

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 2010

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 Office of the Chief Executive in the Civic Centre or via the internet at www.sunderland.gov.uk/online-applications/

Janet Johnson
Deputy Chief Executive

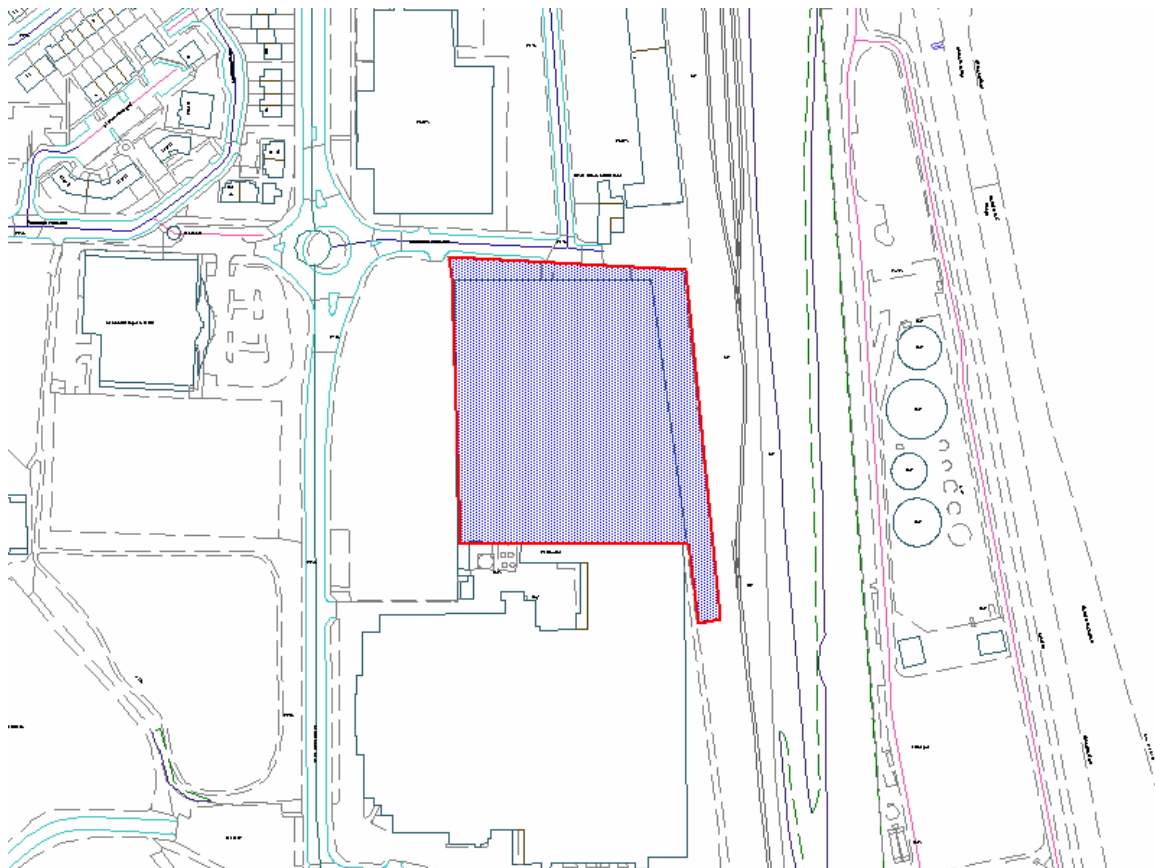
Reference No.: 13/01332/FUL Mineral Applications

Proposal: Change of use of existing industrial site to scrap yard for the purpose of processing and recycling ferrous and non ferrous metal, to include the partial demolition of existing single storey factory building, the removal of existing roof, retention of external walls and construction of new walls and roof to create smaller building with external yard.

Location: Dewhirst Group Plc Robinson Terrace Hendon Sunderland SR2 8DH

Ward: Hendon
Applicant: Ward Bros (Steel) Ltd
Date Valid: 24 May 2013
Target Date: 19 July 2013

Location Plan



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PROPOSAL:

Planning permission is sought to change the use of an existing industrial site at Robinson Terrace, Hendon to a ferrous and non-ferrous metal processing and recycling facility. The proposal will involve the partial demolition of the existing single storey factory building including the removal of existing roof, retention of external walls and the construction of new walls and roof to create a smaller building (approx 2,400m² internal store floor area) situated towards the north-western corner of the site with external yard area to the east and south. Four car parking bays are proposed to the north of the proposed building with two weighbridges and a cabin positioned immediately to the east of the proposed built form. Vehicular access to the site is via Robinson Terrace.

The proposed operating hours are between 8.00am to 5.00pm Monday to Friday and Saturday 8.0am to 12.00pm

The application has been advertised accordingly by way of site and press notices as well as neighbour notification letters.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Northumbrian Water
Business Investment
Hendon - Ward Councillor Consultation
Network Management
Port Manager
Environmental Health
Environment Agency
Force Planning And Police Architectural Liaison Officer

Final Date for Receipt of Representations: **02.07.2013**

REPRESENTATIONS:

Consultee Responses

Environment Agency

No objections subject to conditions being imposed which relate to contamination, a long term monitoring and maintenance plan in respect of contamination, no piling or any other foundation designs using penetrative methods will be permitted without first gaining the approval of the LPA.

Northumbrian Water

No comment

Environmental Health:

The Applicant has submitted a Desk Study (Phase 1) Report 2013-484, dated 05-04-2013 and produced by Geoenvironmental Engineering.

The site comprises industrial land to be redeveloped as a scrap yard. This is a relatively insensitive land use however the site should as a minimum not be classifiable as Contaminated Land. The site has a long history as an Oil Depot.

Source of information are:

British Geological Survey (BGS Sheet 21, Sunderland, 1:50,000 Scale Solid and Drift edition

Environment Agency (EA) - undisclosed sources

Ground Sure Report - dated 3 April 2013

ting Historical Ordnance Survey (OS) Plans - 1855-present (c.1:10,000&1:2,500)

Coal Authority Site Specific Coal Mining Report - dated 3 April 2003

There is no evidence of a site visit.

There appears to be a risk of UXB for example raid of Sunday, 23rd/Monday, 24th May 1943 N1359, 500kg HE bomb dropped on Robinson Terrace. Tanks on the site and Hendon Gas Works to the south are both obvious targets.

http://www.ne-diary.bpears.org.uk/Inc/ISeq_34.html

Saturday, 20th/Sunday, 21st December 1941 N840

The former history of the site includes Oil Storage over an extended period of time (before 1897). Anecdotal evidence from internet sources suggests that refined oil products were first imported into Sunderland in 1891, following agreement between the RWC and Anglo-American Oil Co Ltd. Tankers discharged fuel at Laing Warehouse Quay, Hudson Dock, with oil being pumped to tanks via underground pipelines.
<http://www.sunderlandecho.com/opinion/columnists/sunderland-s-oily-past-1-1110558>

Ground workings are shown in the Groundsure Report dating from 1921 (heap) and 1940 (unspecified). The site is expected to be underlain by Made Ground over Boulder Clay and the Roker Formation Dolostone (Magnesian Limestone Principal Aquifer).

The Report assesses the environmental risks to be as follows:

1. Ground Contamination HIGH
2. Groundwater Contamination LOW
3. Ground Gas Contamination LOW/VERY LOW

The conceptual site model does not include a pathway to surface water including the North Sea. Notably on the Hendon Gasworks the EA considers this to be a potentially significant linkage. The risk profile for Oil is significantly different to Coal Tar therefore the attitude of the EA may be somewhat different however given the presence of a Principal Aquifer there may be concern for potential preferential pathways to exist for hydrocarbons to enter the aquifer.

The Report concludes that the site is considered as posing a high risk to the proposed end users and a low risk to adjacent sites (the surrounding environment) with respect to potential ground/groundwater contamination. In addition, a very low to low risk is present of ground gas associated with nearby historical areas of infill.

Consequently, the following scope of works is deemed suitable to characterise the ground conditions, groundwater levels and ground gas regime below the development site with the resulting information suitable for submission to the Local Authority for planning purposes and for the appointed design team.

Percussion boreholes with concrete coring to determine the nature of the underlying ground conditions and to facilitate the installation of ground gas and water monitoring wells.

4. Laboratory based contamination testing (generic and organic analytes).
5. Ground Gas installations and monitoring.
6. Interpretive Phase 2: Ground Investigation Report with Ground Gas, Human Health and
7. Controlled Waters Risk Assessment.

It is agreed that there are potential significant pollutant linkages for the site particularly relating to the risk to controlled waters and from ground gases. Therefore despite the relatively insensitivity to contamination for the proposed use of the site as a scrap yard, we recommend that a Phase II investigation be undertaken for the site.

The EA should be asked to advise on concerns it may have for Controlled Waters with respect to redevelopment of the site.

A UXO risk assessment should be undertaken prior to intrusive investigation of the site.

It is emphasized that the risk of Asbestos being present in buildings and made ground (for example as fibres) should be considered. Testing for Asbestos in soils should include UKAS accredited Soil Screening and Identification/Quantification.

Noise - The applicant has provided a noise assessment in support of the application. The assessment has been undertaken by URS and addresses the partial demolition of the building on site and the operation of the proposed development.

Noise levels were carried out at 3 locations which the Applicant considers to be representative of the nearest residential receptors between 13:00 and 17:30 On Friday 19 April.

As the proposal is not yet on the site and direct measurements of actual on-site operational noise could not be made, measurements of similar operations at an alternative but comparative site were undertaken. The recorded levels were then input to a noise model in order to predict noise levels at the facades of the closest receptors. The nearest sensitive receptor locations were the same as those used to monitor baseline noise levels. The noise model incorporates a 3m boundary wall on the perimeter of the site formed from the existing building structure. The exact locations of the plant have not yet been confirmed and these have been assumed for the purpose of the assessment.

The resultant data was subsequently compared to BS 4142. This standard recognises that certain acoustic features can increase the likelihood of complaint. Where present at the assessment location, such features are into account by adding 5dB to the specific noise level to obtain the rating level where the noise contains a distinguishable, discrete, continuous note (whine, hiss, screech, hum etc) or the noise contains distinct impulses (bangs, clicks, clatters or thumps).

At Lewis Crescent and Seabank Cottage operational noise levels are predicted to be below the measured background noise levels. At Corporation Road operational noise levels were calculated to be slightly higher than the existing background (+4dB).

BS4142 states that in terms of the difference between the rating level and the measured background noise level a difference of around +5dB is of marginal significance. A difference of around 10dB or more indicates that complaints are likely.

The noise assessment therefore suggests that the development should be able to operate in the proposed capacity without adversely impacting upon nearby residential premises. It should be noted that although this may be the case, EH historical experience with this type of industry sector suggests that although associated noise may not exceed the criteria specified in the standards such as BS4142, some noise, in particular impact noise may be audible at the nearest nearby residential premises given their proximity (90m) and may affect amenity.

However, as the precise orientation, location and type of plant have not yet been defined, the assessment has to an extent, be based upon assumptions. It is therefore recommended that in the event that planning permission is granted it is subject to the following conditions:-

1. Details of mechanical devices shall not be brought into use until their technical details have been approved by the LPA.
2. A validation noise assessment should be carried out once all plant and equipment is on site in order to demonstrate that the assumptions made in the report are accurate.
3. The noise barrier which is currently in situ shall remain.

The applicant is also required to adhere to any permit conditions imposed by the EA.

Further conditions to be imposed on any permission granted include:-

1. Details of machinery and methods to be used
2. The need to make an application for prior consent in respect of work on constriction sites
3. Measures to reduce and contain dust
4. No burning of materials that give rise to dark smoke

Ecology and Countryside

The development must be carried out in complete accordance with the mitigation requirements set out in the Extended Phase One Survey Report No 1 Draft March 2013 prepared by E3 Ecology Ltd and where possible enhancement

measures for biodiversity incorporated into the design and management of the site.

Third Party Consultee Responses

Vincent and Gorbing acting on behalf of Arndale Properties have raised an objection to the planning application. The main areas of concern are as follows.

1. The proposal is premature and prejudicial to the possible future regeneration of the area.
2. Harmful to the character and appearance of the area.
3. Sterilise future redevelopment plans for the area

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

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

EC_2_Supply of land and premises for economic development purposes

EC_4_Retention and improvement of existing business and industrial land

COMMENTS:

The application is still pending further consideration and it is anticipated that a detailed report will be presented to Members in a report to be circulated at the meeting.

RECOMMENDATION: Deputy Chief Executive to Report

Reference No.: 13/01337/FUL Full Application

Proposal: **Erection of 155 No. residential units with associated access roads, landscaping and infrastructure works, including stopping up of highways.**

Location: Land At Mill Hill Road Doxford Park Sunderland

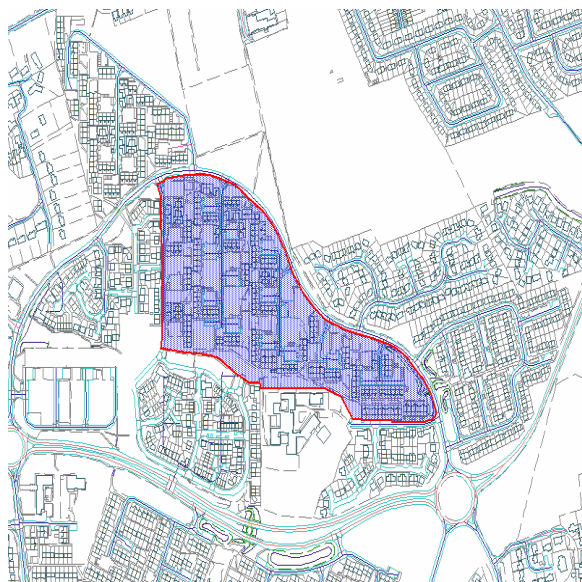
Ward: Doxford

Applicant: Gentoo Homes Limited

Date Valid: 31 May 2013

Target Date: 30 August 2013

Location Plan



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PROPOSAL:

The proposal relates to Phase 5 of the Doxford Park Masterplan, which was adopted as an Interim Supplementary Planning Document in January 2008. The Doxford Park Masterplan provides a framework for the phased renewal of Doxford Park and offers a detailed design guide to ensure a consistent approach across the development. To date, phases 1, 2, 3 and 4, providing general needs homes have been completed.

Phase 1, which is located adjacent to Mill Hill Primary School and comprises 60 units, was completed in December 2006. Phase 2 was completed in January 2009 and comprises 44 units. Phase 3A, comprising 128 units was completed in March 2011, whilst Phase 4(A&B) comprising 67 units is also complete. More recently, Members may recall that at the 21 May 2013 Development Control

South Sub Committee meeting a resubmitted scheme for Phase 3B, Extra Care Scheme, was approved and work is currently underway on this project.

This Phase 5 of the Doxford Park redevelopment comprises 8.27 hectares, although the developable area is approximately 7.4 hectare. The applicant, Gentoo, proposes to erect 155 dwellings, with associated access and landscaping. In view of the earlier housing estate which existed on the site the proposal will require the stopping up of existing highway and has been advertised accordingly.

The scheme will comprise of the following unit types:-

- 16 no. 2 bed houses
- 26 no. 3 bed houses
- 87 no. 4 bed houses
- 6 no. 5 bed houses

The site forms part of the Doxford Park Estate and is situated within its north east corner, bound to north by Mill Hill Road, to the west by Doxford Park Phase 4 (approved by Development Control South Sub Committee on the 5 January 2010) and to the south by earlier phases of residential re-development and the Mill Hill Primary School. The site is a cleared brownfield site, previously accommodating 1960's residential units. The submitted Planning Statement explains that the majority of the properties on the site are now demolished.

The planning application was supplemented by reports covering the following:

- Design and Access Statement
- Affordable Housing Statement
- Flood Risk Assessment
- Ecological Survey
- Land Contamination Assessment
- Statement of Community Involvement
- Transport Statement
- Travel Plan
- Arboricultural Impact Assessment
- Updated Arboricultural Method Statement
- Indicative Landscaping Scheme

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Northumbrian Water
Environmental Health
NE Ambulance Service NHS Trust
Director Of Childrens Services
Fire Prevention Officer
The Highways Agency

Northern Electric

Final Date for Receipt of Representations: **29.07.2013**

REPRESENTATIONS:

Representations

Public consultation

The development proposal was subject to neighbour notifications and site and press notices. Following this consultation process no letters of representation have been received.

Consultee responses received

Northumbrian Water

In making their response Northumbrian Water has assessed the impact of the proposed development on their assets and the capacity of their network to accommodate and treat anticipated flows arising from the development. Northumbrian Water has stated that they have no issue with this proposal provided that it is developed in strict accordance with the submitted document entitled "Flood Risk Assessment". Consequently, should Members be minded to approve, a suitably worded condition could be placed on the decision notice.

Highways Agency

Having considered the submitted Transport Statement and Travel Plan the Highways Agency has offered no objection to the development proposal. The Agency undertook their own initial assessment of the predicted traffic impact on the strategic road network (specifically the A19/ A690 junction) and considers it not to be at a level which requires physical mitigation measures. Nevertheless, in line with Government policy and in order to minimise the development's traffic impact, the Agency would support the implementation and monitoring of a Travel Plan. Consequently, should Members be minded to approve, a suitably worded condition could be placed on the decision notice.

POLICIES:

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

SA_11_Improvements to Council housing

H_16_Negotiation for affordable housing in major developments

B_2_Scale, massing layout and setting of new developments

CN_17_Tree Preservation Orders and replacement of trees

CN_22_Developments affecting protected wildlife species and habitats

H_21_Open space requirements in new residential developments (over 40 bed spaces)

R_1_Working towards environmentally sustainable development

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

COMMENTS:

The main issues to consider in the assessment of this application are:

1. Principle of development
 2. Design considerations
 3. Residential amenity considerations
 4. Arboricultural and Ecological considerations
 5. Section 106: Play Space
 6. Sustainability considerations
-
1. Principle of development

The Planning Statement within the D&AS highlights the fact that the Doxford Park housing estate is identified in the adopted Unitary Development Plan (UDP) as an area subject to 'Housing Improvements' by virtue of policy SA11. Consequently it is considered that the proposed development, which is part of a Masterplaning exercise for the wider Doxford Park area, accords with the provisions of this policy. Furthermore, the City Council has worked with Gentoo in bringing forward the masterplan in order to set out a planning framework and future vision for redevelopment. The masterplan has been the subject of a public consultation exercise and was endorsed by Cabinet in January 2008.

Affordable housing

UDP policy H16 states that the City Council will negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or more. The Strategic Housing Market Assessment and recent Economic Viability of Affordable Housing Requirement Study, identify a need for 10% affordable dwellings on site at a 75% social rented/ 25% intermediate split. In view of the implications of the earlier phases of development, a substantial portion of which are for rent, discussions are ongoing with the applicant in respect to affordable housing. However, it is envisaged that these discussions will be finalised in time for the issue to be reported to Members by way of a Supplement Report.

Notwithstanding the affordable housing aspect the proposal is still considered to be acceptable in principle, in accordance with policy SA11.

2. Design considerations

In assessing the design merits of the scheme UDP policy B2 requires the scale, massing and layout of new developments to respect and enhance the best qualities of the area.

As explained in the submitted Design and Access Statement (D&AS) the proposed layout has in part resulted from the fact that the site itself is constrained by underground utilities, such as gas, electric and sewers. As such the majority of these services have been located within the proposed highway network. Nevertheless, the D&AS explains that the scheme has also been designed in such a way so as to positively arrange the development around integral and generous landscaped areas throughout the site.

This landscape approach has focused towards pedestrian routes, thereby enhancing visual and general amenity for proposed residents and visitors to the area. Furthermore, the retention of the existing mature trees along the northern edge and southern boundary has also been integral. Moreover, in view of the fact that the density of the development is 21 dwellings per hectare and as over half of the proposed properties will be at least four bed or more, the relative spaciousness of the plots has also contributed to the landscaped nature of the development, thereby according with the 'village green' ethos of the Doxford Park Masterplan.

It is therefore considered that the general form of the proposed layout appears to be a logical response, which provides for a good degree of natural surveillance on publicly accessible spaces within the development.

The D&AS also states that the proposed materials, which consist of brickwork, stone dressings, timber, render and plain tiles, echo previous phases and as such will ensure a degree of continuity with the wider Doxford Park Masterplan area.

In conclusion, given that the development represents a key part of the regeneration of the wider area and replacement of outdated housing stock, the articulated design approach which focuses on a 'village green' ethos is considered to be on balance acceptable and in accordance with policies B2 and SA11 of the UDP.

3. Residential amenity considerations

Policy B2 also requires proposals to provide for an acceptable amount of privacy amenity, whilst also protecting visual and residential amenity.

The application site is relatively flat and at those points where the proposed development is nearest existing residential development ground levels are similar. The nearest residential properties are located to the west of the site and form part of an earlier phase of the Doxford Park redevelopment. In terms of spacing implications both the 21m (main facing windows) and 14m (main facing to side or secondary windows), as directed by the Residential Design Guide (RDG) Supplementary Planning Document, are achieved and as such residential amenity considerations at this location are acceptable and in accordance with spacing standards. In respect to those existing properties to the north and south of the site the physical separation distances that will exist again ensures the development will exceed the minimum spacing standards.

Furthermore, and as discussed in the design section, in view of the proposed development only having a density of 21 dwellings per hectare, the relative spaciousness of the development and staggered relationships of the plots also ensure that spacing standards and therefore residential amenity considerations are being adequately catered for within the development.

In conclusion, the development is considered to be acceptable in respect to residential amenity and in accordance with the RDG and policy B2.

4. Ecological and Arboricultural considerations

UDP policy CN17 requires the retention of trees in all new developments where possible, whilst policy CN22 highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

Ecology

The submitted Extended Phase 1 Survey has concluded that the site is predominantly of low ecological value, being dominated by amenity grassland, bare ground and hard standing, with a small number of vacant buildings remaining. There are a number of semi-mature to mature trees within the site, which are considered to be of local ecological value.

The risk of harm to roosting bats through building demolition is concluded to be very low and the Extended Phase 1 Survey considers that this risk can be addressed by undertaking demolition works to a precautionary method statement. The Extended Phase 1 Survey also confirms that only trees with a negligible risk of supporting roosting bats are proposed to be felled.

It is noted that the semi-mature to mature trees within the site will provide nesting opportunities for moderate numbers of locally common urban bird species. However the site is unlikely to be used by ground nesting species due to the lack of cover and being subject to regular disturbance.

The Extended Phase 1 Survey also states that no other protected species are considered likely to be present due to the lack of suitable habitats, water bodies and watercourses.

In light of the findings, summarised above, the Extended Phase 1 Survey has recommended key mitigation measures, these are:

- Demolition of buildings on site should be undertaken to a precautionary working method statement to address the very low risk of bats being present within the properties on site
- Tree felling will not be undertaken during the bird breeding season (March to September inclusive) unless a suitably qualified ecologist has carried out a checking survey and demonstrated active nests to be absent
- Retained trees should be retained and protected in accordance with the measures stipulated by British Standard 5837 2012: Trees in relation to design, demolition and construction - Recommendations.
- Bat slates should be incorporated into at least 10% of the new build properties on site
- External lighting will be low level and low lux and focused away from retained trees

Furthermore, it is also noted that the Extended Phase 1 Survey also recommends that in order to further enhance biodiversity any proposed landscaping scheme should utilise native species or those with a known attraction or benefit to local wildlife, along with the adoption of horticultural good practice and installation of bird boxes at appropriate locations. The above mitigation measures should be included, and where appropriate agreed, via the imposition of a condition should Members be minded to approve the application.

Arboriculture

An Arboricultural Impact Assessment (AIA) has been submitted in support of the planning application. The AIA explains that as there are no Tree Preservation Orders and given that no part of the site is within a Conservation Area none of the trees are legally protected.

The AIA explains that in order to facilitate the proposed development a total of 61 individual trees will need to be removed, along with 5 groupings of trees. Furthermore, it is also considered appropriate to remove a further 5 trees and 1 group for arboricultural management purposes. In view of the proposed tree removals a new planting scheme is proposed to take place throughout the site.

Regarding the 45 trees that will be retained, a number of which are mature specimens that occupy prominent locations, it is recommended that tree protection measures are incorporated during the course of constructing the development, should Members be minded to approve the application. The applicant has submitted an Arboricultural Method Statement which details the protective measures that are proposed. It is therefore recommended that should Members be minded to approve the application the Arboricultural Method Statement should be conditioned accordingly.

In conclusion by using the protective elements dictated by British Standard 5837 - Trees in relation to construction (2005), the AIA considers that no significant damage should take place during the construction phase and the tree cover should flourish in the longer term. Therefore subject to relevant conditions relating to construction methodology, protective barriers and an agreement of a replanting scheme, the proposal is acceptable in terms of trees and ecology and in accordance with policies CN17 and CN22 of the UDP.

5. Section 106: Play Space

As the application proposes in excess of 10 residential units of 2 bedrooms or more UDP policy H21 requires that provision is made for children's formal play. Due to the restricted size of the site it is considered appropriate to allow a financial contribution to be made for provision in St Matthews Playing Fields and/or Silksworth Sports Complex play areas in lieu of on-site provision via an agreement under Section 106 of the Town & Country Planning Act (1990). In order to achieve the statutory 13 week deadline for determining this application the agreement needs to be signed by the 30 August 2013. The financial contribution would amount to £108,655 (calculated at £701 per dwelling for 155 dwellings). The completion of this agreement will ensure that the scheme complies with UDP policy H21.

6. Sustainability considerations

UDP policy R1 requires the Council to work towards sustainable development and in this regard it is noted that in the submitted Planning Statement the applicant will be constructing the dwellings in order to achieve a level of sustainability equivalent to at least the Code for Sustainable Homes Level 3. Furthermore, the Building Regulations 2010 Approved Document L1A (Conservation of Fuel and Power) sets minimum energy and fabric efficiency standards for new build dwellings. Compliance with L1A is a legal requirement.

The approved document is equivalent to a 25% reduction in energy consumption over the 2006 Building Regulations and the Code for Sustainable Homes Level 3.

The Planning Statement also highlights that the proposed dwellings will benefit from compost bins, re-cycling bin, cycle stores, water butts and rotary dryers to encourage residents to minimise their ongoing CO2 footprint.

In conclusion, given the implications of Building Regulations 2010 Approved Document L1A it is considered that the proposed development is acceptable and in accordance with policy R1.

7. Highway and Affordable Housing considerations

UDP policy T14 requires new development to be readily accessible by pedestrian and cyclists, whilst proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress.

The layout of the development proposal in respect to highway engineering is still being given further consideration. The applicant is amending the scheme in order to ensure that the proposed road widths can accommodate two-way traffic where appropriate, while an additional access point is to be provided along the western boundary. Revised plans are still awaited, which in turn will be assessed by colleagues in Network Management (Street Scene). It is anticipated that the amended plans will be duly considered in time for the Supplement report.

CONCLUSION

The proposed development is considered to be acceptable in terms of design, layout, ecology, arboriculture and sustainability considerations. The outstanding issues in respect to affordable housing and highway engineering should be resolved in time for the Supplement report.

RECOMMENDATION: Deputy Chief Executive to Report

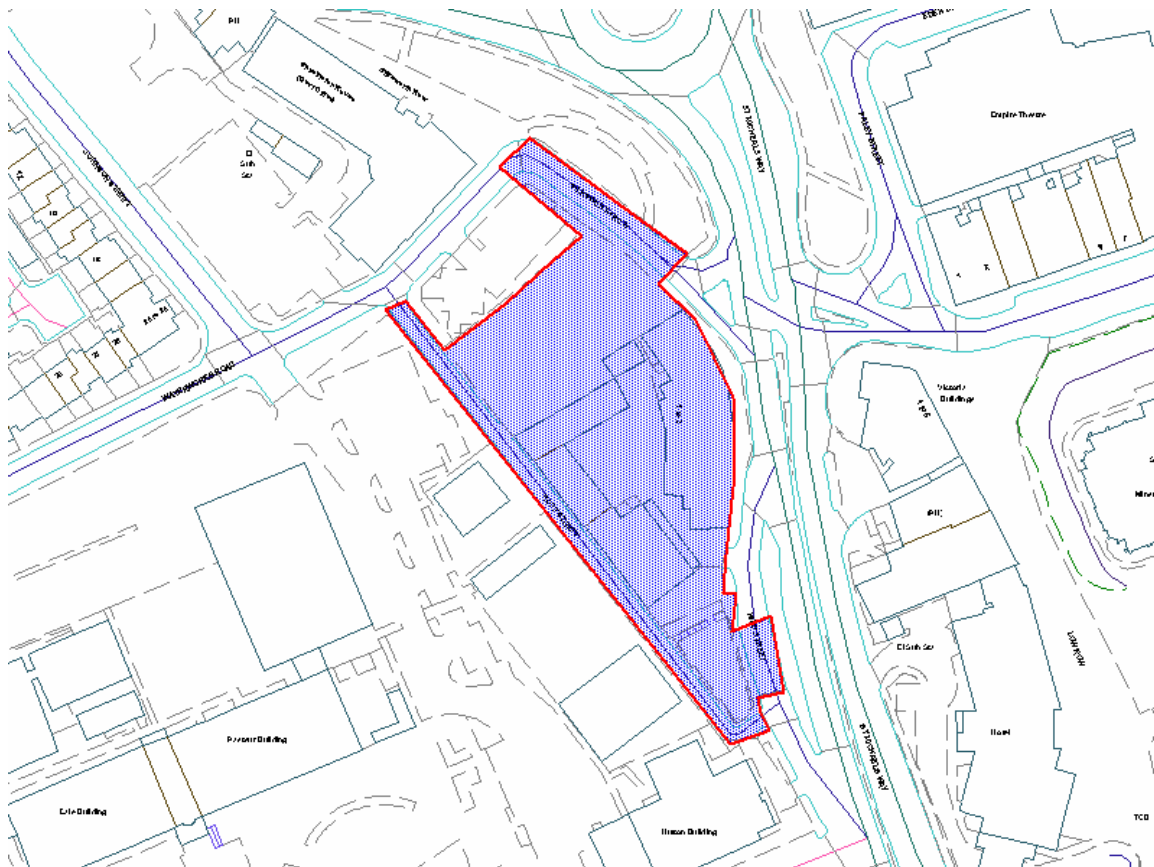
Reference No.: 13/01873/VAR Variation of Condition

Proposal: Variation of Condition 2 (plans) for previously approved application 12/02236/FUL (Erection of a 6 storey, 125 bedroom hotel with ancillary restaurant / bar, meeting rooms and back of house facilities; External refurbishment of, and alterations to the Grade II Listed for Gas Board offices; Demolition of building and structures within the site and creation of a landscaped pedestrian link and associated public realm; Stopping up of Hope Street to provide accessible parking) to facilitate siting, design and landscaping alterations.

Location: 1 - 3 Hind Street Sunderland SR1 3QD

Ward: Millfield
Applicant: GB Development Solutions Ltd
Date Valid: 2 July 2013
Target Date: 1 October 2013

Location Plan



PROPOSAL:

Members may recall that on 2 November 2012 permission was granted for the erection of a 6-storey, 125 bedroom hotel with ancillary restaurant / bar, meeting rooms and back of house facilities; External refurbishment of, and alterations to, the Grade II Listed former Gas Board offices; Demolition of building and structures within the site and creation of a landscaped pedestrian link and associated public realm; Stopping up of Hope Street to provide accessible parking at 1 -3 Hind Street, Sunderland.

Following the grant of the above permission, investigative works have been undertaken on site to evaluate and assess information required for pre-commencement conditions relating to land contamination and archaeological recording. As a result of the associated findings from these exploratory works on site, the exact siting of the hotel building and modifications to the design have been identified, hence the need for this second application to vary the plans condition (No.2) of the existing permission.

The changes now seeking approval are broadly detailed as follows:-

1. Hotel building moved forward to reduce the amount of dig adjacent to Hope Street, thereby simplifying the retaining condition.
2. Hotel ground floor level lifted by grading the landscaping at c. 1:40 from edge of pavement- this also has the effect of reducing the amount of dig. To facilitate this, the entrance has been relocated further back within the site, on the east elevation.
3. The reconfiguration of the hotel plan has removed the requirements for a single storey protrusion, other than the entrance lobby.
4. South western escape staircase pulled into the main building envelope and internal planning of the hotel reconfigured to maintain 125 bedrooms.
5. Parking along Hope Street reconfigured to restrict it to directly behind the hotel, providing fully compliant accessible bays.
6. New controlled entrance from Hope Street into the hotel for all users arriving from this direction, but in particular those utilising the accessible parking spaces. This has resulted in a small protrusion at first floor level to accommodate the new lobby and lift.
7. Stepped route from the University Campus/Hope Street reconfigured to run alongside the hotel.
8. Landscaping levels to the rear of the listed building have been amended to retain more of the retaining walls along Hope Street.

The application site comprises approximately 0.4 hectares of previously developed land on the western edge of Sunderland City Centre. The site has undergone some demolition works to a number of unlisted ancillary buildings,

granted consent under the previous planning approval in order to facilitate the development proposal. The Grade II listed building fronting Saint Michaels Way remains along with the Old Retort House to the rear of the site. The northern area of the site is currently occupied by a steep, landscaped area of land which slopes from west down approximately 6 metres to the east and is bound to the north by a car park taken access on to Waterworks Road. There is also a small triangle of landscaping to the south of the site where the roads of Hind Street and Hope Street intersect.

The proposed hotel building would be six storeys high, approximately 19 metres in overall height when viewed from the east of the site, from the west, on Hope Street and the University, the building would appear to be five storeys high due to changes in topography, with a parapet height of around 15 metres. Covering a reduced gross floor area of 4600 square metres with associated parking and servicing areas, approximately 800 square metres of the area is designated as public spaces (restaurant, bar, reception) and associated support/back of house facilities; the remainder is 125 bedrooms over 5 upper floors. The footprint of the hotel takes the form an "L" shape with an entrance sited within the south and east facing elevations, the latter fronting a proposed area of public realm.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
County Archaeologist
Northumbrian Water
Environment Agency
Force Planning And Police Architectural Liaison Officer
Millfield - Ward Councillor Consultation

Final Date for Receipt of Representations: **06.08.2013**

REPRESENTATIONS:

Northumbrian Water

No objection.

Network Management

The reconfiguration of the hotel design and landscaping appear to be acceptable.

Conditions for previous approval still apply.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
B_8_Demolition of listed buildings
B_10_Development affecting the setting of listed buildings
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
CN_18_Promotion of nature conservation (general)

COMMENTS:

The main issues to be considered in determining this variation of condition 2 (plans) application are:-

- 1) Principle of the Development
- 2) Design and Layout.
- 3) Highway Issues.
- 4) Noise Issues.
- 5) Ecology and Wildlife Implications.
- 6) Ground Conditions/Contamination.

- 1) Principle of the Development.

When considering any application for planning permission it is particularly important to establish the acceptability of the principle of development. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the adopted development plan be regarded as the primary consideration in determining a proposal for development unless material considerations dictate otherwise.

The National Planning Policy Framework (NPPF) was published March 2012 and sets out the Government's objectives for facilitating economic growth and securing sustainable development. The NPPF is a material consideration in the determination of planning applications and advises that development that accords with an up-to-date Local Plan should be approved, alternatively development that conflicts should be refused unless other material considerations indicate otherwise.

Section 2: Ensuring the vitality of town centres of the NPPF recognises town centres as the heart of their communities and aims to support their viability and vitality; the framework further states that hotels are main town centre uses.

Given that the application site lies within Sunderland City Centre, it is within the area to which the Unitary Development Plan (UDP) Alteration No.2 (Central Sunderland) is applicable. Therein, policy EC10A states that the City Council will support the regeneration of Central Sunderland and will seek to maximise investment in, amongst other sectors, employment and tourism.

Site specific policy SA55B.3 sets out that an area of approximately 8.2 hectares within the Chester Road Campus as a strategic location for change. The Chester

Road campus, which is the largest within the University estate, occupies a large prominent gateway location to the west of the city, and is in close proximity to public transport links. The policy identifies a wide range of land uses and whilst specific reference is not made to hotels, such a use would not be inappropriate in this City Centre location (the NPPF states that hotels are a main town centre use). The application site falls within the City Centre defined by Alteration policy S2A.

The policy states that other land uses will be considered on their merits with regard to other policies of the UDP. In this case, saved policy EC9 of the UDP will be relevant as it concerns hotel development in the City; with the policy placing particular emphasis on been located within city centre sites, well related to the primary road network and located in association with major recreation and leisure developments.

In terms of operating practices of new uses, guidance is provided within the Sunderland City Centre Evening Economy Supplementary Planning Document. This document acts as an expansion of policy SA74A of UDP Alteration No.2 and seeks to develop a strategy to improve and manage the evening and night time economy within Sunderland's City Centre by regulating the number of licensed premises and hot food takeaways, to ensure harm is not caused to the physical and functional character of areas or to nearby residents. The document splits the City Centre into four quarters wherein different operating practices are considered appropriate. The application site falls outside of these quarters and for the purposes of this document is identified as falling in the category of "Other City Centre Locations." The document identifies that proposals which come forward for licensed premises which lie within the City Centre boundary outside of the allocated quarters will be restricted to uses falling within classes A3 (Restaurants and Cafes) and A4 (Pubs and Bars) which will be considered on their individual merits and against the aims of the document and the relevant policies of UDP alteration No.2. Certain closing times are recommended for premises falling outside of any the defined quarters and there are, 23:30 (Monday-Thursdays), Midnight (Fridays, Saturdays and Sundays preceding a Bank Holiday Monday) and 22:30 (All Other Sundays). It is noted however that the very nature of the premises as a Hotel requires a 24 hour operating model and as such the in house facilities require the flexibility to provide food and drink outside the prescribed hours above, with the safeguard of ensuring their own patrons are not disturbed.

In light of the above, the proposed primary use of the site for the erection of a six storey hotel is considered to be appropriate given the provisions of the NPPF and its emphasis upon ensuring the vitality of town centres, the saved adopted UDP and Alteration No.2, all of which allocate hotels as a main town centre use and more specifically as a use located with Sunderland City Centre, adjacent to St. Michael's Way and the inner ring road and a site within easy walking distance of major recreation and leisure developments located within the City Centre.

2) Design and Layout.

The NPPF attaches great importance to the design of the built environment, with emphasis placed upon ensuring that developments will function well and add to the overall quality of the area, establish a strong sense of place, optimise the potential of the site to accommodate development, whilst responding to local

character and history and creating safe and accessible environments and ultimately providing visually attractive developments.

Policy B2A of the UDP Alteration No.2 relates to sustainable urban design and states that the City Council will seek to secure the highest possible quality of built environment and the creation of desirable places to live, work, shop and visit.

Policy B8 seeks to ensure listed buildings are retained unless the benefits for the community would decisively outweigh the loss resulting from demolition, whilst policy B10 aims to ensure that development proposals in the vicinity of listed buildings do not adversely affect their character or setting.

As set out above, the building takes the form of a broadly L-shaped footprint, with the bulk of the new build hotel situated on the grassed area to the north of the listed building. The hotel would be accessed from Silksworth Row from a new public space area. The hotel proposes all of its publicly accessible and back of house facilities located on the ground floor, achieved by digging into the existing slope. This new public open space provides an open outlook from the hotel lobby and restaurant/bar area with a drop-off zone for deliveries and arriving hotel guests created and the pavement widened to maintain smooth traffic flow to the front.

The bedrooms and central access corridor sit above in an L shaped plan, all with views outwardly across the city. Accessible rooms are distributed across the 5 floors with full lift and stair access provided at the north east corner.

The scale of the hotel has been designed with the Grade II listed building in mind, whilst creating a contemporary building reflective of the University buildings that provide the immediate backdrop. The materials proposed have been chosen to complement the listed building and include a coloured acrylic render to frame the accommodation floors, which will sit on a more visually heavy masonry plinth at ground floor. This plinth is proposed to be of split-faced masonry block, the guest rooms are articulated through a semi-irregular rhythm of glazing; floor to ceiling louvre panels; and secret fixed cladding panels. The colouring proposed corresponds with that of the earthy colours of the listed building. The limited rooftop plant is proposed to be hidden from view by a PPC light grey louvre screen sited behind a parapet wall detail.

Given the site's positioning in the City Centre, adjacent a listed building and on the outskirts of Bishopwearmouth Conservation Area, the quality and visual appearance of materials to be used in the construction are considered to be important considerations. As such, in line with policy B2A, it is recommended that should members be minded to approve the application that a condition be imposed requiring the submission and approval of a full schedule and samples of materials for consideration by the Local Planning Authority, prior to the commencement of development.

With due regard to the policy considerations set out above, it is considered that the amended Design and Access Statement has had due regard to the impact of the new hotel development on the setting of the listed building. In this regard it is accepted that the siting, overall form, height, massing, alignment, proportions, contemporary design approach, detailing and proposed palette of materials all respond sensitively to the character and architectural qualities of the listed building.

The relatively subtle and uncomplicated design, allows the building to sit reasonably well alongside the listed building, with the two buildings being clearly read separately, contrasting and complimenting each other, whilst the arrival terrace in particular provides a suitable visual break between the listed building and the hotel, reducing the impact of the new build on the setting of the listed building and actually revealing more of the listed building by exposing its attractive shaped gable.

The proposed height of the hotel at 6 storeys will exceed the height of the listed building by 2 -3 metres and will consequently impact on its setting to some degree despite the separation between the buildings. It is considered however that the neutral modernist style and simple clean lines of the hotel will not over-dominate the listed building, with the strong ornamental features of the listed building allowing it to remain a dominant feature in the street scene.

In summary, the design and layout of the scheme has been subject to lengthy and detailed discussions with the applicant and their architects, during which the general principles and much of the detail of the proposed development were established and agreed in principle.

Subject to the submission of appropriate materials, the proposed design of the building is considered to be acceptable with due regard been given to the NPPF, UDP Alteration No.2 policy B2A and policies B8 and B10 of the UDP.

3) Highway Issues.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles, pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking will be provided.

Following consultations with the Executive Director of City Services (Network Management) it is noted that the works will require the Stopping Up of Hope Street and the provision of on street parking restrictions to provide "loading and pick up / drop off" facilities will require the provision of a Traffic Regulation Order. Both of these matters are being dealt with outside the determination of this current application.

In terms of the submitted Travel Plan Framework, this is considered to be acceptable in the interim, however were members minded to approve the proposal, a condition requiring the submission of a full Travel Plan, and the appointment of a Travel Plan coordinator would be requested. A further condition would also be required in connection to the works to be carried out within the highway, requiring details of the works to be agreed in writing and completed prior to occupation.

With specific reference to the amendments proposed the Executive Director of City Services (Network Management) has confirmed that the reconfiguration of the hotel design and landscaping area are acceptable.

4) Noise Issues

UDP policy EN6 seeks to ensure that where noise sensitive development is proposed which is likely to be exposed to unacceptable levels of noise from adjacent potentially noisy uses, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of this regard, the application is accompanied by an assessment in respect of noise.

The extant planning approval (ref: 12/02236/FUL) provided a supporting noise assessment, undertaken by an acoustic consultant and identified the pre-existing environmental noise levels during the day and night at eight separate locations in and around the application site between the hours of 12:35 to 23:59 Thursday 24th May 2012 until 10:50 Friday 25th May 2012 in order to assess the existing noise climate around the proposed development site.

The operator of the proposed hotel has its own noise assessment criteria which appears based on the noise levels recommended in British Standard 8233:1999, Sound insulation and noise reduction for buildings - Code of Practice. This code provides appropriate broadband criteria for acceptable intrusive noise levels in dwellings, specifically bedroom and living areas, due to "anonymous" noise, such as road traffic. These noise levels are also applied to hotel guestrooms.

These criteria range between 30 to 40dB LAeq for guestrooms during the day (07:00 to 23:00 hours), and 30 to 35 dB LAeq for guestrooms during the night (23:00 to 07:00 hours). The upper limit is deemed to provide "reasonable" conditions. In addition, the Standard also suggests a single 45dB LAmax criterion for discrete intrusive noise events in guestrooms during the night.

This criteria is considered to provide reasonable resting conditions and it is therefore recommended that should Members be minded to approve the application, a condition should be attached to ensure that the building is designed and constructed to achieve compliance with these levels.

5) Ecology and Wildlife Implications

The UDP provides specific policies with regard to biodiversity and nature conservation. Policy CN18 states that the promotion of interests of nature conservation will be sought throughout the City through making provision in development proposals for preservation of habitats or creation of compensatory habitats and where necessary, refusing inappropriate development.

In this regard, the extant planning approval was accompanied by an Ecology Report in respect of the existing buildings on site to determine the presence of any protected species which may be affected by the proposed demolition and subsequent redevelopment of the site. An initial site inspection was undertaken of the building on the site dated 01.06.2012, whilst two activity surveys were undertaken dated 03.07.2012 and 09.07.2012.

The survey of the buildings revealed the presence of a single active herring gull nest on the roof of the warehouse, whilst the activity surveys recorded a single common pipistrelle bat emerging from the warehouse on the 03.07.2012 and two common pipistrelle bats emerging from the warehouse building during the 09.07.2012 survey.

A non breeding common pipistrelle day roost supporting individual bats has been proven within the warehouse. The site is considered unsuitable for a maternity roost given the lack of optimal foraging habitat in the immediate vicinity and the low levels of bat activity recorded during the peak maternity period. It is considered however that the warehouse building may be suitable for hibernating bats, with numerous crack and crevices apparent leading the cavity and rubble fill.

The extant permission, recommended a series of mitigation measures, including the erection of bat boxes, specific timing of works for both the demolition of the warehouse or any hedgerow, method statement for various aspects of the proposed works and prohibitive external lighting. Having considered the contents of the previous report alongside the current development proposals, and further to comments received from the City Council's Heritage Protection Team, it is recommended that should Members be minded to approve the application, that a condition be added requiring the development to proceed in accordance with the mitigation section of the ecology report.

Subject to the above, the proposal as amended is considered to accord with UDP policy CN18 and will not adversely impact upon ecology or wildlife of interest.

6) Ground condition/contamination.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

In this regard, the extant approval was subject to a number of conditions pertaining to potential land contaminants. The existing condition of the site has formed the basis for the remodelling of the current proposal and the previously attached conditions will still be required to ensure the safe development and long term control of the site.

At present works are still being undertaken on site in order to prepare the aforementioned documentation. The imposition of a full suite of land contamination conditions shall be attached to the current proposal in order to ensure the safe development of the site, should members be minded to approve the application.

Conclusion

It is considered that the variation of condition 2 (Plans) is acceptable, in principle, the site is adequately sited within a sustainable city centre location for a hotel development. The demolition works to the existing Grade II listed Gas Board Offices and associated out buildings will ensure the refurbishment of the existing vacant building whilst recording the removal of other structures within the site. The ecology report has indicated the low risk of protected species being present within the site buildings, however suitable mitigation measures can be imposed to

ensure no protected species will be harmed as a result of the proposed development. Highway improvement works to facilitate the hotel development are required and discussions are underway between the Highways Authority and the agent to ensure a suitable scheme is submitted and implemented therefore not compromising highway safety. In terms of land contamination the resiting and design of the hotel seeks to minimise the amount of dig required within the northern part of the site and therefore ensure an environmentally sensitive development.

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:

Drawing No. AL(P)100 Rev. B Level 1 Plan received 02.07.2013.
Drawing No. AL(P)200 Rev.A Level 2 Plan, received 02.07.2013.
Drawing No. AL(P)300 Rev.A Level 3 Plan, received 02.07.2013.
Drawing No. AL(P)400 Rev.A Level 4 Plan, received 02.07.2013.
Drawing No. AL(P)500 Rev.A Level 5 Plan, received 02.07.2013.
Drawing No. AL(P)600 Rev.A Level 6 Plan, received 02.07.2013.
Drawing No. AL(P)700 Rev.A Level 7 Roof Plan, received 02.07.2013.
Drawing No. AL(P)50-53 Rev.A Proposed Elevations, received 02.07.2013.
Drawing No. AL(P)54-59 Proposed Elevational Detail, received 30.07.2012.
Drawing No. AL(P)70-71 Rev.A Sections - Existing and Proposed, received 02.07.2013.
Drawing No. AL(P)1000 Site Plan as Existing, received 30.07.2012.
Drawing No. AL(P)1001 Rev.A Proposed Site Plan, received 02.07.2013.
Drawing No. AL(P)1002 Rev.B Site Layout as Proposed, received 02.07.2013.
Drawing No. AL(P)1010 Rev.B Outline Landscaping Proposals, received 02.09.2013.
Drawing No. AL(P)1250 Site Location Plan, received 30.07.2012.
Drawing No. AL(P)100 Site Plan Proposed Demolitions, received 30.07.2012.

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 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 surfacing materials identified within the public thoroughfare and realm 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.
- 5 Before the development hereby approved is commenced the details of any exterior lighting to be installed to the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority. 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 B2A of the Unitary Development Plan Alteration No.2.
- 6 Prior to the commencement of development, full details of the proposed means of enclosure of the site during the construction including any site hoardings shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall not proceed other than in accordance with approved details in the interest of visual amenity and to accord with the requirements of policy B2A of the Unitary Development Plan alteration No.2.
- 7 No development shall take place until a scheme of working during the construction period has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include proposed days and hours of working during construction, proposed siting and organisation of the construction compound and site cabins, proposed routes to and from the site for construction traffic, and proposed measures to ameliorate noise, dust, vibration and other effects during construction. Thereafter, development shall not proceed other than in accordance with approved details, in the interest of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2A of the Unitary Development Plan No.2.
- 8 Before the development commences, details of the method of containing the construction dirt and debris within the site and ensuring that no dirt and debris spreads on to the surrounding road network shall be submitted to and approved by the Local Planning Authority. All works and practices shall be implemented in accordance with the agreed details before the development commences and shall be maintained throughout the construction period in the interests of the amenities of the area and highway safety and to comply with policy T14 of the approved Unitary Development Plan.

- 9 No construction works required for the development hereby approved shall be carried out other than between the hours of 08.00 and 18.00 Monday to Friday and 08.30 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless any variation is first agreed in writing with the Local Planning Authority, in the interests of residential amenity and to comply with policy B2A of the Unitary Development Plan Alteration No.2.
- 10 No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risk associated with contamination of the site shall be submitted to and approved, in writing by the Local Planning Authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from the contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are undertaken.
 - 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved, in the interest of the safe development of the site and to comply with policy EN14 of the adopted Unitary Development Plan.

- 11 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved, in the interest of the safe development of the site and to comply with policy EN14 of the adopted Unitary Development Plan.

- 12 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as improved, in the interests of the safe development of the site and to comply with policy EN14 of the adopted Unitary Development Plan.
- 13 No development shall take place until a second phase of archaeological building recording has been completed during the demolition of the retort house, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development work taking place, in order to provide an archive record of the historic building or structure and to accord with saved adopted Unitary Development Plan Policies B11, B13, B14 and paragraph 141 of the National Planning Policy Framework.
- 14 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest and the investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved adopted Unitary Development Plan Policies B11, B13 and B14.
- 15 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 14 has been submitted to and approved in writing by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest and the investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with saved adopted Unitary Development Plan Policies B11, B13 and B14.
- 16 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. The site is located within an area identified the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the National Planning Policy Framework.
- 17 Prior to the commencement of use of the building for the approved purposes, full details of measures proposed to be taken to preclude noise transfer from the ground floor commercial units and loading bay area to the hotel rooms and nearby residential premises shall be submitted to and

approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the building being brought into use and shall remain in place at all times thereafter unless first otherwise agreed in writing with the Local Planning Authority in the interests of the amenities of nearby residents and hotel guests and to accord with policy EN5 of the Unitary Development Plan.

- 18 The internal noise levels within bedrooms of the hotel hereby approved shall not exceed LAeq, 16hour(07:00-23:00) 40dB and LAeq, 8 hour(23:00-07:00) 35dB when windows are closed and the LAmax(23:00-07:00) shall not exceed 45dB in the interests of providing reasonable resting conditions for guests at the hotel hereby approved and to accord with policy EN6 of the saved adopted Unitary Development Plan
- 19 The development shall be carried out in complete accordance with the Design and Access Statement July 2012 Appendix H Ecology Report by E3 Ecology submitted with the planning application. Prior to the commencement of development, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.
- 20 A full Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority, in order to reduce the numbers of staff arriving by car and increase the number of staff using public transport, walking and cycling as a means of travelling to/ from work and be so implemented, along with the appointment of a Travel Plan Coordinator in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.
- 21 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of works required to the existing highway to provide the widened drop off and loading areas. All works shall be completed in accordance with the approved details prior to occupation of the development, in the interests of highway safety and to comply with policy T14 of the UDP.
- 22 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 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 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 (referred to in 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. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other 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.