

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

Reference No.: 16/00291/VAR Variation of Condition

Proposal: Variation of condition no.3 (plans) of application number 12/00304/VAR for Erection of 30,000sq m manufacturing facility including ancillary offices, car parking / servicing, associated highway improvements and access arrangements

Location: Radial Park Road Washington

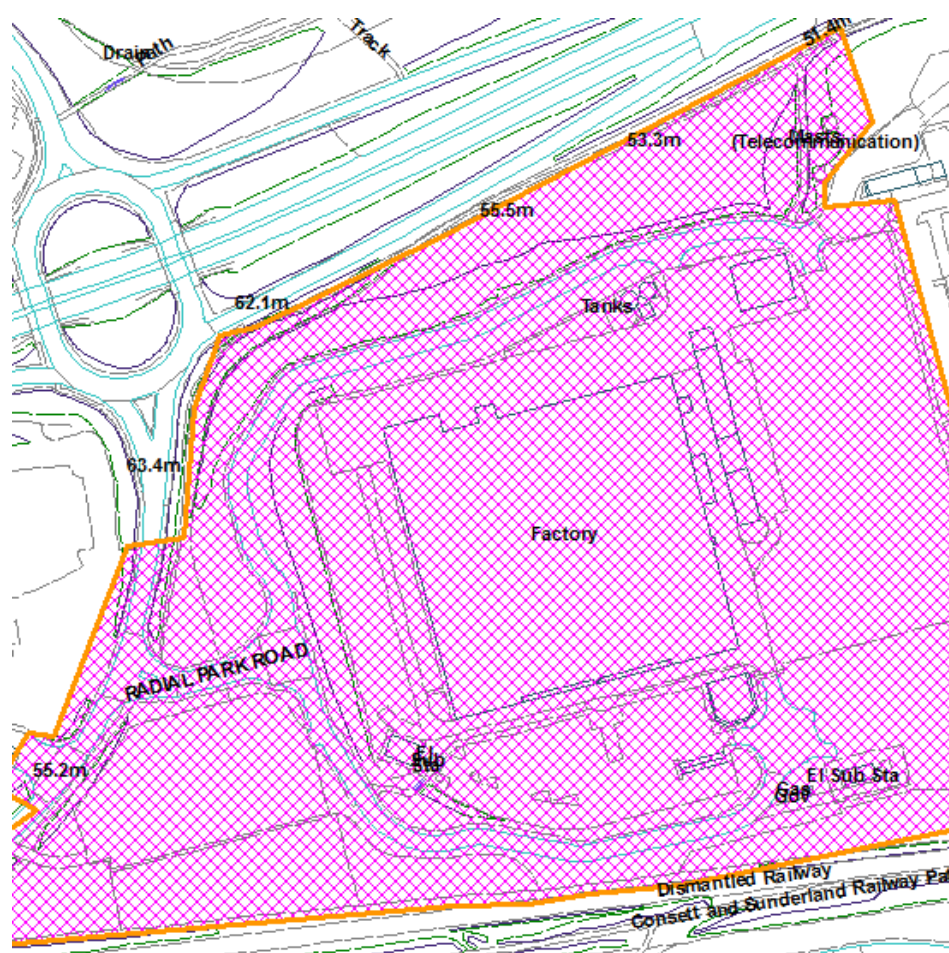
Ward: Washington South

Applicant: Rolls-Royce Plc

Date Valid: 16 March 2016

Target Date: 15 June 2016

Location Plan



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PROPOSAL:

The application relates to Rolls Royce located in Washington, Tyne and Wear. An original consent 10/03972/FUL was approved in 2011 for the erection of a 30,000sqm manufacturing facility including ancillary offices, car parking/servicing and associated highway improvements and access arrangements.

This Section 73 application is to vary the previous consent (ref 12/00304/VAR also a variation) which proposed Rolls Royce factory units on the site of the former Dunlop Tyre factory involving a reconfiguration of the size of two units still within the 30,000 M². With reference to planning application 12/00304/VAR, one building was constructed and building 02 was not and alterations to the original plans were required therefore this Section 73 application is sought to vary the details of building 2 which intend to alter the plans but continue with the existing description. Building 2 sits between the existing rolls Royce building and BAE Systems and is the smaller building of those approved originally.

The principal changes for building 2 from the previously approved application 12/00304/VAR are as follows:

- The height of the building lowered
- Detailed building elevations altered but same style as previously approved.
- Reduced footprint of the building
- Offices sited closer to original building to form better connectivity.
- New layout to parking area south of the building
- Retention basin included to manage surface water run off and mitigate impact downstream.

The location of the building is similar to that approved under planning application reference 12/00304/VAR, with the main entrance to the south west corner of the building. The northern elevation would be the rear which would contain the plant machinery which will be screened from outside the site by a border of trees.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Environmental Health
Flood And Coastal Group Engineer
The Coal Authority
Washington South - Ward Councillor Consultation
Tyne And Wear Archaeology Officer
Northumbrian Water
Northern Electric
Business Investment
The Highways Agency

Final Date for Receipt of Representations: **20.04.2016**

REPRESENTATIONS:

Network Management -No comments to make.

Nexus Response - No comments to date

County Archaeologist

The archaeological watching brief is finished on this sites so no further comments.

Northumbrian Water

No comments to make

Environmental Health

Please note that there have been a number of British Standard updates since the original consents was granted, most notably BS 4142 which is referenced in conditions 46 and 49.

During discussions between this department and the applicant, an undertaking was given by Rolls Royce that they would be prepared to consent to providing an annual noise assessment to demonstrate that they were still maintaining the levels specified in the consent. Condition 51 has been included to reflect this.

Please also be aware that a further noise assessment is currently being undertaken by the Applicant and the results are to be submitted to Public Protection and Regulatory Services in due course - this may impact some of the recommendations below, particularly condition 46 which may become unnecessary.

Several noise assessments submitted in support of the application have been considered and further discussions between this department and the applicant have taken place. On the basis of their contents Public Protection and Regulatory Services recommend the following;
Conditions 40 to 44 of 12/00304/VAR regarding land contamination should be retained in their current format on any new consent granted.

Condition 45 of 12/00304/VAR regarding external lighting should be retained in its current format on any new consent granted.

Condition 46 of 12/00304/VAR shall be retained but reworded as:

Prior to occupation of Building 2, a noise assessment in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" shall be undertaken by a suitably qualified and experienced noise control consultant. For the avoidance of doubt such an assessment shall include both internal and external noise sources from the entire site (such as vehicular audible warning systems) and demonstrate that the level of noise from the site, shall

throughout the life of the development, not exceed the background level (LA90) as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest. Following the procedure laid down in BS 4142:2014, any necessary corrections shall be made to the specific sound level e.g. for tonality. The assessment shall accurately determine the difference between the source and existing noise levels. This assessment, which shall include the specification of any necessary mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and be maintained as such thereafter, in order to comply with policy EN5 of the adopted Unitary Development Plan. Condition 47 of 12/00304/VAR shall be retained but updated to specify "Land-Use Planning & Development Control: Planning for Air Quality, May 2015 produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM)" as the guidance document to be used.

Condition 48 of 12/00304/VAR shall be retained in its current format.

Condition 49 of 12/00304/VAR shall be retained and reworded as follows:

Noise of plant associated with the development hereby approved shall not exceed the background level at any noise sensitive property in order to ensure that the development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.

Condition 50 of 12/00304/VAR shall be maintained and reworded:

A working validation assessment of the assumed noise levels used in the submitted noise assessment report to comply with condition 46 shall be provided post commissioning of Building 1 within one month of the date of this consent and within 1 month of commencement of on-site operations of Building 2 when the joint noise levels from building 1 and 2 will be assessed. The noise from the site shall be physically measured during the hours of 23:00 and 06:00 when the site is in normal operation and the chillers operational at the nearest noise sensitive premises. The assessment should demonstrate that the assumptions used in any noise modelling carried out for this site are accurate and shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.

Condition 51 (new condition)

The noise levels emanating from the site stated in condition 49 shall be verified on an annual basis by the submission of a noise assessment for the site. The first noise assessment shall be submitted to and agreed in writing to the Local Planning Authority 12 months after building 2 comes into operation and then at 12 monthly intervals thereafter. The noise from the site shall be physically measured during the hours of 23:00 and 06:00 when the site is in normal operation and the chillers operational at the nearest noise sensitive premises. The assessment shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.

Northern Electric - No comments to date

Business Investment

The Business Investment Team identifies Rolls Royce as a key strategic company in the city. It is a major employer, operating at the forefront of the advanced engineering sector. As such, we fully support the company's growth plans.

Highways England - No objections

Planning Implementation -No comments to date

Flood and Coastal Engineer

With reference to the above application and the submitted FRA and Drainage Report, I can confirm that these are acceptable as they have introduced SuDS to attenuate the Surface Water flows and also restricted the discharge rates to greenfield runoff.

National Grid - No comments to date

Police - No comments to date

The Coal Authority - No comments to date

POLICIES:

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

CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
CN_23_Measures to conserve/ improve wildlife corridors
EN_5_Protecting sensitive areas from new noise/vibration generating developments
EN_1_Improvement of the environment
EN_10_Proposals for unallocated sites to be compatible with the neighbourhood
EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas
B_2_Scale, massing layout and setting of new developments
EN_11_Restrictions upon new development or intensified use of land liable to flooding
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
B_11_Measures to protect the archaeological heritage of Sunderland (general)

COMMENTS:

PRINCIPLE OF USE

The principle of the use of the site for employment purposes and the scale of that development has been set by the policies of the adopted Unitary development Plan (WA1.14 and EC4) and the previous decisions on this site (applications nos 08/03879/OUT, 10/03792/FUL, 11/03016/SUB and 12/00304/VAR) respectively. Consequently, in determining the application the key issues to consider are:

- The Design, Layout and Visual Impact of the Development.

- Environmental Considerations;
- Archaeology;
- Flood Risk
- Highways / Access Issues; and
- Ecology.

The Design Layout and Visual Impact of the Development

The consideration of design is covered by Paragraphs 17 and 56 of the National Planning Policy Framework (NPPF) and policy B2 of the adopted Unitary Development Plan (UDP) which requires the scale, massing and layout of new developments to relate harmoniously with adjoining areas and respect the best qualities of nearby properties. The NPPF encourages local planning authorities to seek high quality design with permission refused for poor quality designs which fail to improve the character and quality of an area. The council's Supplementary Planning Guidance section 8.5, which concerns the control of industrial and commercial development, states that:

"Building heights should guard against visual intrusion, and buildings or structures over ten metres in height will normally be restricted to predominantly industrial settings."

The maximum height of the building is 13.8 metres, which is lower than the previously approved 15.1 metre high proposal, with the nearest houses to the south, approximately 170 metres distance from the proposal.

The design of the building reflects its function and character and appearance of its surroundings. One minor change would be to move the office block closer to the entrance of building 2 for greater connectivity between the two buildings. The palette of materials would of silver aluminium cladding to match the profile of the existing building and the surroundings consist of hard and soft landscaping.

The impact of the proposal on the visual amenities of the area is considered to be less than the previous scheme and is considered to be in accord with the requirements of paragraphs 17 and 56 of the NPPF and policy B2 of the adopted UDP.

Archaeology

Policy B11 of the UDP states that the council will promote measures to protect archaeological heritage of Sunderland and ensure that any remains discovered are physically preserved or recorded.

The site has been subject to several phases of archaeological investigation including desk-based assessment, trial trench evaluation and archaeological excavation and more recently a watching brief.

The county archaeologist has responded to details submitted by the developer and are satisfied that now the previous work on site has finished that no further work would be required.

Environmental considerations

Policy EN5 of the UDP states that where development is likely to increase noise sufficient to increase the ambient sound or vibration levels in residential or noise sensitive areas the council will require the applicant to carry out an assessment of the nature and extent of likely problems and incorporate sufficient mitigation measures.

Policy EN1 of the UDP relates to minimising all levels of pollution. The applicant submitted an Air Quality impact Assessment which has been considered by the Council's Public and Regulatory Services.

EN14 of the UDP states that where development is proposed on land believed may be contaminated or unstable or potentially unstable the council will require investigations to determine the nature of ground conditions.

The Council's Public and regulatory Services have recommended the imposing of conditions to control potential noise and contamination on the site, if members are minded to grant consent in order for the Local Planning Authority to ensure the development is in accordance with national and local planning policies and comply with policies EN11 and EN14 of the UDP.

The council's Natural Heritage Team have requested that All ecological mitigation and enhancement measures implemented through previous planning approval and development on site (Building 1 and associated infrastructure), and the outstanding elements associated with Building 2 (primarily the hedgerow and grassland strip to the eastern boundary), should form part of an integrated management plan/maintenance schedule that ensures areas of retained and created habitat continue to improve and sustain the necessary structure and diversity. Confirmation of the implementation of a long-term management regime, as detailed in the Habitat Masterplan and Management Plan Report September 2011, would be welcome if not already available.

The Ecological Report 2016 notes the presence of bat and bird boxes, presumably from the Building 1 development phase, which should form part of the on-going monitoring and maintenance plan for the wider site. The applicant/their ecologist should confirm the location of the boxes and that external lighting and stand-off zones are appropriate to avoid a negative impacts on these features.

The above points have been addressed through conditions to be discharged prior to the commencement of the development. The proposal therefore complies with policies CN17, CN18, CN22, CN23 and CN13 which protect and enhance the important view of the city with reference to trees, landscaping and protect any animal or plant species afforded special protection through the use of appropriate conditions.

Flood risk/drainage

Policy EN11 relates to areas subject to flooding and new development will not be permitted unless appropriate flood protection measures are incorporated.

The developer has submitted a drainage strategy prepared by Cundall which reviews the current site drainage and set out surface water and foul drainage proposals for building No. 2. With regard to site drainage Cundall state that this was agreed as part of an initial planning application for radial 64 and they proposes that a separate foul and surface water drainage system will be constructed to dispose of flows from the site.

A retention basin is proposed to the south of the site and the council's Flooding and coastal engineer has commented that the submitted FRA and Drainage Report are acceptable as they have introduced SuDS to attenuate the Surface Water flows and also restricted the discharge rates to greenfield runoff and therefore there are no objections to this application from a flood risk point of view. The proposed strategy is considered acceptable and complies with policy EN11 of the adopted UDP.

Highways / Access issues

Policy T14 of the UDP states that proposed development should retain off street parking in the interests of highway safety which the proposal adheres to and as therefore complies with policy T14 of the UDP.

T22 of the UDP determines the appropriate level of parking is provided in connection with a development proposal.

The applicant submitted a Transport Report which is supplementary to the Transport Assessment submitted in 2012 which captures the changes to the site and any changes arising with regards to transport from for proposal for building 2. Access would be via existing access points and parking will be redesigned and provide 125 car parking spaces.

The councils Network Management have offered no comments with regard to the redesign car parking arrangements and as such it considered acceptable in compliant with T14 and T22 in this instance.

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:-

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

The LPA is committed to (a) eliminating This section note Type=Explanatory Notes has no associated 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.

Conclusion

The proposed variations to the application are considered acceptable in principle and comply with the relevant policies of the adopted Unitary Development Plan. It is therefore recommended that Members grant consent subject to the conditions set out below.

RECOMMENDATION: Members are recommended to approve the application subject to the conditions listed 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 was granted 25.04.2012 to ensure that the development is carried out within a reasonable period of time.
- 2 For the avoidance of doubt, the total gross floor space (including mezzanine levels) for the development hereby approved shall not exceed 30,000 sq m of industrial units (Use Classes B2), but that figure shall exclude any free standing plant and/or refuse storage. This quantum of development will achieve a satisfactory form of development and ensure the highway network can accommodate the traffic generated by the site and thereby comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 3 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 / documents:
 - Floor plans facility 02 drawing no. 1872(PL)05F received on 23.2.16
 - Proposed site plan S2 drawing No. 1872(PL)02E received on 23.2.16
 - Location Existing plan Map S2 drawing no. 1872 (PL)01C received on 23.2.16
 - Ecology and Landscape Plan S2 drawing No. 1872(PL)77 received on 23.2.16
 - Site Section -S2 drawing No. 1872(PL)08F received on 23.2.16
 - Facility 02 Elevations drawing no. 1872(PL)07F received on 23.2.16
 - Aerial view drawing No. 1872(PL)09B received on 23.2.16

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.

- 4 No works shall take place on any part of the development until a scheme of working for that part has been submitted to the satisfaction of the Local Planning Authority; such a scheme shall include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and be so implemented, in the interests of the proper planning of the development and to protect the amenity of nearby occupiers and in order to comply with policies B2 and T14 of the adopted Unitary Development Plan.
- 5 Before the development of each building 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. For the avoidance of doubt, these details shall include the installation and maintenance of a wheelwash facility on the site. 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 policies B2 and T14 of the adopted Unitary Development Plan.
- 6 The construction works and associated deliveries to site required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays, unless otherwise agreed in writing in advance with the Local Planning Authority, in order to protect the amenities of the area and to comply with policy B2 of the adopted Unitary Development Plan.
- 7 Archaeology

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundwork and construction work to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at all relevant times during the undertaking of groundworks. The observation is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and , if necessary, emergency salvage undertaken in accordance with adopted Unitary Development Plan Policy B13.
- 8 The development hereby approved shall not be occupied / brought into use until a report compiled of the results of observations of the groundworks has been submitted to and approved in writing by the Local Planning Authority: An investigative report is required due to the site being located within an area identified as being of potential archaeological interest (Milbank and Thorold coal pits), in order that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with adopted Unitary Development Plan Policy B13.

9 Ecology and Landscaping

Before the development hereby approved is commenced the details of the form and location of fencing to protect the identified areas of grassland habitat during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented and maintained throughout the construction process in order to maintain/enhance the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.

- 10 Prior to the commencement of development, a timetable for the implementation and future maintenance regime of the agreed Habitat Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, all landscaping / habitat works shall be undertaken in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 11 Prior to the commencement of construction of building 02 a supplementary statement relating to habitat creation and management in line with the agreed Masterplan shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the identified measures shall be implemented in accordance with these details, in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 12 Before the commencement of the development, for all retained woodland areas that require a programme of thinning details of the proposed works which should include retention of dead or dying standing and lying timber, and the chemical treatment of some cut stumps, where possible and appropriate. should be submitted to and approved in writing by the Local Planning Authority . It should also be noted that the addition of ground flora species should be through (native and local provenance) seeding, bulbs and/or plugs as appropriate. Once agreed the identified measures shall be fully implemented in the interests of maintaining/enhancing the biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 13 Prior to the commencement of development, a scheme for the future management of habitats, particularly Biodiversity Action Plan habitats and habitat linkages on the site as a whole shall be submitted to and approved in writing by the Local Planning Authority. The habitat management scheme shall describe the means of delivery of habitat management, including funding. The scheme shall be based upon the agreed Habitat Masterplan (required by condition no. 10 of this consent) and shall include an appropriate monitoring programme and shall be implemented as agreed and maintained as such thereafter, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.

- 14 Prior to the commencement of development, details of the specification, locations and management of bird and bat boxes, which should accord with agreed the habitat management programme and on going maintenance and management plan and other factors such as lighting, shall be submitted to and agreed in writing by the Local Planning Authority, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 15 The grassland habitats across the site shall be connected in accordance with the scheme indicated in the Habitat Masterplan (December 2011) and the area of such habitats shall be equal to or greater than the area indicated in the Ecological Masterplan in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 16 In the event that the start of development of the site is delayed beyond December 2012 further surveys to check for the presence of protected species on the site shall be carried out and a report of those surveys and recommendations for any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in accordance with the timetable In order to ensure that adequate safeguards are taken in respect of protected species on the site and to comply with the requirements of policies CN18, CN22 and CN23 of the adopted Unitary Development Plan.
- 17 No trees in existing areas of tree planting shown to be retained on the approved plans shall be felled without the prior consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
- 18 No existing areas of tree planting shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
- 19 Before the development commences a method statement shall be submitted to the Local Planning Authority detailing the method of construction for any works to be undertaken within the crown spread of any trees on the site. Such details to include methods of excavation. All works shall be carried out in accordance with the agreed details in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
- 20 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the

site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.

- 21 If any retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the adopted Unitary Development Plan.
- 22 No development of building 02 shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on/adjacent to that plot, details for their protection during the course of development, and details of the enhancements to the landscaping on the periphery of the site in the interests of visual amenity and to comply with policies B2 and CN17 of the adopted Unitary Development Plan.
- 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 policies B2 and CN17 of the adopted Unitary Development Plan.
- 24 Building/infrastructure details
- Notwithstanding any details on the submitted plans details of all walls, fences or other means of boundary enclosure for building 02 shall be submitted to and approved by the Local Planning Authority before the work on that building is commenced. The agreed boundary treatment shall be completed prior to the occupation of that particular phase or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the adopted Unitary Development Plan.
- 25 Notwithstanding any indication of materials which may have been given in this application, no development shall take place until a schedule and 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. For the avoidance of doubt, such submissions should include the use of sample panels, where appropriate. 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 adopted Unitary Development Plan.

- 26 Notwithstanding the submitted plans, proposed ground level sections across the site and details of the finished slab levels of each building shall be submitted and approved in writing with the Local Planning Authority. All works shall be carried out in accordance with the approved levels details in order to achieve a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 27 The development shall not commence until details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. The details shall incorporate sustainable urban drainage systems measures, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, the proposed surface water attenuation pond should be designed and managed with sympathetic profiles and landscaping, including open (wet) grassland habitat to the south. Reference should be made to current good SUDS practice and the Design Manual for Roads and Bridges. Once agreed, the development shall not be occupied until these facilities have been provided and installed in accordance with the approved details, in order to ensure satisfactory drainage to the site, which will not result in any additional flood risk on the site or in the local vicinity and to comply with policy EN12 of the adopted Unitary Development Plan.
- 28 Prior to being discharged into any watercourse, surface water sewer or soakaway systems, all surface water drainage from parking areas and hardstandings shall be passed through oil interceptors installed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority, before the development is commenced, in order to prevent pollution of the water environment and to comply with policy EN12 of the adopted Unitary Development Plan.
- 29 Notwithstanding the submitted plans, detailed scale drawings of the positioning of all external plant / machinery / flues and extraction equipment for buildings 01 and 02 shall be submitted to and agreed and agreed in writing with the Local Planning Authority, prior to the occupation of the building concerned and should be maintained as such thereafter, in order to protect the amenities of the area and to comply with Policy B2 of the adopted Unitary Development Plan.
- 30 Prior to the occupation of any of the buildings on site, a site-wide Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This Travel Plan will continue to support the target of achieving a modal shift of 16% from car borne journeys, to ensure the maximum number of permitted trips for the whole development is not exceeded. Once agreed, the measures and monitoring strategy as set out in the site-wide Travel Plan shall be fully implemented in order to ensure that the Travel Plan targets are being met and to ensure the use of modes of transport other than the private car are promoted, in order to meet clearly defined individual targets and penalties, and to comply with policy T14 of the adopted Unitary Development Plan.
- 31 Prior to the occupation of any of the buildings on site the occupant shall prepare and submit to the Local Planning Authority a Unit Travel Plan based on the format contained in the agreed site-wide Travel Plan. The unit Travel Plan shall be agreed in writing by the Local Planning Authority and the requirements of the agreed Plan shall be implemented by

the operator in order to ensure access to the site by alternative modes of travel and to accord with policies T1 and T2 of the adopted Unitary Development Plan.

- 32 Notwithstanding the submitted details, any site access gates / barriers installed at the site entrance at Birtley Road shall wherever possible, remain open between the hours of 08.00 and 18.00 Monday to Friday in order to enable the free flow of traffic, in the interests of highway safety and to comply with policies T14 and T22 of the adopted Unitary Development Plan.

- 33 Environmental considerations

Land Contamination 1

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 34 to number 36 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 37 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.

- 34 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.

35 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.

36 Implementation of approved Remediation

The remediation scheme approved under Condition number 42 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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.

37 Land Contamination 5

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 41(Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance

with the requirements of condition number 42 (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 43 (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.

- 38 Before any phase of the development hereby approved is occupied, the details of any CCTV / floodlighting / exterior lighting, including a technical specification to demonstrate that overspill does not occur shall be submitted to and approved in writing by the Local Planning Authority. All works shall then be implemented in accordance with the agreed details and maintained as such thereafter, in order to ensure a satisfactory form of development and to comply with policy B2 of the adopted Unitary Development Plan.
- 39 Prior to occupation of Building 2, a noise assessment in accordance with BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" shall be undertaken by a suitably qualified and experienced noise control consultant. For the avoidance of doubt such an assessment shall include both internal and external noise sources from the entire site (such as vehicular audible warning systems) and demonstrate that the level of noise from the site, shall throughout the life of the development, not exceed the background level (LA90) as measured one metre in front of the nearest noise sensitive façade. The noise source should be either measured or acoustic data taken from the manufacturer's information for the item or plant of interest. Following the procedure laid down in BS 4142:2014, any necessary corrections shall be made to the specific sound level e.g. for tonality. The assessment shall accurately determine the difference between the source and existing noise levels. This assessment, which shall include the specification of any necessary mitigation measures, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed measures shall be implemented before the occupation of the relevant building(s) in order to ensure the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and be maintained as such thereafter, in order to comply with policy EN5 of the adopted Unitary Development Plan.
- 40 Prior to the occupation of Building 02 an air quality assessment shall be undertaken which demonstrates the likely changes in air quality or exposure to air pollutants, as a result of the proposed operations. Such an assessment shall provide sufficient qualitative and quantitative information to determine the 'significance' of the air quality impacts, and

therefore the priority given to air quality concerns. The basis of the assessment should be to compare the existing situation with that following completion of the development and determine the changes in air quality expected. The assessment will also need to compare predicted pollutant concentrations with relevant air quality objectives and limit values, requiring the assessment to be consistent with the target years for the limit values and objectives. The method of assessment is included within the guidance document 'Land-Use Planning & Development Control: Planning for Air Quality, May 2015 produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM)', and reference should be made to this document within the assessment. Once completed, the air quality assessment shall be submitted to and approved in writing by the Local Planning Authority in order to ensure a satisfactory form of development and to comply with Policy EN9 of the adopted Unitary Development Plan.

- 41 Each building structure including roof sky lights and any proposed ventilation louvers shall have a minimum weighted sound reduction index (Rw) of 42 dB, in order to ensure that the development does not cause noise nuisance to neighbouring users and to comply with policy EN5 of the adopted Unitary Development Plan.
- 42 Noise of plant associated with the development hereby approved shall not exceed the background level at any noise sensitive property in order to ensure that the development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.
- 43 A working validation assessment of the assumed noise levels used in the submitted noise assessment report to comply with condition 46 shall be provided post commissioning of Building 1 within one month of the date of this consent and within 1 month of commencement of on-site operations of Building 2 when the joint noise levels from building 1 and 2 will be assessed. The noise from the site shall be physically measured during the hours of 23:00 and 06:00 when the site is in normal operation and the chillers operational at the nearest noise sensitive premises. The assessment should demonstrate that the assumptions used in any noise modelling carried out for this site are accurate and shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.
- 44 An assessment of the combined impacts on air pollutant concentrations from the manufacturing process emissions and road traffic exhaust emissions shall be undertaken once the information on plant specification for building 01 has been finalised. The assessment together with any necessary mitigation measures and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority before the plant is installed. The scheme shall be implemented in accordance with the agreed details in order to ensure that the scheme does not have a significant adverse effect on air quality in the area and to comply with the requirements of policy EN1 of the adopted Unitary Development Plan.
- 45 Before works on each phase of the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within that phase 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 policy EN1 of the adopted Unitary Development Plan.

- 46 The noise levels emanating from the site stated in condition 49 shall be verified on an annual basis by the submission of a noise assessment for the site. The first noise assessment shall be submitted to and agreed in writing to the Local Planning Authority 12 months after building 2 comes into operation and then at 12 monthly intervals thereafter. The noise from the site shall be physically measured during the hours of 23:00 and 06:00 when the site is in normal operation and the chillers operational at the nearest noise sensitive premises. The assessment shall be submitted to and approved in writing by the Local Planning Authority in order to ensure that the operation of the proposed development does not have an adverse impact on nearby noise sensitive premises and to comply with policy EN5 of the adopted Unitary Development Plan.

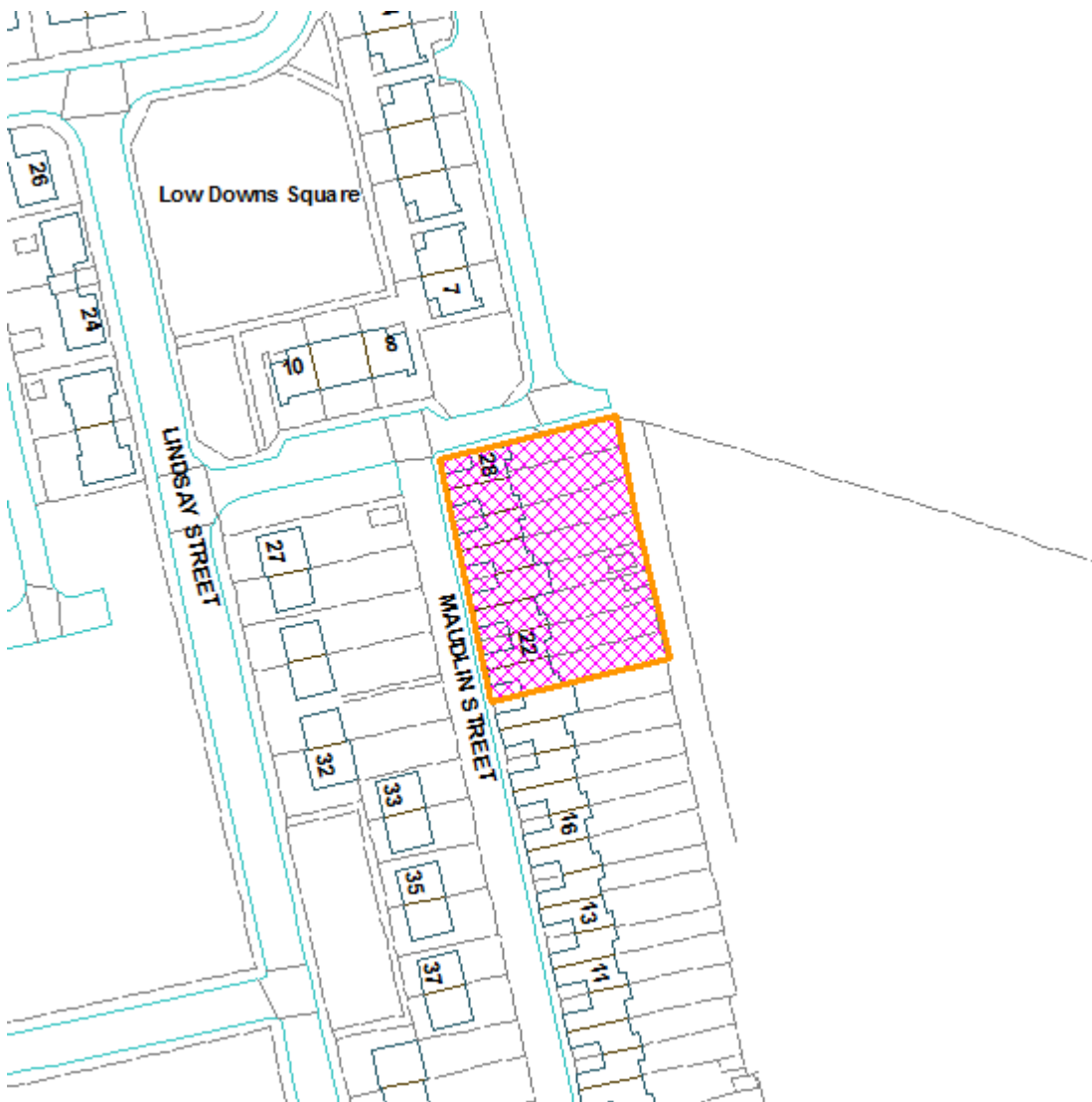
Reference No.: 16/00507/LP3 Local Authority (Reg 3)

Proposal: **Demolition of 7 terraced houses (22-28 Maudlin Street) and structural strengthening works to the remaining number 21 Maudlin Street.**

Location: 21- 28 Maudlin Street Hetton-le-Hole Houghton-le-Spring DH5 9BG

Ward: Copt Hill
Applicant: Sunderland City Council
Date Valid: 6 April 2016
Target Date: 1 June 2016

Location Plan



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PROPOSAL:

Planning permission is sought for the demolition of seven terraced houses (22-28 Maudlin Street) and structural strengthening works to the presently adjoining 21 Maudlin Street.

The Council has acquired all properties within the terrace with the exception of numbers 2, 3, 9 and 20. The majority of the properties within the terrace are now unoccupied and in varying states of repair incorporating security features by way of window and door grilles.

The proposal is that numbers 22-28 would be demolished to foundation level with the foundations subsequently grubbed up. Once the demolition works have taken place, the cleared site would be covered with a minimum of 150mm top soil and would be graded to match existing levels, raked, stone picked and grass seeded.

The works proposed to number 21 comprise the construction of a new gable wall to stabilise the remaining properties (numbers 1-21). Additionally, the existing windows and doors would be bricked up, with the exception of the rear door which would be retained for access and security purposes, whilst the existing flat roofed rear offshoot would be removed. These works are aimed at strengthening number 21 and the applicant has suggested that the removal of the existing window grilles would also improve its appearance in performing this role.

The submitted documentation states that this proposal represents phase 1 of the clearance works in this location and that phase 2 will be submitted in future and will relate to the demolition of numbers 1-21. The proposed demolition works have been subject to a request for a screening opinion pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (As Amended). The conclusion of this exercise (reference 16/00310/SCR) was that it is not considered that the works which are proposed represent a form of development for which an Environmental Impact Assessment would be required.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Copt Hill - Ward Councillor Consultation
Hetton Town Council
Environmental Health

Final Date for Receipt of Representations: **19.05.2016**

REPRESENTATIONS:

Neighbours and Interested Parties

One representation has been received in objection to the proposal. The letter is from the occupier of 2 Maudlin Street and raises the following concern:

- The bat survey is not valid in that it recommends works should be completed within 12 months of its date (May 2015).

Consultees

Network Management

The Network Management Team has offered no observations or recommendations in connection with the proposal.

Public Protection and Regulatory Services

The Public Protection and Regulatory Services Team has offered a series of recommendations in respect of working practices including measures to limit noise, dust and vibration arising from the works.

It is also recommended that given the proximity to residential properties, demolition operations should not commence before 07:00 and should cease before 19:00 (Monday -Friday) and such operations should be limited to the hours of 07:30 and 14:00 on Saturdays. Furthermore, no works should be permitted on Sundays and Bank Holidays.

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_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

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

COMMENTS:

The main issues to be considered in determining this application are:-

- 1) Principle of the Development
- 2) Amenity
- 3) Highways
- 4) Ecology

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 planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Paragraph 11 of the NPPF states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 expands upon this and advises that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved.

Whether or not the development plan is up to date is a material consideration in determining how much weight should be attached to the relevant policies in the development plan in light of other material considerations. In particular, Paragraph 214 of the NPPF states that where the relevant provisions of the development plan were not adopted in accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (which is the case with the Council's Development Plan which was adopted in 1998), due weight should be given to the relevant policies of the plan according to their degree of consistency with the NPPF.

Paragraph 14 of the NPPF provides that in respect of decision making:-

- Development proposals that accord with the development plan should be approved without delay;
- Where the development plan is absent, silent or the relevant policies are out of date, planning permission should be granted unless:-
 1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole; or
 2. specific policies in the NPPF indicate that development should be restricted.

Given that the site in question is not allocated for any specific land use within the Council's adopted Unitary Development Plan (UDP), policy EN10 is relevant to the application. This policy states that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In considering the acceptability of the proposals, the works for which this application seeks consent represents the demolition of seven dwellings and strengthening works to the presently adjoined dwelling within the terrace. It is not considered that this proposal conflicts with the character of the area, nor would it contradict the aims of policy EN10. As such, the principle of the proposed development is considered to be acceptable.

2) Amenity

Paragraph 17 of the NPPF sets out 12 core planning principles identified by the Government as being important. Within these principles, it is identified as being important that Local Planning Authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

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.

The proposed demolition of the dwellings subject to this application would see the removal of seven unoccupied dwellings incorporating security shutters from the street scene. The site would then be restored, top soiled, graded, raked, stone picked and grass seeded. This is considered to be acceptable and would serve to enhance the appearance of the area following the demolition of the existing houses. The works to number 21 are also considered to be appropriate subject to the use of appropriate bricks in the building of the new gable and the bricking up of the doors and windows. This can be ensured by way of a planning condition. Thus, visually, the proposal is considered to be acceptable.

In terms of the impact upon adjacent residents, occupiers of properties in Lindsay Street and Low Downs Square would see the removal of the dwellings in Maudlin Street, which are in poor

condition and of limited visual appeal, including various security features reflecting their vacancy. The works to number 21 are all within existing building lines and do not encroach closer towards adjacent properties so as to be detrimental to the amenities of their occupiers. The occupiers of the closest inhabited property in Maudlin Street (number 20) would adjoin the retained number 21, but the limited works proposed are not considered likely to impact harmfully upon the amenities of occupiers of number 20 or other properties in Maudlin Street.

During the construction period, the amenities of residents can be ensured by limiting the hours between which demolition and other works may take place as recommended by the Public Protection and Regulatory Services Team. The Team's recommendations in respect of construction practices can also be passed to the developer and such measures will serve to limit noise, dust and vibration arising from the works.

For the reasons set out above, the implications of the proposal for visual and residential amenity are considered to be such that a refusal of planning permission is not warranted and the proposal is considered to accord satisfactorily with UDP policy B2.

3) Highways

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe

Policy T14 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

The proposal does not impact detrimentally upon the highway network and as such, the proposal accords satisfactorily with UDP policy T14.

4) Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment in a number of ways included within which is the aim to minimise impacts on biodiversity and providing net gains in biodiversity where possible. Paragraph 118 expands upon this and states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles. Included therein is where significant harm would result from a development and cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

UDP policy CN18 seeks to ensure the promotion of the interests of nature conservation throughout the City with areas of nature conservation interest being protected and enhanced. Measures identified to achieve this goal include encouraging landowners to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors, making provision in development proposals for the preservation of habitats or creation of compensatory habitats and seeking opportunities in new development proposals or other schemes for new habitat creation.

Policy CN22 states that development which would adversely affect any animal or plant species afforded special protection by law, or its habitat either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, the overall effect will not be detrimental to the species and the overall biodiversity of the City.

In considering the implications of the proposed development for protected species, the application is accompanied by a Bat Survey Report dated May 2015, Bat Survey - Delivery Information dated September 2013 and a Bat Method Statement dated September 2013.

From an ecological perspective, the submitted information has been reviewed and it is considered that in the carrying out of the works, the applicant and their agents should adhere to the mitigation measures detailed in the Bat Survey Report May 2015 and in particular, Section 5 (Working Methods) of the appended Bat Method Statement dated September 2013 and the Bat Survey - Delivery Information dated September 2013.

Regarding the recommendation in the Bat Method Statement to undertake further bat checking surveys if works are not completed within 12 months of the most recent survey (May 2015); given that previous surveys have recorded no bat roosts in the Maudlin Street properties, low numbers of bats are recorded in the area and the Maudlin Street properties are in a similar state to previous years and have received on-going disturbance and damage, it is considered reasonable to allow demolition to proceed without the need for further bat surveys, but in strict adherence to the submitted documents as set out above.

In addition the applicant/their agents/contractors should ensure:

1. The careful hand removal of key features includes slates/tiles, flashing, fascias, soffits, barge boards, sarking and window/door frames. Following removal, exposed wall cavities and tops to remain exposed overnight before further demolition.
2. The working method in relation to breeding birds applies to built structures as well as vegetation and ground clearance operations.
3. Should the demolition, in particular the removal of key features, encounter delays beyond October 2016, the situation should be reviewed by an ecologist.

The ecological considerations set out above can be the subject of conditions should Members be minded to grant consent for the proposed works. On this basis and subject to the imposition of appropriate conditions, the proposal accords satisfactorily with UDP policies CN18 and CN22.

Conclusion

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations. It is recommended that Members should be minded to grant consent subject to Regulation 3.

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: Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 and subject to the conditions listed below:-

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 - Drawing Number AW/07, received 29 March 2016;
 - The Existing Site Layout Plan - Drawing Number AW/09, received 29 March 2016;
 - The Proposed Site Layout Plan - Drawing Number AW/10, received 29 March 2016;

- The Existing Details 21 Maudlin Street - Drawing Number PD01/AW, received 29 March 2016;
- The Proposed Details 21 Maudlin Street - Drawing Number PD02/AW, received 29 March 2016.

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; the external materials to be used in the structural strengthening works proposed to 21 Maudlin Street, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 The works proposed to restore the sites of 22-28 Maudlin Street i.e. the covering of the sites with top soil, grading, raking, stone picking and grass seeding (as annotated on Drawing AW/10, received 29 March 2016) shall be completed within one month of the demolition of the dwellings, in the interests of visual amenity and to accord with policy B2 of the Unitary Development Plan.
- 5 The development shall be carried out in complete accordance with the mitigation measures detailed in the Bat Survey Report by TNEI Services Ltd, dated May 2015, the Bat Method Statement by TNEI Services Ltd, dated September 2013 and Bat Delivery Information by TNEI Services Ltd, dated September 2013, which shall be adopted and delivered in full in the carrying out of the development hereby approved in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 6 Throughout the demolition process, key features of the properties to be demolished (22-28 Maudlin Street) including slates/tiles, flashing, fascias, soffits, barge boards, sarking and window/door frames shall be carefully removed by hand. Following removal of such features, exposed wall cavities and tops shall remain exposed overnight before any further demolition works are carried out in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 7 The working method in respect of the bird breeding period (As set out at Section 5(2) of the Bat Method Statement, produced by TNEI Services Ltd, dated September 2013) shall be adopted in full in respect of any works to buildings and vegetation on the application site which are proposed to be carried out during the bird breeding period (March-August inclusive) in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.
- 8 Should the works to which this application relates not be completed prior to October 2016, an additional updated Bat Survey Report shall be submitted to and approved in writing prior to the commencement of development, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

- 9 No construction or demolition works required for the development hereby approved shall be carried out other than between the hours of 07.00 and 19.00 Monday to Friday and 07.30 and 14.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.