

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 City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director City Development

Reference No.: 19/00990/FU4 Full Application (Reg 4)

Proposal: **Proposed vehicle crossing to classified road (A183), to provide wider site entrance for haul road serving development approved under planning approval 18/00609/FU4. Proposed 6.5m section of existing wall to be removed and reinstated following completion of works to enable wider access.**

Location: Caravan Park Site Entrance Off A183 (Seaburn Camp) Whitburn Road Seaburn

Ward: Fulwell
Applicant: Miller Homes NE
Date Valid: 11 June 2019
Target Date: 6 August 2019

PROPOSAL:

Planning permission is sought for a vehicular access point from the A183 into "Seaburn Camp" to facilitate construction traffic accessing temporary construction road serving the Miller Homes development to the rear of Huntcliffe Avenue and Weardale Avenue (South Bents) approved under planning reference 18/00609/FU4, hereafter referred to as the associated development.

The development site comprises the existing access point into Seaburn Camp together with an area of existing footway and an area of existing boundary wall.

The proposals comprise the removal of 6.5 metres of wall to provide a wider access point to accommodate larger construction vehicles and reinstatement of the wall following completion of the related development.

A wider access is required because following the approval of planning permission 18/00609/FU4 and further to detailed design exercises by the applicant, a wider access that the extant opening is required to accommodate large construction traffic. This application seeks to secure the widened access.

Applications of this type would usually be determined under the delegated powers of the Director of City Development. However, in this instance Councillor Doyle has requested that the application be referred to Members for determination.

Publicity
The application was advertised via two site notices.

No representations have been received in connection with the proposed development.

TYPE OF PUBLICITY:

Site Notice Posted

CONSULTEES:

Fulwell - Ward Councillor Consultation
Network Management

Final Date for Receipt of Representations: **09.07.2019**

REPRESENTATIONS:

The application was advertised via two site notices.

No representations have been received in connection with the proposed development.

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

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

- Principle of development
- Highway access and safety
- Impact on visual amenity
- Impact on residential amenity

The principle of the development

In England there is a hierarchical structure of policy covering national and local planning. At a national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

National Planning Policy Framework (NPPF)

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF) which states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- I. the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authority's may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the policies contained within the Unitary Development Plan (UDP).

The UDP sets out the future of how land is used within the City and is the land use development plan for the City, the UDP guides development proposals to help safeguard and improve the environment, meet the needs of those living and working in the City and promote sustainable communities. It was formally adopted in September 1998. On commencement of the Planning and Compulsory Purchase Act (September 2004) the policies in the UDP were automatically "saved" so that they would remain in force.

The National Planning Policy Framework (NPPF) (2019), sets out, at paragraph 48, the level of weight which can be attributed to emerging plans and policies, according to the following:

- a) The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections, to relevant policies (the less significant the unresolved objections, the greater the weight that may be given);
- c) and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regards to above, the Core Strategy Development Plan (CSDP) is considered to be in an 'advanced stage' of preparation. The Council submitted the CSDP for examination to the Secretary of State on the 21 December 2018 and the 'Examination in Public' hearings have now taken place. The Council anticipates adoption of the CSDP in late 2019/early 2020. Consequently, the plan is considered to be at an 'advanced stage' and therefore its policies should be afforded weight based on the above criteria. Therefore, the CSDP is also considered to be relevant to the determination of this application.

The development site is identified as 'white land' on the proposals map of the City Council's adopted Unitary Development Plan (1998) and as such the proposal is subject to Policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain and development in such areas must be compatible with the principal use of the neighbourhood.

The proposed development site comprises an area of vehicular highway (including access to Seaburn Camp), footpath and boundary wall. The proposal under consideration is of the same nature to that which already exists on site, i.e. a vehicular access. The application simply proposes to widen the existing access point.

Furthermore, planning permission 18/00609/FU4 included proposals to take access to the associated development site from the A183 and along a temporary construction road. These proposals were considered by Members of the Planning and Highways Committee at their meeting held on 29 January 2019. Members resolved to approve the application and permission was subsequently issued on 29 April 2019 (following completion of a legal agreement under the provisions of Section 106 of Town and Country Planning Act, 1990 (as amended)). The principle of taking access to the associated development from the A183 was therefore established through the approval of 18/00609/FU4.

For the above reasons, it is considered that the principle of the development proposed is acceptable.

Highway access and safety

Paragraph 111 of the NPPF advises that planning decisions should take account of whether safe and suitable access to the site can be achieved and whether improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Paragraph 109 is clear in stating that development should only be refused on transport grounds where the residual cumulative impacts of the development are severe.

On a local level, Policy T14 of the adopted UDP requires new development proposals to be accessible, to not cause traffic congestion or highway safety problems on existing roads, make appropriate access for the safe access and egress of vehicles and pedestrians and to indicate how parking requirements will be accommodated.

Policy ST3 of the emerging CSDP outlines that development should provide safe and convenient access for all road users and should include a level of vehicle parking and cycle storage in accordance with the Council's parking standards.

The Council's Transport Development Team has been consulted regarding the proposed development.

The proposal under consideration originally proposed the removal of 10 metres of wall and consequently proposed a much wider opening than that currently proposed. The Transport Development Team considered the proposed removal of 10 metres of wall to be excessive and not in the interest of highway safety. As a result, the applicant has agreed to reduce the proposed works so that a reduced amount of wall: 6.5 metres is now proposed to be removed.

The proposed narrower access has been fully assessed by the Transport Development Team which has confirmed that the proposal, which includes tactile paving to assist pedestrians by indicating suitable crossing points, is considered to be acceptable and in accordance with the

requirements of Policy T14 of the adopted Unitary Development Plan and Policy ST3 of the emerging CSDP.

Impact upon visual amenity

Paragraph 127 of the NPPF requires that development proposals are sympathetic to local character, including the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

Policy B2 of the adopted Unitary Development Plan seeks to ensure that the scale, massing, setting and layout of new developments respects and enhances the best qualities of nearby properties and the locality and retains acceptable levels of privacy for neighbouring properties.

Policy BH1 of the emerging CSDP states that development should be of a scale, massing, layout and appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

At present the vehicular access point in to Seaburn Camp comprises a vehicular opening in a light sandstone coloured random rubble wall. The wall, which is 1750mm in height, has a curved coping to the top and large, 2850mm cream painted concrete gate posts marking each side of the existing opening. Approximately 2000mm high, black coloured metal double gates, comprising vertical bars are hung from free standing black coloured metal gate posts positioned behind the aforementioned concrete gate posts.

The proposal to widen the access to accommodate large vehicles serving the construction site at the associated development will involve the removal of up to 6.5 metres of wall. It is also proposed to reinstate the wall once the construction access is no longer required and provide replacement gateposts in random rubble with an artstone capping.

Although the wall in question has no special protected status it is considered that the existing random rubble wall is a distinctive and attractive feature within the streetscene.

An amended plan, showing the elevational detail of the revised proposal has been requested from the applicant and is awaited. It is anticipated that this will be received shortly, in advance of the Committee meeting and Members will be updated regarding the consideration of visual amenity via a late sheet.

Impact upon residential amenity

Paragraph 127 of the NPPF states that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout and that they provide a high standard of amenity for existing and future users. Meanwhile, Policy B2 of the adopted UDP requires that new development respects residential amenity. Furthermore, Policy BH1 of the emerging CSDP requires that acceptable levels of privacy are retained and a good standard of amenity for all existing and future occupiers is provided.

The nearest residential property to the application site, as identified by the red line on drawing number SBS/LOC/001, is approximately 70 metres to the north at East Shore.

Given the minor nature of the works proposed i.e. removal of 6.5 metres of wall and the significant intervening distance between the application site and the nearest residential dwelling.

It is not considered that the proposed temporary vehicle crossing and the removal and reinstatement of the wall and gate posts will result in any unacceptable impact upon residential amenity.

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 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.

Summary

The proposal for a vehicular crossing from the A183 to Seaburn Camp (to the construction access road for the associated development) by widening the existing access via the removal (and reinstatement) of a 6.5 metre stretch of wall is considered to be acceptable in respect of highway access and safety and also in respect of impact upon residential amenity. It is therefore considered that the proposal complies with the requirement of policies EN10, T14 and B2 of the adopted UDP; it is also considered that the proposal complies with policies ST3 and BH1 of the CSDP and paragraphs 109, 111 and 127 of the NPPF. However, an amended plan showing the elevational detail of the revised scheme is awaited. Members will therefore be further advised regarding this aspect of the consideration via a late sheet which will also provide a recommendation in relation to the scheme.

RECOMMENDATION: Executive Director of City Development to report.

Reference No.: 19/01278/FU4 Full Application (Reg 4)**Proposal:** **Inn with family restaurant at ground floor level and 3 floors of bedrooms above (42no. bedrooms including 2no. allocated for managers accommodation), associated car parking and landscape works.****Location:** Land West Of Whitburn Road (Former Pullman Lodge) Seaburn
Sunderland SR6 8AA**Ward:** Fulwell**Applicant:** Inn Collection Group**Date Valid:** 16 August 2019**Target Date:** 15 November 2019

PROPOSAL:

The application seeks full planning permission for the construction of a four-storey Inn with family restaurant at ground floor and 3 floors of bedrooms above, associated car parking and landscape works. The 3 floors of hotel accommodation comprise 42 bedrooms, 2 of which are allocated for manager accommodation.

The site is brownfield, relatively flat and roughly square in shape. The site was previously occupied by the Pullman Lodge, which was demolished in 2017 following a prior notification, please see ref. 17/00237/DEM.

The site is bound by the A183, Whitburn Road, to the east with the promenade and beach beyond. To the south is hardstanding and the adjacent amusements, whilst to the west is further hardstanding, the pirate play area and Lowry Road. To the north is adopted highway and the site of the former Seaburn Centre, which has recently benefited from full planning permission after having been approved by Members of the Development Control North Committee in August, please see ref. 19/00925/FU4.

Full planning permission is sought for a contemporary seaside Inn hotel and restaurant. The four storey building will consist of a large family restaurant area (575 square metres internal floorspace) with indoor and outdoor seating, 42 bedrooms (including 2 allocated for managers accommodation), external landscaping, play area, 66 car parking spaces (including 4 accessible spaces), 8 covered cycle spaces and 4 motorcycle spaces, and associated undercroft service space.

Vehicular access is proposed from the existing Lowry Road via the south-west corner of the site. Access will be controlled by a vehicular entry/exit barrier and it is assumed most pedestrians will enter the hotel/ restaurant from the seafront (A183) side which will benefit from level access. Level access is also proposed for all public entrances including from the car park to the main entrance.

The application was supported by:

- Geotechnical and ground investigate reports;

- Flood Risk Assessment, Drainage Strategy and updated plans and information;
- Design and Access Statement;
- Transport Statement;
- Habitat Regulations Assessment;
- Environmental Noise Assessment;
- Archaeological Assessment;
- Plans, elevations and CGIs.

Environmental Impact Assessment (EIA)

It is noted at Schedule 2 of the 2017 EIA Regulations identifies at 10(b) that urban development projects, which includes leisure development, can be subject to a screening exercise where the application site is 1 hectare, or includes more than 150 dwellings, or the overall area exceeds 5 hectares. Consequently, at 0.45 hectares, the development proposed on this brownfield site does not trigger a screening exercise.

It is also noted that the site is not within or adjacent to a sensitive site and regard is also had to the fact that wider Hybrid 16/02056/HY4 development was not considered EIA development.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Fulwell - Ward Councillor Consultation
DC North Chair And Vice Chair Consultation
Network Management
Flood And Coastal Group Engineer
Environmental Health
Northumbrian Water
North Gas Networks
Northern Electric
Fire Prevention Officer
NE Ambulance Service NHS Trust
Southern Area Command - Police
Tyne And Wear Archaeology Officer
Natural England

Final Date for Receipt of Representations: **11.10.2019**

REPRESENTATIONS:

In accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the application has been advertised by means of a press and site notice as a major application situated on land owned by the Council, while individual notification letters were sent out to neighbouring properties surrounding the site.

Following this extensive consultation exercise a representation was received from an organisation referred to it by itself as the Sunderland Civic Society.

In the representation reference was made to the Seaburn Masterplan Supplementary Planning Document and the how this envisaged a central boulevard. The representation asserts that as the application proposal fronts onto Whitburn Road and not to the north that it will "preclude the realisation of the vision of the Seaburn Masterplan". Additional comments were made about the hotel extending further southwards than illustrated on the Masterplan and viewed this as further restricting the amount of parking within the area. The letter concluded that the development proposal should be reassessed.

A response was received from Cllr Doyle, Ward Councillor, querying/ assuming the application would appear Members of Committee.

County Archaeologist

The County Archaeologist's response was made in cognisance of the archaeological desk-based assessments undertaken in 2015 and 2019. Moreover, regard was also had to the geophysical survey conducted in 2019, where magnetic anomalies were recorded reflecting the adjacent buildings, disturbed ground, inspection covers and services.

In 2016 an evaluation was conducted beyond the limits of the proposed development. Buried subsoil containing residual flints were encountered and large quantities of concrete rubble and made ground were also recorded. The remains of two concrete structures were identified. These did not match the World War II buildings shown on aerial photographs and as such, may be the remains of Seaburn Ocean Park and Zoo.

In 2018 an evaluation trench was excavated within the Seaburn Centre sports hall. The trench targeted the location of a World War II hut with no archaeological deposits identified or artefacts recovered. Additional trenching was proposed to be conducted post-determination including one trench to explore the WWII defensive trench on the northern edge of the proposed development area. This trench will be re-located to the north beyond the limits of the proposed development in order to target an area that has better preservation.

In conclusion, the County Archaeologist confirmed that no further archaeological work is required for the proposed development.

Northumbrian Water

In making their two responses to the application proposal Northumbrian Water assessed the impact of the proposed development on their assets and assessed the capacity of their network to accommodate and treat the anticipated flows arising from the development.

Northumbrian Water initially responded by confirming that no surface water would be permitted to connect to the existing public sewerage network and in order to agree the details prior to occupation requested a condition be imposed.

However, following the submission of the 'Proposed Drainage Layout' (dated 19 July 2019), which states that surface water from the proposed development will discharge to the existing surface water sewer at a restricted rate of 2.8l/sec, Northumbrian Water have since confirmed that they are now satisfied with the development proposal and their previously proposed condition is no longer required.

Lead Local Flood Authority (LLFA)

Following the initial submission, the LLFA required further information be submitted before a recommendation of approval could be given and consequently, a detailed drainage plan, drainage notes and landscaping plan were submitted.

In the main the updated information has satisfied the LLFA's initial queries. The only outstanding element pertains to detail and landscaping of the proposed SuDS basin. Consequently, subject to the Council's Landscape Architects being satisfied with the proposed landscaping then the LLFA will be satisfied moving forward and in this event, have requested the following condition:

Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme (i.e. in accordance with the landscape and basin section drawings and drainage layout). This verification report shall include:

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

REASON

To ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS.

Built Heritage

The Council's Principal Conservation Officer has confirmed there are no heritage impacts arising from the application proposal.

Public Protection and Regulatory Services (PPRS)

PPRS responded by confirming the application proposal to be acceptable subject to conditions requiring a revised gas risk assessment, noise assessment and specification of the restaurant's extraction/ odour abatement system together with an odour risk assessment.

Natural England

Natural England consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the Northumbria Coast Special Protection Area (SPA) <https://designatedsites.naturalengland.org.uk/>;
- damage or destroy the interest features for which the Durham Coast Site of Special Scientific Interest has been notified.

Considering the wider 16/02056/HY4 approval and the Section 106 Agreement that accompanied it Natural England made reference to its mitigation measures.

Natural England advised that an appropriate planning condition or obligation should be attached to complement and secure these measures.

Council's Natural Heritage

Following on from the Natural England's comments above, the Council's Ecologist has confirmed that the proposal is acceptable in principle but requires further modification before it can be approved. These matters will be discussed in further detail in the subsequent ecology section of the report.

Tyne and Wear Fire and Rescue Service

No objections with further comments to be made via the Building Regulations process.

Northern Gas Networks (NGN)

No objections to the proposal.

Highlighted that their apparatus may be in the area and should the application be approved, NGN require the promotor of these works to contact them directly to discuss their requirements in detail.

POLICIES:

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

EC_9_Locations for Hotels and Conference centres.

L_12_Promotion of the recreational and tourist potential of the coast and riverside

NA_26_Development / enhancement of Coastal & Seafront Zone for leisure and tourism; retention of open space.

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

B_2_Scale, massing layout and setting of new developments

EN_5_Protecting sensitive areas from new noise/vibration generating developments

EN_6_Limit exposure of new noise/vibration sensitive developments to existing sources

EN_9_Conflicts between proposed sensitive developments and existing non compatible uses

EN_13_Requirements for development within the defined coastal zone

EN_14_Development on unstable or contaminated land or land at risk from landfill/mine gas

CN_18_Promotion of nature conservation (general)

CN_19_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

CN_23_Measures to conserve/ improve wildlife corridors

COMMENTS:

Legislation, Planning Policy and Guidance

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

Planning policy background

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

All planning applications in Sunderland are assessed against the saved policies of the Unitary Development Plan (1998).

The Core Strategy and Development Plan (CSDP) is emerging planning policy and as it progresses through the adoption process it will gain further weight in the assessment of applications.

National Planning Policy Framework (NPPF)

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and should be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - economic, social and environmental. Planning policies and decisions should play an active role in guiding development toward sustainable locations, but in doing so should take local circumstances into account, reflecting their character, needs and opportunities.

The NPPF has a presumption in favour of sustainable development.

For decision-taking this means approving development that accords with the development, or where there are no relevant development plan policies or where the policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- I. the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations indicate that the plan should not be followed.

- Considerations

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

1. Land use and policy considerations
2. Highway engineering considerations
3. Design considerations
4. Drainage considerations

5. Ground Conditions, noise and amenity, and pollution
6. Amenity considerations
7. Habitat Regulations Assessment

1. Land use and policy considerations

The site is allocated as white land and as such, falls under policy EN10 of the Unitary Development Plan (UDP). This policy requires new development to accord with strategic and City-wide planning policies and to be compatible with the principal land use of the surrounding area.

Given its coastal tourist location and adjacency to amusements, the former fun fair site and other bars and restaurants, it is considered that the application proposal is compatible, whilst the subsequent considerations sections of this report cover the relevant local planning policies relative to what are considered to be the key material considerations.

Other relevant UDP policies:

- Coast and tourism

The UDP has a policy, EC9, which states that hotels will normally be permissible where they are adjacent to leisure or tourist facilities and are valuable contributors to the local economy.

The UDP has a policy, L12, for the "Coast and Riverside". The policy states that the "Council will promote the recreational and tourist potential of the coast by encouraging development which provides for the needs of visitors".

The UDP has a policy, NA26, for the "Coastal and Seafront Zone". The policy specifically identifies new commercial and leisure development within the vicinity of the Seaburn Centre.

The UDP has a policy, EN13, for "The Coast". The policy states that "a coastal zone is defined within which the City Council will seek to ensure any development proposal makes a positive contribution to the appearance of the zone".

Officers consider that the application proposal for the proposed uses accords with the general aims of the above policies and is acceptable from a land use and policy perspective.

2. Highway engineering considerations

The NPPF states that all decisions should take account of the opportunities for sustainable transport and ensure development is safe and suitable, while applications should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

The application submission has been supported by a Transport Statement and Travel Plan. The Council's highway engineers in Network Management have considered the planning submission and have offered no objection to the application.

The highway engineers have highlighted the various restrictions that are present within the vicinity of the site, along Whitburn Bents Road (A183), these include:

- Double Yellow Lines to the front of the application site;
- Loading Only Bays - opposite the main entrance of the proposed hotel/ restaurant;
- Taxi Bays - opposite the development;
- Disabled Bay - opposite the development.
- Pay and Display - pay and display bays on the opposite side of Whitburn Bents Road 8am - 6pm;
- Pedestrian crossing and crossing markings over Whitburn Bents Road to the north and south of the site;
- Bus stops and clearway bus bays within proximity to the site.

In their initial consultation response and to ascertain whether the level of the proposed parking was acceptable, the highway engineers requested further information in respect of the public floor area of the development and level of staff to be employed. The engineers also requested the proposed control barrier to the car park be set back at least 1 car length to allow vehicles to wait off the adopted public highway, whilst a clearer pedestrian route was requested for pedestrians to Lowry Road.

The applicant was also requested to clarify the location of the refuse i.e. to ensure there was enough room within the site for refuse vehicles and to confirm that no bins would be stored in the public highway. In terms of servicing however, the highway engineers noted that the delivery bay is located in the under-croft service area.

Responding to the highway engineers the Agent confirmed that the public floor area of the restaurant equated to 240 square metres and that the operator was looking to employ around 40 staff on a shift basis, with ultimately around 20 staff on site at any one time. The Agent also drew attention to the submitted transport statement, which demonstrated that the provision of 66 car parking spaces was adequate and therefore appropriate.

The Agent also confirmed that car park will have 2 electric charging bays and that the 8 cycle bays will be covered. Amended plans were also submitted that clarified the location of the development relative to the adopted highway, confirming that the proposed barrier will sit significantly far back from the adopted highway. An updated site layout plan was also submitted that introduces a footpath to the north of the proposed hotel building, thereby connecting the site to the adopted highway and Lowry Road to the west.

Tracking details have also been provided which confirm that the car park has been designed to allow for a refuse vehicle to manoeuvre appropriately. The Agent also confirmed that all bin storage will be within the site boundary.

Responding to the updated information and clarification the highway engineers confirmed that the application submission was acceptable and that there are no further observations or concerns.

In the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy T14.

3. Design considerations

The NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Policy B2 of the UDP requires the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas.

The site is the former Pullman Lodge at the eastern frontage of the Ocean Park site. Existing leisure and food and drink uses are present at Ocean Park, at the interface with Whitburn Road, along with areas of hardstanding and mown grass. Amenity grassland occupies the west and south of the wider area. The Cut Throat Dene watercourse also traverses the south of the site.

The Ocean Park site at Seaburn is identified in the Sunderland Seafront Regeneration Strategy as a key character area. The Regeneration Strategy promotes this location for family friendly indoor and outdoor leisure-led uses, complementary to the seafront, which would enable its enjoyment all year round.

The Seaburn Masterplan and Design Code Supplementary Planning Document provides additional detailed planning and development guidance for the area. Council-led investment linked to the Regeneration Strategy and Masterplan has delivered promenade and highway infrastructure upgrades in the vicinity, which has encouraged some initial redevelopment and investment by the private sector - including at the former Seaburn Shelter.

In terms of the principle of the proposed development and as discussed in the land use policy considerations section, a hotel and restaurant are considered appropriate to this seafront location. Colleagues in Planning Regeneration also consider the proposal to be compatible with the aspirations of the Seafront Regeneration Strategy and Seaburn Masterplan, as well as the extant Hybrid approval for the wider redevelopment of the site.

The submitted Design and Access Statement (DAS) has explained the design ethos and approach to the development.

Firstly, the predominant hotel element is a simple rectangular design, punctuated by oversized setbacks within which the enlarged windows and contrasting materials enliven and help break up the mass of the building. The restaurant area is then defined by a change in materiality, as it extends out at ground floor level, thereby creating a demarcation between the come and go public use restaurant and the use by patrons, hotel area. These two horizontal elements are then punctuated by a vertical arch around the northern edge of the front elevation, which further breaks up the massing of the building and adds further architectural detailing to its design.

In terms of the scale of the development, the building has four storeys, with the building's plant screened from the road by a roof parapet. The DAS makes to the various similarly scaled buildings in the area, such as the Marriot, Morrisons and the various four storey apartment blocks.

The approach to the materials has also been influenced by the massing and architectural design of the building. Overall, the building has crisp design courtesy of enclosed aluminium profiling and hard wearing white textured rainscreen cladding to the more open sea front facing elevation, while to the rear white render continues this crisp approach to the elevations. To contrast the predominance of white, light blue and timber effect panels are proposed within the setbacks, while the ground floor restaurant is distinguished by red brick, thereby reflecting the predominant material found in the wider area.

In terms of landscaping, the rear car park will be surrounded by a landscaping and the SuDS basin, which should soften this aspect of the development. To the north west of the site 4

deciduous trees will be carried through into the northern boundary of the site, enhancing the stretch of the adopted highway to the north, while the terraced areas to the south and east of the restaurant will be landscaped with high quality hard surface materials and feature planters, as illustrated by precedent examples within the DAS.

The Council's Landscape Architect has reviewed the planning submission in terms of the overall arrangement of hard and soft landscaping and has confirmed its acceptability, particularly the choice of paving, which is considered to provide for a good quality setting.

Further details are nevertheless required regarding plant species, varieties and sizes together with subsoil and topsoil depths, as well as further information on the gradients of the proposed basins. Consequently, should Members be minded it is considered that this matter should be dealt with by way of a condition.

The Landscape Architect has also highlighted the Council's future recreational aspirations and aims in respect of redeveloping the Cut Throat Dene area of the wider Hybrid 16/02056/HY4 site. Should this happen it may be desirable to construct, with agreement of the Applicant, a connecting footpath between the Cut Throat Dene recreational area and Whitburn Road. With this potential eventuality in mind the Council's Landscape Team is satisfied that the SuDS arrangement to the south does not preclude a potential link in the future and as such, the application proposal could easily be knitted successfully into the redevelopment of the wider site.

The proposal effectively forms part of the phased implementation of wider development aspirations for the Ocean Park site in the longer term, whilst the scale and massing broadly accord with the design code within the Seaburn Masterplan as well as the key regulatory plans approved under the previous hybrid application. The design is therefore considered acceptable subject to agreement of the materials and finishes and landscaping.

To conclude, Officers have no objections to the proposal and in the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy B2.

4. Drainage considerations

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy EN12 of the UDP seeks to ensure that proposals should not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding).

The site is located within Flood Zone 1 and on land having a less than 1 in 1,000 annual probability of river or sea flooding.

The Drainage Strategy confirms that no surface water flows will be allowed to connect into the sewerage network. The Strategy considers the site to be unsuitable for soakaways due to the low permeability of the underlying ground, and as such, surface water will be discharged to the nearest watercourse - Cut Throat Dene, which flows direct to the North Sea. This will be achieved by collecting surface water flows within the site, attenuated at a greenfield run-off rate within the drainage basin via 75mm hydrobrake orifice, and then via Northumbrian Water's surface water asset, which runs along the eastern boundary of the site.

The Drainage Strategy also confirms that a foul discharge of 1.0l/s will be discharged into manhole 5301.

In light of the Landscape Architect confirmation that the proposed landscaping scheme is acceptable and in view of the LLFA's proposed condition, which requires the agreement of a verification report that demonstrates the sustainable drainage system has been constructed in accordance with the agreed scheme, and in view of the confirmation that Northumbrian Water have no objection to the development, it is considered that the application submission has demonstrated an acceptable form of the development.

To conclude, in the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy EN12.

5. Ground Conditions, noise and amenity, and pollution

The NPPF requires authorities to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining. The NPPF also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

Planning decisions should also ensure new development is appropriate for its location taking account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Policy EN9 considers potential implications of air pollution, dust etc. arising from development proposals, whilst policy EN14 requires the consideration of ground conditions and to ensure contamination issues are considered.

- Land contamination.

A Phase I and Phase II Preliminary Geo-Technical and Geo-Environmental Assessments have been submitted in support of the application, which have been reviewed by colleagues in PPRS.

As reported in the consultee section of this report PPRS have requested further information or a condition in respect of ground gas. The Agent, acting on behalf of the Applicant, and in liaison with their land contamination consultant, provided further commentary to illustrate why a revised gas risk assessment was not required in this instance.

However, in response PPRS have provided further clarification and have drawn attention to the fact that at the southern boundary of the site a potential ground gas source remains un-investigated and as such, the associated gas risk is unknown.

In conclusion and at present, further information is still considered necessary in respect of ground gas and until evidence is provided to the contrary it is considered that a revised gas risk assessment condition be imposed with any associated remediation strategy and verification conditions imposed.

- Odour

PPRS have requested that the details of the proposed extraction/ ventilation system should be submitted to and agreed in writing prior to installation and operation of the proposed development. Consequently, should Members be minded, it is recommended that a suitably worded condition be included on any approval certificate.

- CEMP

To ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of residents/occupiers near the site, a condition should be attached requiring the provision and agreement of a Construction Environmental Management Plan (CEMP).

Taking the above into account it is considered that the development is in accordance with the NPPF and policies EN5, EN6, EN9 and EN14 of the UDP.

6. Amenity considerations

The NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The UDP has a policy, B2, which seeks to ensure levels of privacy are maintained and developments are respectful and enhance the best qualities of nearby properties.

In view of the proposed uses and location of the development the noise considerations are not considered significant, whilst PPRS have offered no objection or observations outside their requested noise assessment in respect of the final details of the external plant, when these are known. This is considered to be a reasonable approach on which to manage any noise implication arising from this aspect of the development.

In terms of the scale, massing and layout of development and as discussed in the above design considerations section the application proposal will deliver a contemporary form of development with a uniformity of design that will complement and enhance the leisure offer within the area, adding further vibrancy to this tourist, coastal location.

The application site is located far away from existing residential properties so that impacts on residential and visual amenity are limited. The application site is also surrounded by other types of leisure buildings, which further negates impact on visual amenity of the surrounding existing residential development.

Taking the above into account it is considered that the development is in accordance with the NPPF and policy B2 of UDP.

7. Habitat Regulations Assessment

The application proposal has been supported by an Ecological Appraisal and an Appropriate Assessment.

- On-site ecology

The Ecological Appraisal highlights that the site is formerly developed land with areas being sown to amenity grassland in 2017. It now contains areas of tarmac and amenity grassland of local habitat value. The risk of nesting birds being present is considered negligible as the grass is cut and the area well walked. Wader species including turnstone may forage on the grassland at times during the night when there is no disturbance.

Adjacent buildings are considered to have a negligible to low risk of supporting roosting bats, being of modern construction with sheet metal roofs and generally tightly sealed. The trees nearby are predominantly of negligible bat roost risk, just approaching maturity, but some compression forks are present which may include cavities.

There is a risk that increased visitor pressure may result in disturbance to SPA and SSSI bird species using the beach and more particularly the associated rocky shores.

No other protected or priority species is likely to be affected by the proposals.

The Ecological Appraisal report anticipates the following potential impacts:

- Increased visitor pressure on the nearby designated sites;
- Loss of recently created habitats of local habitat value;
- Risk of mammals such as hedgehog getting harmed during trench excavation.

Key mitigation measures, as detailed in Section G: Recommendations are as follows:

- Provision of an area of greenspace to the south of the development to off-set the loss of amenity grassland;
- Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees;
- The roots and crowns of retained trees on adjacent land will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

In terms of the on-site ecology considerations the above mitigation measures should form the basis of an adherence condition.

- Habitat Regulations Assessment

The Applicant's consideration of the application proposal's impacts on the Special Protection Area (SPA) and Special Area of Conservation (SAC) sites along the coast is addressed in their 'Report to Inform Appropriate Assessment'.

In response, the Council's Ecologist required further detail regarding the facilities on offer at the hotel and how it will cater for dogs and dog walkers. It is the associated recreational impacts of dog walking on the protected sites along the coast that the Council, as the competent Authority, must consider in context of the Habitat Regulations. This information was required to

understand whether the proposed mitigation measures are appropriate. Further detail was also required in respect of the timetable of works, as well as a plan demonstrating the links to the identified areas of Suitable Alternative Natural Greenspace (SANG) and how these will be maintained.

In response, the Agent confirmed that the Inn Collection Group, the Applicant and proposed operator, are dog friendly and will allow dogs within their property. Additional information was also provided to illustrate how the proposed layout provides for pedestrian linkages to the adjacent adopted highway and therefore to the SANG areas.

In terms of the signage the Applicant's ecologist advised that they would look to provide these during the construction period of the hotel and installed during the summer period when non-breeding SPA birds are largely absent. Signs would be created from oak posts, driven into the sand in suitable locations, carved to create a suitable image for the edge of the protected site and with a simple label such as "Nature Reserve". These would make people aware of when they were entering a sensitive area and where it is inappropriate to exercise dogs off lead.

At the time of writing this report the detail of the above approach is still being considered. However, it is anticipated that suitable mitigation measures will be agreed, which will be delivered either via a condition, if it is agreed that the Applicant delivers the proposed mitigation, or via a legal agreement if it is the Authority who needs to deliver the agreed to mitigation. An outline of the agreed mitigation measures and the route through which these will be delivered will be confirmed to Members at the Committee meeting.

In the absence of any material considerations to the contrary, officers consider the proposal will accord with UDP policies CN18, CN19 and CN23.

8. Public Benefits

As set out in paragraph 80 of the NPPF "planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development". In this regard, the detailed development proposed by this planning application will increase the leisure and tourism offer not only in Seaburn but the wider Sunderland area. The delivery of this proposal will assist in attracting further investment to the area.

The planning advantages for the existing local community is that new opportunities for employment will be created. This development will cost in the region of ?6 million. The development proposal will provide employment opportunities for the local community following the construction and completion of the development. An estimated 40 jobs will be provided by this development.

The Applicant's planning statement summarises the economic benefits as follows:

- Support the growth of Sunderland's tourism industry and accommodation sector by creating additional capacity and catering for a wider range of overnight visitors;
- Visitors to the hotel will make further contributions to the local economy through additional retail and leisure expenditure;
- Represents a significant investment of £6 million and will result in a significant benefit in terms of the value of construction jobs and the contribution to the wider economy;
- It will create an estimated 40 jobs.

The NPPF identifies the social objective as one of the three key overarching objectives. It identifies a key role for planning is to support strong, vibrant and healthy communities and this can be achieved by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being, (paragraph 8b)).

The Applicant's planning statement summarises the social benefits as follows:

- Offers key opportunity to deliver a high-quality development on the seafront, which is a recognised tourist location, and increase the choice of hotels and restaurants for visitors and the local community in Sunderland;
- Facilitate and support tourism growth within Sunderland including business tourism;
- Re-develop a brownfield site central to the Seaburn seafront area;
- Add vibrancy and increased movement to the Seaburn seafront area through the family restaurant.

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 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 application proposal is considered to accord with UDP policies EN10, EC9, L12, NA26, T14, B2, EN5, EN6, EN9, EN13, EN14, CN18 and CN23. The detailed considerations, as discussed above and which comprise the key highway, design and conservation, drainage, ground conditions and amenity matters, are considered to accord with relevant local and national planning policies.

In the absence of any material considerations to the contrary, and subject to the HRA mitigation measures being satisfied, which will result in either an additional condition being required or Section 106 Agreement being agreed to in order to secure a financial contribution for the delivery of the agreed mitigation measures, which will be confirmed to Members at the Committee Meeting; Officers consider the application proposal to be acceptable subject to the following draft conditions.

RECOMMENDATION:

Members be minded to Grant Consent, in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992, subject to the draft conditions listed below and subject to the satisfaction of the detailed HRA mitigation, which will be secured either via an additional condition or Section 106 Agreement.

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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Proposed GA - Level 0, Drawing No. 100 Rev P3;
- Proposed GA - Level 1, Drawing No. 101 Rev P3;
- Proposed GA - Level 2, Drawing No. 102 Rev P3;
- Proposed GA - Level 3, Drawing No. 103 Rev P3;
- Proposed GA - Level 4, Drawing No. 104 Rev P3;
- Proposed Elevations - East and West Elevations, Drawing No. 105, Rev P3;

- Proposed Elevations - North and South Elevations, Drawing No. 106, Rev P3;
- Proposed - Section 1, Drawing No. 107, Rev P2;
- Proposed - Section 2, Drawing No. 108, Rev P2;
- Proposed Site Layout, Drawing No. 110, Rev P4;
- Existing Site Plan, Drawing No. 111, Rev P4;
- Location Plan, Drawing No. 112, Rev P4;
- Boundary Treatment Plan, Drawing No. 113, Rev P4.

Reason:

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 No development shall commence until details of how the contamination status of the imported landscaping materials will be specified and a revised gas risk assessment have both been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the submitted details shall be completed in accordance with a recognised code of practice for site investigations (such as BS 10175:2001 and YALPAG Guidance on Verification Requirements for Cover Systems).

Reason:

To ensure that risks from land contamination to future users of the land and to ensure that the development can be carried out safely without risks to receptors, in accordance with policy EN14 of the Unitary Development Plan.

4 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, no development shall commence until a detailed Remediation Strategy and Verification Plan 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 has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the residential use of the land.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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.

5 If any hazards are identified from any form of contaminant by any site investigation which require remediation, as determined by the Local Planning Authority, the use shall not commence until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

To ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised 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.

6 If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

7 No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which shall include the following:

- I. Traffic management, traffic routes of plant and heavy goods vehicles;
- II. Parking of vehicles of site operatives and visitors;
- III. Loading and unloading of plant and materials;
- IV. Storage of plant and materials used in constructing the development;
- V. Erection and maintenance of security hoarding;
- VI. Measures to ensure public highway remains sufficiently clean of dirt;
- VII. Measures to control the emission of dust, dirt and other airborne pollutants;
- VIII. Scheme for recycling/ disposing of waste resulting from demolition and construction works;
- IX. Measures to control noise and vibration;
- X. Communication plan for liaising with the public.

Reason:

In order to protect the amenity of the area and to comply with policies B2, EN1 and T14 of the adopted Unitary Development Plan.

8 Prior to the first occupation of the development, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme (i.e. in accordance with the landscape and basin section drawings and drainage layout). This verification report shall include:

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

- Details of ownership organisation/ adoption details.

Reason:

To ensure that all sustainable drainage systems are designed to the DEFRA technical standards for SuDS.

9 Notwithstanding the submitted plans, no above ground development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include proposed finished levels or contours; pedestrian access and circulation areas; hard surfacing materials. Soft landscape works shall include planting plans including written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/ densities.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2 and EN12 of the Unitary Development Plan.

10 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.

Reason:

In the interests of visual amenity and nature conservation and to comply with policies B2A of Alteration No. 2 and T14, T16, CN18 and CN22 of the Unitary Development Plan.

11 No above ground construction shall commence until details and samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason:

To ensure, in accordance with Unitary Development Plan policy B2, the development hereby approved respects and enhances the best qualities of the locality.

12 Before any part of the building, hereby approved, that is to be used for the preparation and serving of food on a commercial basis is fitted out, details of a scheme for the extraction of cooking fumes and odours, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the scheme shall be implemented in full accordance with the approved details prior to the development being brought into use and thereafter shall be retained at all times.

Reason:

In the interests of the protecting the amenity of the area and to accord with policy EN1 of the Unitary Development Plan.

13 Before any plant and/ or machinery is used on the premises, it shall be enclosed with sound-insulating material and/ or mounted in a way which will minimise transmission of structure borne sound, in accordance with a scheme to be approved in writing by the Local Planning Authority. The scheme shall be informed by an appropriate noise assessment of the external plant to be used in the development hereby approved, with reference made to the World Health Organisation Guideline Values for Community Noise, BS 8233:2014 and BS 4142:2014.

Reason:

In the interests of the amenity of the area and to accord with policy B2 and EN5 of the UDP.

14 The development hereby approved shall be carried out in full accordance with Section G: Recommendations of the Ecological Appraisal (August 2019), report version R02.

Reason:

To ensure, in accordance with Unitary Development Plan policy CN19, the development hereby approved does not adversely affect designated sites.