

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 Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre

Executive Director Economy and Place

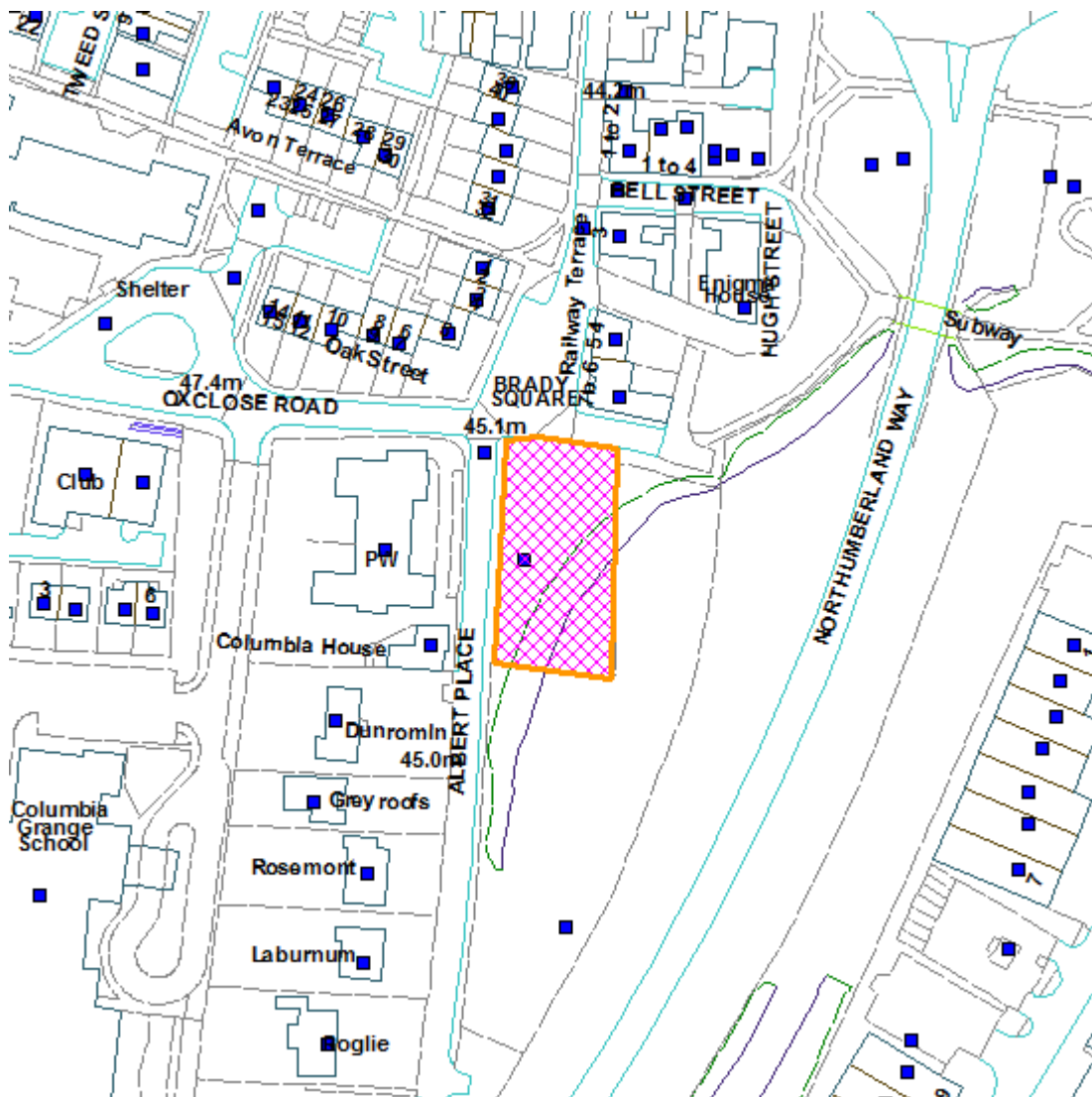
Reference No.: 17/00865/LP3 Local Authority (Reg 3)

Proposal: **Erection of 4no two bedroomed bungalows with associated parking and landscaping. (Amended description).**

Location: Land West Of Former Washington Old School Albert Place Columbia Washington

Ward: Washington Central
Applicant: Sunderland City Council
Date Valid: 13 June 2017
Target Date: 8 August 2017

Location Plan



PROPOSAL:

Introduction

Full planning permission is sought for the erection of 4 no. bungalows with associated access, car parking and garden areas.

Site description

The application site is roughly rectangular in shape and is located on the junction of Albert Place and Brady Square in Washington. The site is currently laid to grass and slopes gradually and then steeply towards the east and south east. There is a belt of densely planted trees to the east and south of the site which act as a buffer between Albert Place and the A195.

The area surrounding the application site is in mixed use with commercial premises located to the north in Brady Square and Washington Church of Christ located opposite the site, to the west. Also to the west and south west of the site are residential dwellinghouses. Further residential dwellinghouses are located in Oak Street to the north west of the site.

Proposal

The application under consideration proposes 4 bungalows, together with associated car parking and garden areas. A retaining wall is also proposed to the west and south of the development as the application site will, in effect, be cut into the site.

The bungalows proposed are to be arranged as two pairs of semi-detached properties, fronting on to Albert Place. The bungalows will have private garden areas to the front and the rear. A retaining wall will run to the rear and the south of the site with the development effectively being cut in to the site. Double width drives are provided to the front of each proposed bungalow to provide off street car parking.

The proposed bungalows will provide their occupiers with a kitchen, bathroom, living room and two bedrooms. Outlook is primarily afforded to the front and back of the propose bungalows but a window will be incorporated in to the gable elevations of plots 1 and 4.

The proposed bungalows are considered to be of a simple, traditional design with design interest provided by hipped gable features to the front.

The proposed bungalows would be provided for sale on the open market.

Members should note that this proposal has been amended following consultation to reduce the number of dwellings proposed from six to four.

TYPE OF PUBLICITY:

Site Notice Posted

Neighbour Notifications

CONSULTEES:

Fire Prevention Officer

Washington Central - Ward Councillor Consultation

Network Management
Northumbrian Water
Environmental Health
City Arboricultural Officer

Final Date for Receipt of Representations: **28.05.2018**

REPRESENTATIONS:

Consultation and Publicity

The application has been advertised by means of site notices and neighbour notification letters.

Individual neighbour notification letters were sent to 27 near neighbouring properties in the immediate area including Albert Place, Brady Square and Oak Street. As a result five responses have been received in objection to the proposed development. One respondent has provided four different letters of objection as the scheme has evolved. A further letter of objection has been received that has been signed by five different objectors, all residents of Albert Place.

In summary, the main reasons for objection are:

- o Car parking and traffic congestion
- o Loss of green space
- o Loss of trees and wildlife habitat
- o Increase in number of properties in Albert Drive
- o Loss of daylight and view
- o Increase in noise

POLICIES:

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

EN5 - Protecting sensitive areas from new noise/vibration generating developments

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

EN14 - Development on unstable or contaminated land or land at risk from landfill/mine gas

H1 - Provision for new housing

B2 - Scale, massing layout and setting of new developments

CN20 - Developments affecting designated/proposed SSSI's

CN21 - Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN22 - Developments affecting protected wildlife species and habitats

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

COMMENTS:

Consideration

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF) in March 2012, (which is a material consideration for the purposes of Section 38(6) of the Act), the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan are to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF sets out a presumption in favour of sustainable development and paragraphs 7 and 8 therein explain that there are three dimensions to sustainable development - economic, social and environmental - and that these are mutually dependent, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 goes on to explain that the presumption in favour of sustainable development should be viewed as a 'golden thread' running through both plan-making and decision-taking and means that when determining planning applications, authorities should:

- Approve applications that accord with an up to date development plan without delay; and
- Where the development plan is absent, silent or its relevant policies are out of date, granting permission unless:-

(a) there are any adverse impacts that would significantly and demonstrably outweigh the benefits when assessed against the provisions of the NPPF taken as a whole, or specific policies in the NPPF indicate development should be restricted; or

(b) any specific policies in the NPPF indicate that development should be restricted.

The NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that development should:

- o proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- o encourage the effective use of land by re-using land that has been previously developed (i.e. brownfield land);
- o always seek to secure a high quality of design and a good standard of amenity;
- o take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside;
- o take full account flood risk and coastal change;
- o actively manage patterns of growth to make fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- o contribute to conserving and enhancing the natural environment.

These core principles of the NPPF feed into policies EN5, EN10, EN14, H1, B2, CN20, CN21, CN22, T14 and T22 of the Council's adopted Unitary Development Plan (1998), which are relevant to the consideration of this application.

As Members may be aware, on 19th July 2017 the Council's Cabinet approved a Draft Core Strategy and Development Plan (CDSP) for consideration and a public consultation on the first draft ended on 2nd October 2017. The Council is currently in the process of considering and addressing the comments received in response to the consultation exercise. Paragraph 216 of the NPPF states that:

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- o The extent to which there are unresolved objection to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given"

In terms of the above advice, clearly the Draft Plan has been prepared after the publication of the NPPF. The first consultation on the CDSP has, however, only expired recently. The weight that can be given to the draft CDSP is therefore extremely limited to the extent that consideration of the application in question, in terms of the development plan, will be only made using the aforementioned relevant policies within the Council's adopted Unitary Development Plan and with regard to any other material considerations.

With reference to the above national and local planning policy background, it is considered that the main issues to examine in the determination of this application are as follows:

- o The principle of the proposed development;
- o The impact of the development on visual and residential amenity, including noise;
- o The impact of the development in respect of highway and pedestrian safety;
- o The impact of the development upon arboricultural matters and streetscene;

1. Principle of development

Particularly relevant to the consideration of this application is section 6 of the NPPF, which is concerned with achieving the delivery of a wide choice of high quality homes. Paragraphs 47 and 49 of the NPPF are especially pertinent, with paragraph 47 stating that in order to significantly boost the supply of housing, Local Planning Authorities should:

- o Use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the NPPF, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- o Identify and update annually a supply of specific deliverable sites (i.e. sites which are available, suitable and viable for housing) sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land;
- o Identify a supply of specific, developable site or broad locations for growth, for years 6-10 and where possible, for years 11-15;
- o For market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and;
- o Set out their own approach to housing density to reflect local circumstances.

Meanwhile, paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant local policies in a development plan for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

As indicated by paragraphs 47 and 49 of the NPPF (set out above), the NPPF demands that a planning authority should identify an available and deliverable five-year supply of housing land. If such a supply of housing land cannot be robustly demonstrated, relevant local policies for the supply of housing are regarded as out of date, and therefore should be afforded little weight.

At this juncture the Council as Local Planning Authority cannot robustly demonstrate a five-year supply of housing land that has been subject to independent examination via a public enquiry. As such, and in line with the guidance of aforementioned paragraph 49 of the NPPF, the more up to date development management and housing policies in the NPPF must be given greater weight when considering this application than the housing policies in the Council's saved Unitary Development Plan.

With regard to local policy, the proposed development site is not allocated for a specific use by the proposals map of the City Council's UDP and as such, policy EN10 therein is applicable. This requires new development proposals to respect prevailing patterns of land use and to this end, it is considered that a development of the site which involves the erection of new dwellinghouses, in the form of bungalows, would be compatible with the mixed nature of the locality.

The proposal would also accord with policy H1 of the UDP, which generally supports the provision of new housing in the City in order to maximise locational choice, reduce out-migration and increasing household formation, assist in regeneration objectives and, wherever possible, secure the re-use of vacant and derelict land.

In this regard, although the application site is not allocated for housing development by the UDP, it has been identified in the Council's 2017 SHLAA (site 694) as being capable of accommodating up to 6 no. dwellings and is also identified as a deliverable site. As such, the approval of planning permission for residential development of the site would serve to make a positive, albeit very modest, contribution to the supply of deliverable housing land in the City.

Given the above, it is considered that the broad principle of erecting dwellinghouses at the site is acceptable. Nevertheless, in order to fully establish the acceptability of the proposed development, an assessment must firstly be made of all other relevant material planning considerations raised by the scheme and in this regard, policy EN10 advises that any new development proposals will only be deemed acceptable where the scheme also satisfactorily accords with relevant strategic and City-wide policies.

2. Impact of development on visual and residential amenity and urban design considerations
Policy B2 of the UDP requires new development proposals to respect visual and residential amenity, whilst the core principles of the NPPF set out an objective for schemes to deliver high standards of design and amenity.

In terms of visual amenity, there is a mixture of building styles within the immediate vicinity of the application site. Directly to the west of the site on Albert Drive is a Victorian School Building which is used by the Washington Church of Christ and has planning permission for use as flexible office space, meeting and community rooms and mother and toddler rooms. This building is also used as a crèche. Brownie and Girl Guide meetings are held there in the early evenings. This building is single storey in height with pitched roofs, walls constructed from red brickwork and the roof finished with slate.

Columbia House is located to the south of the former school building and is set within its curtilage. It is two stories in height with a pitched roof and is constructed from red brickwork with render at first floor level.

Further along Albert Place to the south lies a series of bungalows. It is estimated that these bungalows date from around 1950. The bungalows are constructed from a range of materials, red brickwork and rendered walls. The pitched roofs, some of which are hipped are either finished from either concrete interlocking roof tiles or red plain tiles. The bungalows are set well back from the road and are contained by a random rubble stone wall, tree and shrub planting.

To the immediate north of the site is a short terrace of red brick, which is two stories in height and is currently in use as commercial units (hair salon being closest to the development site). To the north west, diagonally opposite the proposed development site are further dwellings arranged in terraced fashion varying between one and two stories in height. These are constructed from buff/beige bricks with brown roof tiles.

The proposed bungalows will comprise a short terrace of four dwellings. The walls will be finished with red brickwork with soldier course brickwork head and brick detailing under the verge of the front elevation peak. The roofs will be finished with grey coloured fibre cement slates. The windows to the front and patio doors to the rear will be constructed from white uPVC frames and double glazed units.

A window set into the north gable will provide some interest to the gable exposed to Brady Square to the north.

On the above basis it is considered that the design of the proposed bungalows is acceptable and unlikely to result in detrimental impact upon the streetscene,

The general layout of the scheme, with the dwellings fronting Albert Drive is considered to be the most appropriate response to the site by ensuring that the dwellings present their principal elevations to the existing vehicle highway.

The proposed bungalows are of a simple design and appearance, but this is considered to be appropriate given that the locality is characterised by a variety of different building styles.

Impact upon near neighbouring properties.

The Council's Residential Design Guide Supplementary Planning Document (SPD) requires that 21 metres is retained between properties with elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations, this arrangement ensures dwellings are afforded acceptable levels of privacy and main living room windows are afforded a middle- to long-distance outlook.

The proposed bungalows are positioned opposite to the Washington Church of Christ and there are no main windows positioned opposite to any existing residential dwelling. On this basis it is considered that the proposed development will not result in any overlooking towards any near neighbouring property. Similarly, it is not considered that there is any impact upon outlook which would result in an overbearing effect, for any near neighbouring property.

5 letters of objection have been received in connection with the proposed development on the following grounds:

Reduction in greenspace.

The proposed development site is currently an area of open grassed green space within an urban setting. The proposed development of 4 bungalows in this location will undoubtedly reduce the amount of green space and will clearly change the character of the eastern side of Albert Place. However, the area proposed for development is not allocated as open space and is not afforded any special protection from development. Furthermore, there will be a small area of grass retained to the south and east of the development with the existing trees to be retained. On balance, the loss of the grassed area at the junction of Albert Place and Brady Square is considered to be acceptable.

Overdevelopment of Albert Place.

Objection to the proposed development has been received on grounds that the proposed development would result in an overdevelopment of Albert Place, increasing the number of properties located on the street from six to ten. It is not considered that the proposed development represents an overdevelopment of Albert Place, neither is it considered unreasonable or overly dense for ten properties to be served from Albert Place.

Unacceptable parking arrangements.

Objection to the proposed development on grounds that the proposed development is likely to result in an increase in on street car parking which would cause an obstruction to traffic trying to enter and exit Albert Place and would potentially obstruct access to the gates providing pedestrian and vehicular access to Columbia House. Objection is also received on grounds that the proposed development will result in an increased level of noise from cars parking on the street which disturb the occupiers of Columbia House.

The proposed development provides two private off street car parking spaces per bungalow in the form of a double width driveway to the front of each property proposed. This provides a total of eight private car parking spaces to serve the development. The Council's current adopted car parking standards generally require one off site car parking space per dwelling with an additional visitor parking space at a ratio of one space per three dwellings. The requirement for car parking spaces based upon the current adopted standards would therefore be five car parking spaces in total. The development as proposed provides an additional three spaces over those required by policy.

Furthermore, the Council's Network Management Team has been consulted regarding the proposed development and has not raised any objection to the proposed development.

With regard to vehicles causing an obstruction to the highway: On street parking in the vicinity of the site is unrestricted. However, any obstruction of either the highway or of private driveways would be a matter for the Police and cannot be controlled by planning legislation.

Increase in noise, loss of view and natural light.

In terms of noise, any noise originating from the development would be of a residential nature and it is not considered that any such noise would create conditions prejudicial to the residential amenity of any near neighbouring property.

An objection to the development on grounds that existing views across the application site would be lost have been received. However, the planning system cannot protect the views afforded to private individuals across third party land.

Regarding loss of natural daylight: The proposed bungalows are to be located to the north east of Columbia House on the opposite side of Albert Place. The orientation of the proposed development to the north east; the distance between the development and the proposal and; the

single storey nature of the proposed development, mean that there will be no unacceptable loss of natural daylight to Columbia House or any other near neighbouring dwelling.

Taking into account all of the issues raised in the objections made to the proposed development and also taking into account the requirements of the Council's SPD and adopted planning policy, it is not considered that the proposed development will result in any unacceptable impact upon the residential amenity of any occupier of near neighbouring residential dwellings.

3. Impact of the development on highway and pedestrian safety

Paragraph 32 of the NPPF advises that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Planning decisions should take account of whether opportunities for sustainable transport modes have been taken up, that 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 32 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 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 T22 of the UDP, meanwhile, requires new development proposals to be afforded appropriate levels of dedicated parking; in this regard, the Council's 'Residential Design Guide' SPD setting out recommended levels of one in-curtilage parking space per new dwelling and visitor parking afforded at a rate of one space for every third dwelling.

As set out previously, the development provides two in curtilage parking spaces per dwelling proposed. This is in excess of policy requirements and is considered to be acceptable. The Council's Highways team has raised no objections to the development.

With regard to the comments provided by the Council's Highways team and for the reasons set out above, it is considered that the proposed development does not give rise to any significant highway safety concerns. As such, the development is compliant with the objectives of paragraph 32 of the NPPF, policies T14 and T22 of the UDP and the recommended parking standards set out in the Council's 'Residential Design Guide' SPD.

4. Implications of development in respect of ecology and biodiversity

Section 11 of the NPPF sets out a general strategy for the conservation and enhancement of the natural environment, and it advises that the planning system should recognise the wider benefits of ecosystem services and minimise impacts on biodiversity and provide net gains in biodiversity where possible. On a local level, policies CN20 and CN21 of the UDP seek to protect Sites of Special Scientific Interest (SSSIs) and Local Nature Reserves respectively from development proposals with harmful direct or indirect impacts, whilst policy CN22 states that development proposals which would adversely affect any animal or plant species afforded special protection by law, or its habitat, will not be permitted unless mitigating action is achievable.

Reports accompanying the application identify the area of trees to the east of the site as a habitat for birds and potentially bats. In order to mitigate any negative impact upon bird or bat habitat as a result of the proposed development, the submitted reports recommend that 10 bat boxes and 10 bird boxes are provided prior to the occupation of any of the dwellings. On this basis, it is

recommended that if Members are minded to approve the application a condition should be applied to any approval granted requiring the bat and bird boxes as set out above.

As previously mentioned, to the east of the application site is a group of densely planted trees which form a visual buffer between Albert Place and the A195 (which is located further to the east). The trees provide visual screening of the A195 and provide some attenuation in relation to noise from the road.

The development proposed will require the removal of 15 semi-mature to early-mature trees and a number of self seeded and naturally recruited trees . Other trees, which will be retained, will require facilitation pruning to allow for the movement of site plant, and for the installation of the boundary treatment.

One objection received to the development has stated that the proposed tree loss will result in harm to visual amenity and jeopardise the noise attenuation afforded to the area.

In terms of visual amenity, the majority of the trees present to the east of the application site will be retained and it is not considered that the removal of the trees proposed will have an impact upon visual amenity significant enough to warrant or sustain a refusal of planning permission. With regard to noise attenuation from the A195, the Council's Public Protection Team has been consulted and has raised no concerns in this regard.

The trees in question are not protected by a tree preservation order nor is the site in a conservation area, therefore whilst the loss of fifteen trees is regrettable, the lack of any statutory protection means that a refusal of planning permission on the grounds of loss of trees would be unsustainable and not warranted on planning grounds.

In order to ensure that the trees that are to remain on site are adequately protected during and following development, should Members be minded to approve this application a condition will be attached to any approval granted requiring the works on site to be carried out in accordance with an arboricultural method statement which sets out tree protection measures that are appropriate during construction of new development.

With regard to the above, and subject to the recommended conditions, it is considered that the implications of the development in relation to on-site and off-site biodiversity and ecology will be acceptable, in compliance with the requirements of section 11 of the NPPF and policies CN17, CN20, CN21 and CN22 of the UDP.

5. Implications of development in respect of land contamination/ground conditions

Paragraph 121 of the NPPF states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution. Meanwhile, policy EN14 of the UDP states that where development is proposed on land where there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

A Phase 1 Desk Top Study and Phase 2 Site Investigation have been submitted to support this application for development. These reports have been assessed by the Council's Public Protection Team which has raised no objection to the proposed development but which has

recommended that if Members are minded to approve the proposed development, conditions requiring a remediation statement to be submitted to the Local Planning Authority for written approval should be applied to any approval granted. A condition requiring the implementation of the approved remediation scheme and a condition requiring the submission of a verification report is also recommended. On this basis the development proposed is considered to be acceptable in terms of land contamination and ground conditions.

Summary

In summary, the application site under consideration is not afforded any special protection via its allocation in the Council's adopted Development Plan. Furthermore, the proposed development is considered to be acceptable in terms of design, quantum and layout. It is not considered that the proposed development will result in any detrimental impact upon residential amenity. For these reasons, and those set out elsewhere in this report, it is recommended that Members Grant Consent for the proposed development, subject to the draft conditions set out below.

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 under Regulation 3 of the Town and Country Planning (General Regulations), subject to conditions below.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which 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 site, block and roof plan. Proposed site section A-A, Drawing number 04 Rev G received 14 May 2018;
House Types T1 Bungalow, Drawing 01 Rev B, received 14 May 2018;
Existing site and block plan, Drawing 01 Rev B, received 14 March 2018.

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

3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP.

5 The noise mitigation scheme identified in Table 1, Report Ref 6105.1 (or equivalent) shall be fully implemented prior to the occupation of the first dwelling and shall be maintained for the lifetime of the development. In the interest of noise mitigation and residential amenity and to comply with the requirements of Policies B2 and EN5 of the adopted Unitary Development Plan.

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

- Traffic routes of plant and heavy goods vehicles
- Parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Measures to ensure public highway remains sufficiently clean of dirt
- Measures to control the emission of dust, dirt and other airborne pollutants
- Scheme for recycling/disposing of waste resulting from demolition and construction works
- Measures to control noise and vibration
- Communication plan for liaising with the public
- Fuel storage area which shall include bunding and wash down facilities
- Inspections and maintenance of the watercourse in compliance with riparian responsibilities
- Measures to protect water quality and mitigate surface water runoff

The development shall be implemented in accordance with the approved Plan.

Reason: In order to protect the amenity of adjacent occupiers, the adjacent highway network, local wildlife and its habitat and neighbouring heritage assets, to prevent the increased risk of flooding and to protect water quality during construction and to comply with policies B10, CN22, EN1, EN5, EN12, EN14 and T14 of the adopted Unitary Development Plan and paragraphs 32, 109, 118, 134 of the National Planning Policy Framework.

7 No development shall commence until precise written details of a gas risk assessment of the site and the results of the aforementioned assessment are submitted in writing for the written approval of the Local Planning Authority. For the avoidance of doubt, the monitoring shall include periods of low and falling pressure. In the interest of the safe development of the site and to comply with the requirements of Policy EN14 of the adopted Unitary Development Plan.

8 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 historic environment has been submitted to, and approved in writing by the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation, objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

9 The remediation scheme approved under Condition number 8 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development (other than those works that are required to carry out the remediation), unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS 23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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 to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

10 The development hereby approved shall not be occupied until ten bat boxes and ten bird boxes have been installed in accordance with the recommendations of the Environmental Impact Assessment, Albert Place, Washington, dated September 2017. In the interest of nature conservation and to comply with the requirements of policy CN22 of the adopted Unitary Development Plan.

11 No vegetation clearance or tree felling shall take place outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests. In the interest of nature conservation and to comply with the requirements of Policy CN22 of the adopted unitary Development Plan.

12 The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment - Tree Protection, set out in Appendix 3 of the Arboricultural Implications Assessment and Tree Protection Plan, Reference R01, dated September 2017. In the interest of tree protection and nature conservation and to comply with the requirements of Policy CN17 of the adopted Unitary Development Plan.

Reference No.: 18/00370/FUL Full Application

Proposal: Sub-division and change of use of existing unit to A1 (retail) and A5 (hot food takeaway) with extraction flues to roof. (Amended Proposal)

Location: Biddick Community Centre 33 Biddick Village Centre Washington NE38 7NP

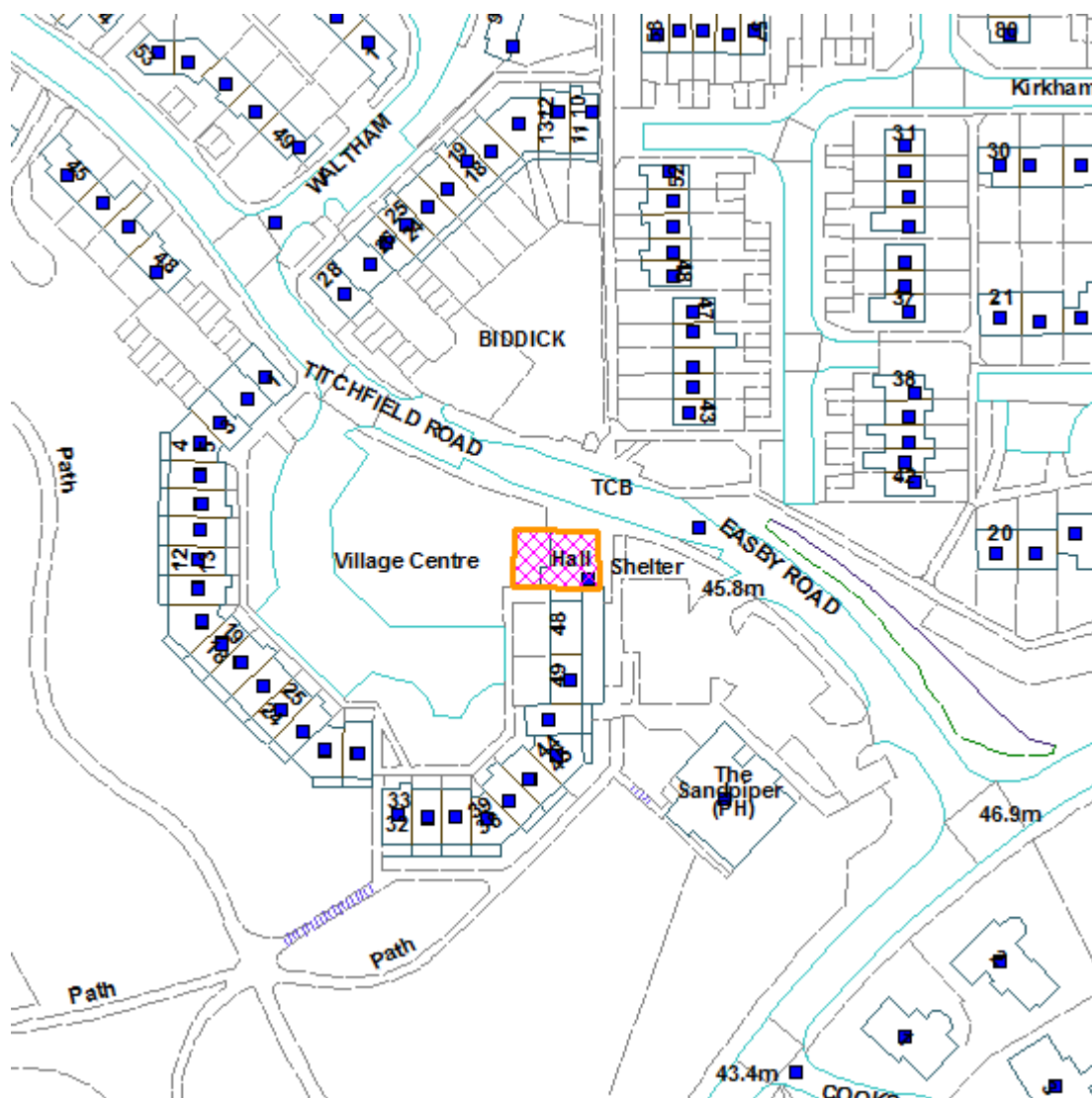
Ward: Washington Central

Applicant: Mr Bob Singh

Date Valid: 14 March 2018

Target Date: 9 May 2018

Location Plan



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PROPOSAL:

APPLICATION SITE

The application site is the former community centre and meeting hall at Biddick Village which is currently vacant. It is of a characteristic 1960s/70s New Town design, brick built, with a split roof and large canopy over the side entrance doorway, and sits at the end of a crescent of buildings forming Biddick Village centre, facing Biddick Village Green. The single storey property is linked to the adjacent property by a canopy roof over a walkway under which is positioned another entrance to the building.

Whilst the area is predominantly residential, the neighbouring property no. 48-49 is in retail use, and a public house, The Sandpiper, sits to the south east of the site. A bus link runs along the section of road adjacent to the application site through which no cars are allowed. Public car parking is located either side of this link, in the vicinity of the hall, shop and pub to the east and around the village green to the west. The site is within walking distance of three schools.

PROPOSAL

The proposal relates to the subdivision of the premises to form two units and the use of these as retail (use class A1) and hot food take away (use class A5). The development will involve the insertion of 2 new windows, one in the northern and one in the eastern elevations. The proposal is speculative with no end-user in mind.

The application would normally be considered under delegated powers however a request has been received from a Member for it to be presented to the Development Control sub-committee. After the report had been prepared for the meeting held on the 5th June additional information was received relating to details of the proposed extraction and ventilation system. In order to carry out public consultation on the additional information and to fully consider the details, Members resolved to defer the decision until the next available meeting.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Washington Central - Ward Councillor Consultation
Environmental Health

Final Date for Receipt of Representations: **21.06.2018**

REPRESENTATIONS:

Publicity

One letter of representation was received in response to the original publicity of the application. The writer does not object as such but is concerned that the development should not lead to a deterioration of the character of the area.

Late submissions of one petition containing 17 names, and 2 letters of objection, including one from a Member, have also been received. The objector's main concerns relate to;

1. The potential for the hot food takeaway use to generate litter in the area,
2. The potential for the takeaway use to generate odour pollution,
3. The potential for the use to generate rubbish that will attract vermin,
4. The potential for the use to lead to antisocial behaviour, noise and disturbance, especially at night, to nearby residential properties,
5. The proximity of the takeaway to local schools and the link between health/obesity and takeaways,
6. The highway safety implications of the proposal,
7. The security implications of the proposed use attracting people into the area,
8. There are existing similar facilities nearby and these new facilities are not required,
9. The development will adversely affect property values in the area.

With regards to point 8, a demonstrable need for the proposed uses does not need to be proven in this instance and competition is not an issue that can be addressed within the context of the planning application. Similarly, whilst the impact of the proposed development upon residential amenity and the character of the area are material considerations, the perceived impact of the proposal upon property values referred to in point 9 is not a planning issue that can be dealt with as part of the consideration of the planning application. The other points will be addressed within the main body of the report.

Following the receipt of the additional information a further public consultation exercise was carried out, with site notices posted next to the site and letters delivered to neighbours over a wider area than previously in response to concerns that residents from the wider vicinity were not aware of the application.

It would appear that a third party has also carried out a leaflet drop of residential properties over a much wider area again asking occupiers to object to the proposal. This includes some incorrect information, including a copy of the site notice posted near the application site which has been altered to show a different name for the applicant, inaccurate information about the nature of the use, and an incorrect statement that the notices had been removed from the lampposts to which they were attached (the notices were still intact when checked on site by an Officer).

Subsequently, a petition containing 125 signatures, with some local addresses and some from as far away as Shiny Row, has been received, but with no reasons for objection given. An additional 66 letters of objection have also been received to date. The objectors main concerns relate to the points already detailed above.

The statutory public consultation period expired on 21 June, ahead of the submission of this report for publication on 22 July. Any additional objections received between the submission of this report and the Committee meeting will be reported to Members at the meeting.

Network Management

The Network Management team has no objections in principle to the proposal.

Public Protections and Regulatory Services

The Public Protections and Regulatory Services team has advised that further information should be submitted in respect of noise and odour.

POLICIES:

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

EN10 - Proposals for unallocated sites to be compatible with the neighbourhood

S12 - Criteria for hot food take-aways, restaurants, other A3 uses and amusement centres

T14 - Accessibility of new developments, need to avoid congestion and safety problems arising

T22 - Parking standards in new developments

EN6 - Limit exposure of new noise/vibration sensitive developments to existing sources

COMMENTS:

ISSUES TO CONSIDER

In assessing the proposal the main issues to consider are;

- the principle of the use,
- the highway safety implications of the development,
- the impact of the development upon the amenities of the nearby residential properties,
- the impact of the development upon the amenities of the area,
- the health implications of the proposed A5 use.

In determining the application the LPA had regard to policies within the adopted UDP that are on the list of 'saved' policies submitted to the Secretary of State via Government Office for the North East. Confirmation of the saved policies and the direction provided by the SoS was received on the 4th September 2007. All the policies referred to in the following assessment have been saved.

1. Principle of the Use

Policy EN10 of the UDP requires new development proposals to respect the existing pattern of land use in areas where there is no specific land use allocation.

The site lies within the village centre close to other local facilities serving the neighbourhood. The proposed uses are A1 retail, which reflects the use of the adjacent property, and A5 hot food takeaway. The property was previously in a non-residential use and its change of use to another non-residential use serving the locality would be in keeping with the existing pattern of land use in the area, in broad compliance with policy EN10 of the UDP.

Policy S12 of the UDP states that;

'Planning permission for hot food takeaway shops will normally be granted in existing town and local centres and other appropriately located and accessible sites unless they have a detrimental effect on the environment, residential amenity and public or highway safety...'

The Supplementary Planning Guidance, 'Development Control Guidelines' (SPG) adopted in June 2000 has been subject to public consultation and is a material consideration when determining planning applications. Section 9 expands on policy S12 by stating that hot food takeaways;

'will normally be permitted in shopping parades of greater than 10 units subject to the need to protect the amenities of residential properties from noise and general disturbance associated with food preparation and vehicle and pedestrian movement.

Applications... in smaller shopping parades situated in a predominantly residential area will not normally be permitted where the principal elevation of the nearest dwelling house or block of flats is less than 50m away.

Applications ... likely to lead to car parking on nearby residential roads in evening periods and which would be likely to cause nuisance to nearby residents will not normally be permitted.'

The application site does not sit within a shopping parade, rather it is one of a trio of non-residential premises within an otherwise residential area, with a number of properties within 50m of the application site.

Given the above, the proposal would appear to be contrary to policy S12 of the UDP and section 9 of the SPG, unless it can be demonstrated that there will be no detriment to the environment, residential amenity or highway safety.

2. Highway Safety Implications.

Policy T14 of the UDP relates to the accessibility of developments and their impact upon highway safety and states that new development should not cause traffic problems on existing roads. Policy T22 relates to the level of parking required depending upon the type and location of the proposed development.

The proposal does not impact upon the existing parking and access arrangements. The premises are situated almost directly adjacent to a public car park intended to serve the non-residential units, and the existing external yard area is proposed to be retained and shared between each unit. Additional parking is also available from the rear at the Village Centre. No cars are permitted to drive through the bus link and the available parking is considered to be adequate for the proposed use. Given the above, it is unlikely that the proposal would lead to indiscriminate on-street parking within the vicinity of the site.

Whilst there are no objections in principle from a highway safety point of view, the Network Management team has requested that details of delivery vehicles and refuse collection arrangements are clarified. The proposal is speculative with no end-user in mind, therefore these details are not currently available. It is likely that servicing and refuse collection will be based on existing arrangements, and it is thus considered that a suitable condition attached to any forthcoming approval requiring the submission and approval of these details would be adequate.

Therefore, there are no objections from a highway safety point of view and the proposal is considered to comply with policies T14 and T22 of the UDP.

3. Impact of the Development upon the Amenities of nearby Residential Properties.

Policy B2 of the Council's UDP states: "the scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy."

There are no residential properties immediately adjacent to the premises, the nearest being approximately 30m distance from the property on Kirkham, separated from the application site by the road and a small area of open space. At a similar distance, the residential properties of Biddick Village Centre are separated from the site by the existing retail store. Concerns have

been expressed relating to the A5 use in particular attracting an increased level of custom to the area that is likely to create noise and disturbance to the nearby residential properties.

In allowing an appeal for a hot food takeaway in similar circumstances in a residential area (ref 11/00862/FUL), an Inspector reported the 50m separation distance as being considered to be 'arbitrary' and 'unsubstantiated'. He regarded the 50 metre distance to principal elevations as indicating where issues of noise and disturbance are most likely to be experienced. In that case the residential properties were as close as 20m from the application site. Concluding that the principle elevations of neighbouring properties did not directly face the application site and that they were separated by a road, the effect on these residents would not warrant refusal of planning permission.

Given that the current application site is not situated within a shopping parade, but is located within a predominantly residential area, it is likely that customers will be from the local area. As cars are not permitted along the bus lane, it is considered that activity would be focused around the existing car park and businesses. The existing shop is understood to be open until 9pm at night, whilst the public house is open until 11pm most nights, and midnight on Fridays and Saturdays.

The scale of the units, compared to the existing retail store, is not excessive and as there will be activity within the area generated by the existing shop and public house, it is not considered that the amount of additional comings and goings around the site would be excessive. The retail unit is proposed to close at 6.30pm weekdays and 2pm on Saturdays, closed on Sundays and Bank Holidays, which is considered to be acceptable. The hot food takeaway, however, is proposed to close at 11.30pm daily, which is for the most part, later than the existing businesses.

In order to minimise the impact upon nearby residential properties therefore, it is considered reasonable and necessary to attach a condition to any forthcoming approval to restrict the opening hours of the takeaway to no later than 10pm at night. As such, the proposal would not be considered likely to result in significantly increased levels of noise and disturbance to nearby residents, particularly late of an evening.

In the cited case, the Inspector concluded that 'the proposed use would not give rise to adverse outcomes that would materially worsen the living conditions of nearby residents. Planning conditions, including on opening times, could mitigate or overcome a number of concerns... I conclude that the proposal would not cause significant harm to the living conditions of nearby residents. It would not be contrary to the purposes of saved policies S12 and B2 in the UDP or the Council's SPG.'

4. Impact of the Development upon the Amenities of the Area.

The proposed external alterations are mainly limited to the insertion of new window openings within the north and east elevations with security roller shutters. Section 11 of the Development Control Guidelines SPG requires roller shutter boxes on such commercial premises to be installed internally and to be treated with a suitable coloured coating, which could be achieved by attaching a suitable condition to any approval that may be forthcoming. Provided that the roller shutters are installed accordingly, the external alterations are considered to be in keeping with the character of the host property and are not considered likely to be detrimental to the visual amenities of the area.

In response to consultation, the Public Protection and Regulatory Services team has identified that the A5 use has the potential to create noise and odour, which if not suitably controlled may

negatively impact upon the surrounding area. Ideally, details of the cooking extraction/exhaust system and an assessment of the noise generated in particular by associated plant and machinery such as the extraction system should be provided prior to determination of the application. In this case, the application is speculative, although additional details have been forwarded of a typical extraction system.

In response to the additional information the Public Protection and Regulatory Services team has indicated that, whilst a suitable extraction system can be installed, more details will be required of the odour neutralising unit to prevent odours causing a significant adverse impact upon nearby residential properties. It is therefore considered appropriate to attach a condition to any approval which may be forthcoming to require submission and agreement of such facilities prior to the use being implemented.

The external ducts will protrude through the roof plane facing the open space of the village green. A parapet wall will largely screen the ducts from view from Titchfield Road. Hence, the external elements of the extraction and ventilation system are unlikely to adversely impact upon the visual amenities of the area. Should the design and siting of the external flues, ducting or other equipment associated with the provision of the extraction/ventilation system change materially as a result of the submission of the additional details required, this may constitute development requiring planning permission in its own right and be subject to a further planning application.

A noise assessment will be required to assess noise likely to be generated from potential sources such as refrigeration units, extraction fan units and delivery services, with recommendations for mitigation. Noise from patrons will also need to be included in the assessment if the takeaway is likely to operate late at night, however, this may not be necessary if the hours are limited as proposed above.

Concern has been expressed regarding the proposed uses generating litter and attracting vermin. The premises will be required to comply with the relevant environmental health and food hygiene regulations and, as there are three litter bins within a few metres of the site, it is not considered that this would be a reason for refusal of the application. Similarly, it is not considered that the proposed uses in themselves would directly lead to a decline in security in the area or antisocial behaviour and if there is an issue of unacceptable behaviour, it should be addressed by the responsible authorities.

5. Health Implications of the Proposed A5 Use

The NPPF identifies that the planning system can play an important role in creating healthy, inclusive communities and states that planning policies and decisions should take account of and support local strategies to improve health and wellbeing for all. When preparing local plans, local planning authorities should work with public health officers and health organisations to understand and take account of the health status and needs of the local population and the barriers to improving health and well-being.

The submission version of the Council's emerging Core Strategy and Development Plan 2015-2033 is likely to be published around late 2018 after a further round of consultation which has just commenced. As such, the policies contained within can be given little weight in the determination of a planning application, but they do provide an indication of how the Council's approach to considering this type of planning application is likely to take shape within the coming years.

Draft policy EP12 seeks to restrict hot food takeaways within designated centres in terms of the detrimental impact that an over-provision of A5 uses may have upon the vitality and viability the

centre. However, Biddick Village is not identified as a designated centre. In addition to draft policy EP12, the Council intends to prepare a Hot Food Takeaway Supplementary Planning Document which will provide additional guidance to assess and determine planning applications for hot food takeaway use.

The planning system clearly has a role to play in promoting healthy eating and controlling fast food outlets, for instance, proximity of a proposed hot food takeaway to schools has been found to be capable of being a material planning consideration. However, in allowing a planning appeal in the London Borough of Tower Hamlets the inspector found that the Council lacked specific local policies to restrict hot food takeaways and evidence to demonstrate an overconcentration of takeaways and the link between proximity to a school and childhood obesity.

In this case, the proposed A5 use will not be close to any existing outlets and will therefore not lead to a proliferation of takeaways in the area. Given the above, until the SPD has been drafted based on clear evidence relating to local circumstances and has been formally adopted, it is unlikely that a refusal for reasons relating to health factors would be supported by a Planning Inspector at appeal in this instance.

CONCLUSION

Given the above, subject to the imposition of the suggested conditions, the proposal is unlikely to result in conditions prejudicial to highway safety, and is unlikely to result in any serious detriment to the character of the area in general, or the residential amenities of the neighbouring properties. Without a relevant policy or clear evidence to directly link the proposed use to a decline in local public health, it would not be reasonable to refuse the application for this reason.

The proposal would bring a vacant property back into use and, for the reasons detailed above, is considered to be acceptable. The proposed change of use therefore complies with the requirements of the NPPF, policies EN10, S12, T14, and T22 of the UDP and the provisions of the Development Control SPG. The application is accordingly recommended for approval.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: APPROVE, subject to conditions below:

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which 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:

- location plan received 2/3/18,
- floor plans and elevations as existing, drawing number 995-01 received 2/3/18,
- floor plans and elevations as proposed drawing number 995-02 received 19/3/18,

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 the submitted plans, the proposed roller shutter boxes shall be installed internally and shall be treated with a suitable colour coating, in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority prior to the development hereby approved being brought in to use, and shall be retained as such thereafter, in the interests of the visual amenities of the area and to comply with policy B2 of the UDP.

4 Before the use hereby approved is commenced, full details of a suitable ventilation/extraction/filtration system shall be submitted to and approved in writing by the Council as Local Planning Authority. All works shall then be completed in accordance with the agreed details before the use commences and maintained as such thereafter for the lifetime of the approved use, in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 Prior to the buildings being brought into use for the purposes hereby approved, a Noise Impact Assessment survey and report shall be carried out to ascertain the likely impact of the development upon nearby residential properties, by a competent noise specialist. The results will inform the implementation, prior to the use commencing, of mitigation measures to be submitted to and agreed in writing with the Local Planning Authority. Once the described measures have been implemented, they shall remain in place at all times thereafter, unless the Local Planning Authority first agrees to any variation in writing, in order to protect the amenities of nearby residential properties and future occupiers of the proposed development and to accord with policy EN5 of the Unitary Development Plan.

6 The premises shall not be operated for the purposes hereby approved outside the following hours:

A1 use;

Monday to Friday (except Bank Holidays) 09:00 to 18.30;

Saturdays (except Bank Holidays) 09:00 to 14.00;

Sundays and Bank Holidays closed

A5 use;

Monday to Saturdays (except Bank Holidays) 08:00 to 22.00;

Sundays and Bank Holidays 08:00 to 22:00;

in order to protect the amenities of the area in accordance with policy B2 of the UDP.

7 Before the development, hereby permitted, is commenced a plan showing the provision of adequate facilities for the storage of refuse within the site shall be submitted to and approved by the Local Planning Authority, and shall be so installed and maintained thereafter in order to ensure a satisfactory form of development and to comply with policy EN1 of the UDP.

8 Before the development hereby approved commences, details of the facilities to enable servicing of the premises, including arrangements for any delivery service, shall be submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the agreed details and such facilities shall be retained and kept unobstructed at all times, in the interests of highway safety and to comply with policy T14 of the UDP.