition (Reg 4)

Proposal: Variation of condition 4 of planning permission ref. 15/00643/HYB (Mixed use development comprising Free School; indoor and outdoor sports and leisure facilities (including floodlit football/sports pitches); training facilities; event space; flexible office space; café and external play space, with associated access road, car parking and boundary enclosures. Additionally, outline permission for a 2 storey, 800sq m floor space building adjacent to the southern boundary of the site) to carry out minor amendments comprising alterations to previously approved roof structure, finished floor level, internal layout, elevations and site layout / landscaping

Location: Land Adjacent To Sunderland Aquatic Centre Vaux Brewery Way
Sunderland

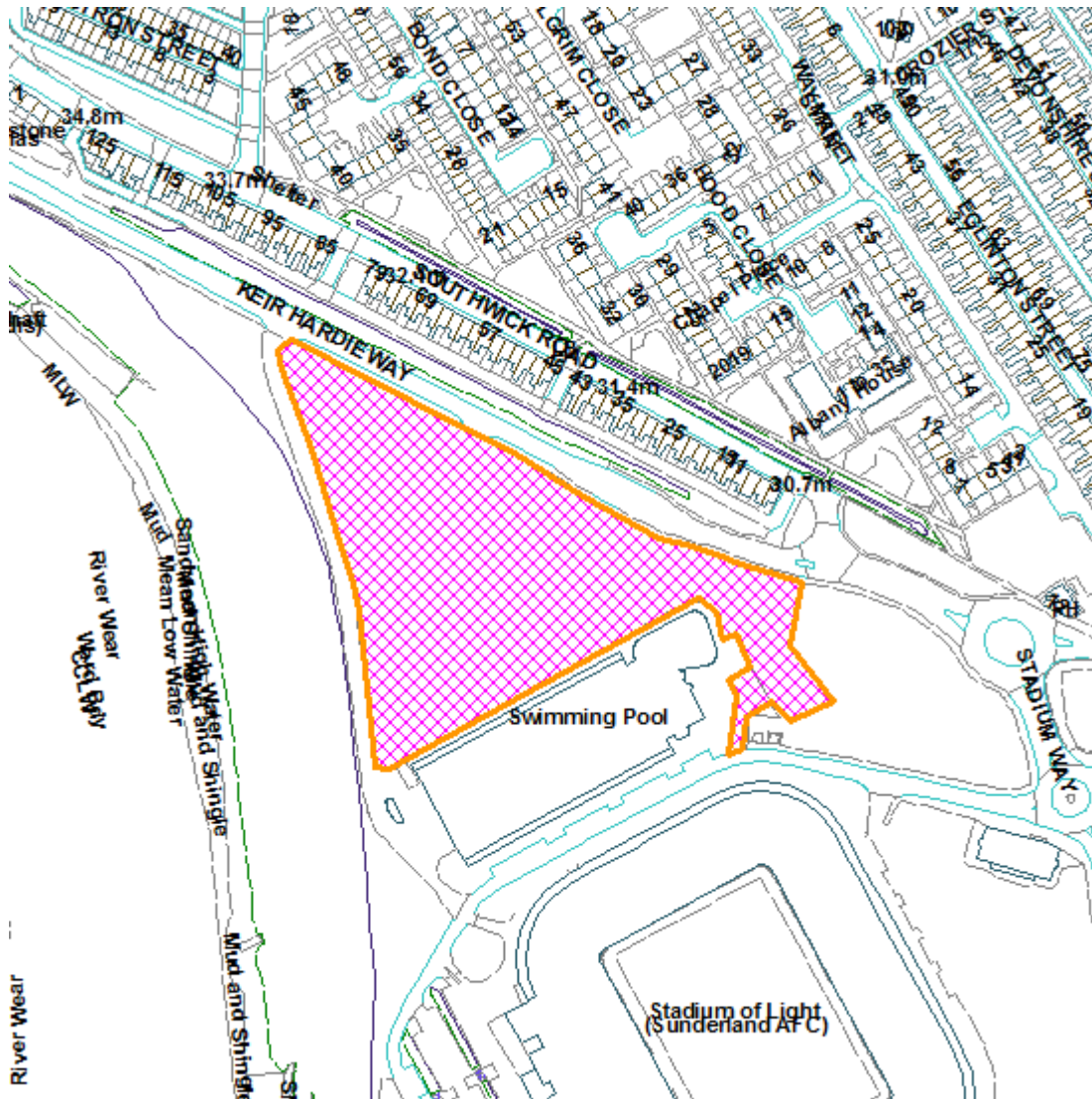
Ward: Southwick

Applicant: The Foundation Of Light

Date Valid: 17 June 2016

Target Date: 16 September 2016

Location Plan



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PROPOSAL:

The Site

The Stadium Village site is located in a large strategic regeneration area on the north bank of the river wear. The wider area covered by the Stadium Village Supplementary Planning Document includes both Stadium Park and Sheepfolds. Land to the east and to the north is primarily residential.

Redevelopment of the Monkwearmouth Colliery site, which is located on a broad plateau on the north bank of the river Wear opposite the Vaux site, began in the mid-1990s with the creation of the Stadium of Light. In 2008, it was joined by the Sunderland Aquatic Centre. The Sheepfolds industrial estate occupies a large area of land between the Stadium and the Wearmouth Bridge. The northern part of the colliery site, where the Beacon of Light is proposed, is vacant.

Monkwearmouth Colliery was a major North Sea coal mine located on the north bank of the River Wear. It was the largest mine in Sunderland and one of the most important in County Durham.

The last shift left the pit on December 10th, 1993, ending over 800 years of commercial coal mining in the region.

The site was then seeded with an amenity grass mix after it was reclaimed and the corner beside the roundabout planted with some shrubs and standard trees.

The application site is currently vacant. The majority of the site to the south and southwest is taken up by the Stadium of Light and the Sunderland Aquatic Centre and its associated car parking. These two buildings are of significant scale and provide a focus and a destination for the overall site. Other buildings to the north are Black Cat House (SAFC Ticket sales and administration building), a car dealership and an independent used car garage (Albion Car Centre).

The southern part of the site has a series of workshops, independent wholesalers and garages. There is one main building to the southwest that is Grade II listed, which is currently operated as offices.

The Proposal

Consent is sought to make a "material minor amendment" under section 73 of The Town and Country Planning Act 1990 by varying condition 4 (list of approved plans) of the hybrid planning permission ref. 15/00643/HYB, which Members resolved to grant at the Development Control (Sunderland North) Sub-Committee Meeting of 29.09.2015 and comprises the development described as follows.

Mixed use development comprising Free School; indoor and outdoor sports and leisure facilities (including floodlit football/sports pitches); training facilities; event space; flexible office space; café and external play space, with associated access road, car parking and boundary enclosures. Additionally, outline permission for a 2 storey, 800sq m floor space building adjacent to the southern boundary of the site.

The proposed minor amendment comprises alterations to the previously approved roof structure, finished floor level, internal layout, elevations and site layout / landscaping.

In particular, the roof structure has been amended from a "saw tooth" to a "ribbed dome" and, whilst the finished floor level would be increased by 100mm, the maximum height of the building would be reduced by 1.1m to 55.9m above ordnance datum (AOD) (27.5m from ground level). The majority of the roof would be positioned behind a parapet of polycarbonate wall cladding, which is proposed to be reduced in height by 2m to 53.6m AOD, and the fabric finish of the roof has not been altered.

The remaining proposed elevational alterations comprise amendments to the form and location of external doors and windows, the provision of louvres, the removal of one window and provision of two additional windows in the west elevation, the removal of two doors and provision of an additional window in the south elevation and the removal of a window and the provision of an additional doorway and two windows in the east elevation.

Internally, the approved scheme comprises the following schedule of accommodation:

Level 00 - Sports and play area and support, crèche for up to 25 children and 10 staff, circulation area, plant store.

Level 01 - Education area for up to 210 students plus 10 staff (learning through football), office, health and well-being, café, sports and pay seating area for up to 120 persons and circulation space.

Level 02 - Education (free school) up to 80 students and 10 staff, World at Work space for up to 60 persons (6 classes of 10) or 115 persons if in event mode and circulation space.

Level 03 - General office for up to 80 persons, office and circulation area.

Level 04 - Sports and play (4 training sessions) up to 80 persons, sports and play support, circulation, café and plant store.

Level 05 - Viewing area with a capacity of up to 40 persons.

The applicant has confirmed that such occupancy rates would not be altered, however the amount of floorspace which would be afforded to the free school would be increased and this would, instead, occupy the whole of Level 03 in addition to reception spaces on Level 01 whilst Level 02 would provide office space.

The proposed alterations to the site layout and landscaping comprise the replacement of seven previously proposed trees with smaller planters and planting of one additional tree along the southeast access, the removal of 13no. trees along the Kier Hardie Way boundary, altered land forms surrounding the building, the removal of three trees and provision of an external store to the southern corner and a reduction in the size of the service yard to the northern section of the site. In addition, two further 5-a-side pitches are proposed on an area to the northern section of the site which was previously identified as a "future expansion area".

The submission also proposes the use of an Ibstock Himley Mixed Russet brick, as used for the Stadium of Light, instead of an Ibstock Birtley Olde English brick as proposed by discharge of condition ref. 16/00350/DDI.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Southwick - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation

Final Date for Receipt of Representations: **28.07.2016**

REPRESENTATIONS:

No representations have been received to date.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

COMMENTS:

The main issues to consider in the determination of this application are the procedural matters as to whether the proposal is considered a "minor material amendment" and design / visual amenity.

Procedural Matters

A "minor material amendment" to a planning permission can be made by varying the condition which lists the approved plans (in this case condition 4) through an application under section 73 of the Town and Country Planning Act 1990. The National Planning Practice Guidance (NPPG) (Paragraph: 018 Reference ID: 17a-018-20140306 Revision date: 06 03 2014) states that 'there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved'.

It is noted that the current application proposes a notable reduction in the height of the building as approved and the roof design has been altered. However, this equates to a reduction in only approximately 4% and the majority of the roof would remain enclosed by parapets whilst using the same materials as previously indicated. The remaining proposed alterations would not affect the footprint, position or use of the building whilst retaining the wider design concept, resulting in a form of development which, it is considered, would not be significantly different from that which was approved.

Therefore, it is not considered that such alterations represent a significant amendment to the approved scheme relative to the overall development and the main issues as set out below and, as such, are deemed to be "minor".

Design and Visual Amenity

One of the core principles of the National Planning Policy Framework (NPPF), as set out by paragraph 17, is that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'. Paragraphs 56 and 57 expand upon this principle, highlighting the importance Central Government place on the design of the built environment, including individual buildings, public and private spaces and wider area development schemes. Paragraph 64 of the NPPF goes on to state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Policy B2 of the adopted Unitary Development Plan (UDP) reflects the above, stating 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'.

The committee report of the host planning permission sets out the detailed design and visual impact considerations of the development, noting that the site is set within the context of the Aquatic Centre building (circa 13m to ridge) and the Stadium of Light (circa 31m to eaves) being situated directly adjacent to the site are being large scale schemes which dominate the surrounding area.

The proposed building is situated in a prominent location, with the relatively open aspect to the site from the western boundary/riverside, and the two aforementioned buildings will form the

backdrop to the Beacon scheme. Whilst minor in nature, as set out above, it is considered that the proposed alterations represent an improvement of the original scheme by reducing its overall height in particular which, in turn, slightly reduces its visual impact whilst ensuring that the adjacent building are not overly dominated.

It is noted that the proposal results in the loss of a number of previously approved new trees, however this is, in part, required in order to achieve appropriate access in and out of the site and, in any event, it is considered that sufficient planting would still be incorporated into the scheme to ensure that an acceptable level of visual amenity is achieved.

Conclusion

For the reasons given above, the proposal is considered to represent a 'minor material amendment' to the consent which it seeks to vary and it is considered that such amendments are acceptable in design terms and would not be detrimental to visual or residential amenity. It is therefore considered that the proposal accords with UDP policy B2 and the relevant criteria of the NPPF set out above

As such, it is recommended that Members grant consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the conditions set out below; it is noted that conditions 5, 7-14, 16-18, 21-25 and 28 have already been discharged.

RECOMMENDATION: Grant consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) subject to the conditions below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission (15/00643/HYB) was granted (30.09.2015) and does not extend the time period for implementation, 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 The application for approval of reserved matters, in relation to those parts of the development granted outline permission (building expansion space for office development), shall be made to the Local Planning Authority before the expiration of three years from the date on which the original permission (15/00643/HYB) was granted (30.09.2015). The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last reserved matters to be agreed.

Imposed pursuant to the provision of Section 92 of the Town and Country Planning Act 1990 as amended by section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 Approval of the following details (hereinafter referred to as the reserved matters) shall be obtained from the Local Planning Authority, in writing before the outline element of the development is commenced.

Access
Appearance
Landscaping
Layout
Scale

Plans and particulars of the reserved matters shall be submitted utilising a planning application form and shall be carried out as approved.

Because part of the application is in outline only and as such as no details have been submitted of the reserved matters, they are reserved for subsequent approval of the Local Planning Authority.

- 4 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:

Planning Application Drawings WA numbers NT11310/10/...

Figure 1.1	Location plan
Figure 1.2	Application boundary
Figure 1.3 rev. D:	Site plan
Figure 1.4 rev. C:	Access and circulation
Figure 1.5 rev. C:	Existing and Proposed contours
Figure 1.6 rev. A:	Site Sections

Faulkner Brown planning application drawings and documents:

0925200 rev B Sheet 1 topographic survey
0925200 rev B Sheet 2 topographic survey
A 00 10 000 P2 Level 00 Floor plan
A 00 10 100 P2 Level 01 Floor plan
A 00 10 200 P2 Level 02 Floor plan
A 00 10 300 P2 Level 03 Floor plan
A 00 10 400 P2 Level 04 Floor plan
A 00 10 500 P2 Level 05 Floor plan
A 00 10 600 P2 Roof plan
A 00 10 01 P2 Section 1
A 00 10 02 P2 Section 2
A 00 10 51 P2 North elevation
A 00 10 52 P2 East Elevation
A 00 10 53 P2 South elevation
A 00 10 54 P2 West elevation

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.

- 5 Notwithstanding any indication of materials which may have been given in the application, no development other than remediation/site/ground investigation works 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.

- 6 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the Unitary Development Plan.
- 7 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. wheel washing facilities

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 Unitary Development Plan.

- 8 No development other than the site remediation/ground investigation works shall be commenced until such a time that full drainage details, including plan and calculations, have been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented and subsequently maintained, in strict accordance with the approved details.

To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site, in order to comply with policy EN12 of the adopted Unitary Development Plan.

- 9 Notwithstanding any assessment provided with the planning application no development shall commence until intrusive site investigation works have been carried out in order to establish the extent of the coal mining legacy on the site. The intrusive site investigation should consider but not be limited to the assessment of mine entries, both untreated and treated, the submission of a layout plan which identifies appropriate zones of influence for the mine entries on and off site, and the submission of a scheme of treatment for the mine entries on site and details of the implementation of the specified remedial works.

The findings of the site investigation works shall be submitted to the Local Planning Authority for approval in writing.

Reasons: To ensure that the exact situation regarding coal mining legacy on the site is understood in order to ensure that the development can be carried out safely without unacceptable risks in accordance with policy EN1 and EN14 of the adopted Unitary Development Plan.

- 10 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme (to treat the mine entries identified in the site investigation - Condition 9) to bring the site to a condition suitable for the intended use by removing unacceptable risks has been submitted to and approved in writing by 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.

Reasons: To ensure that the risks from the previous coal mining activity are minimised / addressed and also ensure that the development can be carried out safely without unacceptable risks in accordance with policy EN1 and EN14 of the adopted Unitary Development Plan.

11 Land Contamination

Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 12 to number 14 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 15 has been complied with in relation to that contamination. Reasons: 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 adopted Unitary Development Plan.

12 Site Characterisation

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; and 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.' Reasons: 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 adopted Unitary Development Plan.

13 Remediation Scheme

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. Reasons: 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 adopted Unitary Development Plan.

14 Implementation of Approved Remediation

The remediation scheme approved under Condition number 12 (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 (referred to in former PPS 23 as a validation 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.

Reasons: 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 adopted Unitary Development Plan.

15 Land Contamination

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 12 (Site Characterisation), and

when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 13 (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 14 (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. Reasons: 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.

- 16 No development other than the site remediation works shall be commenced until such a time that an assessment of any hydrological impact on the mine water environment and the adjacent monitoring points, along with the implementation of any mitigation measures identified in the assessment, has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented and subsequently maintained, in strict accordance with the approved details.

To prevent flooding by ensuring the satisfactory storage of /disposal of surface water from the site, in order to comply with policy EN14 of the adopted Unitary Development Plan.

- 17 No development other than the site remediation works shall be commenced until such a time that a scheme of proposed gas protection and gas monitoring measures, along with the implementation of gas protection and monitoring works, has been submitted to, and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be fully implemented in strict accordance with the approved details.

To ensure that risks are minimised and that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the adopted Unitary Development Plan.

- 18 Before the development hereby approved is commenced the details of any floodlighting/ exterior lighting shall be submitted to and approved in writing by the local planning authority. Such detail shall include details of the timing mechanism installed to ensure that the lights are automatically switched off at the end of the permitted periods of use indicated in Condition 19 below. The lighting shall be installed in accordance with the approved plans before the building is occupied, in order to ensure a satisfactory form of development and to comply with policy(ies) B2 of the UDP.

- 19 The floodlights serving the outdoor games pitches shall not be lit after 2300 hours Mondays to Sundays, in the interests of residential amenity, in accordance with policy B2 of the Unitary Development Plan.

- 20 The development hereby approved shall be carried out in strict accordance with the noise surveys and assessments undertaken by, or on behalf of, Wardell Armstrong and as detailed in the supporting statement and appendices, in order to ensure that noise as a result of the public entertainment does not cause a nuisance to local residents or other noise sensitive receptors, in accordance with policy EN6 of the Unitary Development Plan.
- 21 No development, other than remediation assessment works/investigations, shall be carried out until such time that a detailed service delivery and management plan has been submitted to and approved in writing by the Local Planning Authority. The servicing and management arrangements shall be carried out in strict accordance with the approved details in the interest of highway and pedestrian safety, in accordance with policy T 14 of the Unitary Development Plan.
- 22 No development other than the site remediation works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 23 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 UDP.
- 24 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policies EN1 and B2 of the UDP.
- 25 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 other than any required remediation works. 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.
- 26 Before the use hereby approved is commenced, details of any ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy S12 of the UDP.

- 27 Notwithstanding the submitted plans, details of the facilities required to enable access to and egress from the ground floor premises for all people with disabilities, shall be submitted to and approved by the Local Planning Authority. Thereafter these facilities shall be provided in full accordance with the approved details prior to the first occupation of the development hereby approved; in the interests of allowing access to the building(s) and/or site for all sections of the community and to comply with policy B19 of the UDP.
- 28 No development other than the site remediation works shall be commenced until such a time that detailed proposals for on-site ecological mitigation and enhancement measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in complete accordance with the approved detail in the interests of nature conservation and in accordance with policy CN18 of the Unitary Development Plan.