

PLANNING AND HIGHWAYS (EAST) COMMITTEE MEETING - 11th April 2022

Additional information for Members

ITEM 1 – APP. REF. 21/02938/LP4

As set out in the main report, the period of public consultation on the planning application had not yet expired. In addition, although officers consider that the proposed development's impacts on the amenity of adjacent properties was acceptable, the applicant's planning agent had elected to prepare some additional supporting material in relation to an objection to the application from the occupier of West Park Church, which cited concerns regarding a loss of sunlight and daylight to the accommodation within the building.

The period for submission of representations has now ended and no new representations have been received.

The planning agent has also produced the review of potential sunlight/daylight impacts arising from the development. The review considers potential impacts on West Park Church and other residential properties adjacent to the application site. The assessment uses guidance provided within the 'British Research Establishment Report 209: Site Planning for Daylight and Sunlight, a guide to good practice 2011' ('BRE report') to consider daylight, sunlight and overshadowing impacts. The BRE report makes it clear that its guidance is not mandatory and that it should be applied flexibly and sensibly, with regard given to particular site circumstances, including in urban areas where lower levels of sunlight/daylight may be more typical. In this instance, it is also noted that the development is largely to the east of existing residential properties, rather than to the south, the direction from which most sunlight is received.

The agent's assessment uses the BRE report's recommended methodology for quantitative testing impacts on daylight and sunlight and the generation of overshadowing. In relation to accommodation within West Park Church, the assessment concludes that having applied the BRE report's testing guidance, it can be shown that the development will have minimal impact on the accommodation's natural light amenity. Testing for both first and ground floor windows demonstrates that the property will experience very little impact, with the majority of its windows continuing to benefit from the levels of natural light recommended by the BRE report, in respect of Vertical Sky Component testing, Distribution of Daylight testing and Annual Probable Sunlight Hours testing.

In relation to other properties adjacent to the development, testing shows that in respect of City Green, St. George's House and Park Lane House, the proposed development will lead to little or no modification to current levels of daylight and sunlight amenity. In relation to dwellings at 5-8 St. George's Way, Vertical Sky Component Testing shows that rear facades will see some minor modifications to their daylight amenity, but changes will be modest, and the majority of the facades retain values which align with the BRE report recommendations. Given the retained Vertical Sky Component values and the sizes of rooms served by affected windows,

it is considered that daylight penetration within the rooms will remain compliant with BRE guidance.

Overall, the agent's assessment concludes that the proposed development would have a very limited adverse natural light impact on the neighbouring residential properties, with levels to all properties meeting area expectations.

Copies of the agent's assessment were issued to objectors from West Park Church, 5 St. George's Way and 12 Grange Crescent. Further comments have been provided by the objector from 5 St. George's Way; essentially, the objector maintains that any amenity impacts can be resolved by moving the nearest proposed dwellings away from St. George's Way (a relocation to the open space opposite the Masonic Lodge is suggested) or by reducing their height. It is also maintained that proposed boundary fences are too close to the properties.

Concerns raised by the owner from 5 St. George's Way have been carefully considered and their suggestion of reducing the height of the adjacent dwellings or relocating them within the site is noted. However, such changes would give rise to issues relating to design, layout, loss of open space, the setting of heritage assets (the Masonic Lodge being Grade-II Listed) and the viability of the development and could not reasonably be justified given that, for reasons set out in the main report and above, officers are of the view that impacts of the currently proposed development on the amenity and living conditions of properties to St. George's Way are not unacceptable.

Overall, it is considered that the development will not unacceptably impact the amenity of existing residential properties, with the position and scale of the development in relation to West Park Church, Park Lane House, City Green, St. George's Way and St. George's House meaning impacts on outlook and privacy are limited, whilst the submitted daylight and sunlight analysis is considered to support the conclusion that amenity impacts in respect of this specific consideration are also acceptable.

In addition to the above, Members will note that the list of recommended conditions provided with the main report were in draft. Following discussions with the applicant, their planning agent and relevant consultees, some conditions have been subject to minor modifications and re-wording, with changes made primarily relating to the 'trigger points' for the submission of additional information required and improvements to the clarity of wording. For ease of reference, a revised list of the recommended conditions is provided below; these remain in draft and may be subject to very minor alterations prior to the decision notice being issued.

With regard to the above comments and for the reasons set out in the main report, the proposed development is considered to be acceptable; consequently, the following recommendation is provided to Members:

RECOMMENDATION: Members be MINDED TO GRANT CONSENT for the proposed development under Regulation 4 of the Town and Country Planning (General Regulations) 1992, subject to the completion of s106 agreement and the list of re-worded draft conditions set out below:

RECOMMENDED CONDITIONS

1 The development for which full planning permission is hereby granted must commence not later than three years beginning with the date on which permission is granted.

Reason: To ensure that the development is carried out within a reasonable period of time and to comply with section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Existing Site location plan, drawing no. VIS SCC-HTA-A-DR_0001 Rev H
Existing site and levels plan, drawing no. VIS-SCC-HTA-A-DR_0005 Rev H
Existing Site Sections A-A, B-B, C-C, drawing no. VIS-SCC-HTA-A-DR_0010 Rev G
Existing Site Sections D-D, E-E, F-F, drawing no. VIS-SCC-HTA-A-DR_0011 Rev G
Constraints Plan, drawing no. VIS-SCC-HTA-A-DR_0020 Rev H
Demolition Plan, drawing no. VIS-SCC-HTA-A-DR-0015 Rev H
Proposed Site Ground Floor Plan and Levels, drawing no. VIS-SCC-HTA-A-DR-0100 Rev H
Proposed Site First Floor Plan, drawing no. VIS-SCC-HTA-A-DR-0101 Rev H
Proposed Site Roof Plan, drawing no. VIS-SCC-HTA-A-DR-0105 Rev H
Proposed Site Sections, drawing no. VIS-SCC-HTA-A-DR-0110 Rev I
Proposed Site Plan, drawing no. VIS-SCC-HTA-A-DR-0120 Rev H
Block A Plans, drawing no. VIS-SCC-HTA-A-DR-0200 Rev H
Block B Plans, drawing no. VIS-SCC-HTA-A-DR-0205 Rev H
Block C Plans, drawing no. VIS-SCC-HTA-A-DR-0210 Rev H
Block D Plans, drawing no. VIS-SCC-HTA-A-DR-0215 Rev H
Block D Plans, drawing no. VIS-SCC-HTA-A-DR-0216 Rev H
Block A Section, drawing no. VIS-SCC-HTA-A-DR-0220 Rev H
Block B Section, drawing no. VIS-SCC-HTA-A-DR-0221 Rev H
Block C Section, drawing no. VIS-SCC-HTA-A-DR-0222 Rev H
Block D Sections, drawing no. VIS-SCC-HTA-A-DR-0223 Rev H
Block A Elevations, drawing no. VIS-SCC-HTA-A-DR-0230 Rev I
Block B Elevations, drawing no. VIS-SCC-HTA-A-DR-0231 Rev H
Block C Elevations, drawing no. VIS-SCC-HTA-A-DR-0232 Rev H
Block D N&E Elevations, drawing no. VIS-SCC-HTA-A-DR-0233 Rev H
Block D S&W Elevations, drawing no. VIS-SCC-HTA-A-DR-0234 Rev H
Apartment Type 1B2P A, drawing no. VIS-SCC-HTA-A-DR-0300 Rev G
Apartment Type 1B2P B, drawing no. VIS-SCC-HTA-A-DR-0301 Rev G
Apartment Type 1B2P C, drawing no. VIS-SCC-HTA-A-DR-0302 Rev G
Apartment Type 2B4P A, drawing no. VIS-SCC-HTA-A-DR-0310 Rev G
Apartment Type 2B4P B, drawing no. VIS-SCC-HTA-A-DR-0311 Rev G
Apartment Type 2B4P C, drawing no. VIS-SCC-HTA-A-DR-0312 Rev G
Apartment Type 2B4P D, drawing no. VIS-SCC-HTA-A-DR-0313 Rev G
Apartment Type 2B4P E, drawing no. VIS-SCC-HTA-A-DR-0314 Rev G
Apartment Type 2B4P F, drawing no. VIS-SCC-HTA-A-DR-0315 Rev G
Apartment Type 2B4P G, drawing no. VIS-SCC-HTA-A-DR-0316 Rev G
Apartment Type 2B4P H, drawing no. VIS-SCC-HTA-A-DR-0317 Rev G
Apartment Type 2B4P I, drawing no. VIS-SCC-HTA-A-DR-0318 Rev G
Ashbee Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0400 Rev G
Elmslie Plans and Elevations - Type 1, drawing no. VIS-SCC-HTA-A-DR-0401 Rev H
Sandy Plans and Elevations - Type 1, drawing no. VIS-SCC-HTA-A-DR-0402 Rev H
Bloomfield Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0403 Rev H
Mylne Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0404 Rev H

Burnett Plans and Elevations - Type 1, drawing no. VIS-SCC-HTA-A-DR-0405 Rev H
Becket Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0406 Rev H
Elmslie Plans and Elevations, drawing no. VIS-SCC-HTA-A-DR-0407 Rev H
Sandy Plans and Elevations - Type 2, drawing no. VIS-SCC-HTA-A-DR-0408 Rev H
Burnett Plans and Elevations - Type 2, drawing no. VIS-SCC-HTA-A-DR-0409 Rev H
Illustrative Landscape Plan, drawing no. VIS-SCC-HTA-L-DR-900 Rev H
Illustrative Landscape Sections, drawing no. VIS-SCC-HTA-L-DR-901 Rev H
Planting Plan & Palette, drawing no. VIS-SCC-HTA-L-DR-902 Rev H
Hard Surfaces Plan, drawing no. VIS-SCC-HTA-L-DR-903 Rev H
Demolition Phasing Plan
Construction Phasing Plan, drawing no. VIS-SCC-HTA-A-DR-0120 Rev G
Existing and proposed works to Mowbray Park plan, drawing no. VIS-SCC-HTA-A-DR_0132 Rev G
Proposed Site Plan Boundary Treatments VIS-SCC-HTA-A-DR_0130 Rev G
Demolition Commencement Logistics Plan
Construction Commencement Logistics Plan
Traffic Route Plan
Project Environment Plan

Reason: in order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 Notwithstanding any indication of materials given within the application, construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence 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.

Reason: in the interests of visual amenity and design quality and to comply with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan.

4 The development hereby approved shall be carried out in full accordance with the sustainable design and construction measures set out within the 'Energy and Sustainability Statement' (AES Sustainability Consultants Ltd, November 2021) submitted with the application.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

5 No development permitted by Schedule 2, Parts 1, 2 and 14 of the current Town and Country Planning (General Permitted Development) Order, or any subsequent legislation which revokes and re-enacts the provisions of those Parts of that Order, shall take place to or within the curtilage of any of the dwellings or apartments or at any other location within the development hereby approved without planning permission firstly being obtained from the Council as Local Planning Authority.

Reason: in order to ensure any future extensions, alterations or other development within the site respects the amenity of residents within and adjacent to the development and is appropriate for its historic setting and to comply with the objectives of policies BH1, BH7 and BH8 of the CSDP.

6 Unless otherwise agreed in writing with the LPA, all demolition and subsequent site construction works shall be undertaken in full accordance with the submitted Demolition Method Statements for the Civic Centre and Mowbray Park Link Bridge (by MGL Group) and Construction Environmental Management Plan (by Vistry Partnerships), including associated appendices and supporting documents (the submitted Project Environment Plan, Environmental Impacts and Aspects Register, Traffic Route Plan, Asbestos Removal Method Statement, Demolition Commencement Logistics Plan and Construction Commencement Logistics Plan).

Reason: to minimise effects on local amenity during demolition and construction works and to comply with the requirements of policy HS1 of the CSDP.

7 The hoardings erected around the perimeter of the site during demolition and construction works shall, as a minimum, be of at least 2.4m height and have a superficial mass of at least 10kg/m², in accordance with the guidance provided by BS5228:2009 (Control of noise and vibration on construction and open sites). Hoardings to this specification shall then be installed at the locations shown within the submitted Demolition Method Statement and Construction Environmental Management Plan prior to demolition works (other than asbestos removal and soft strip) commencing and shall be retained in the specified condition for the duration of site works.

Reason: to minimise effects on local amenity during demolition and construction works and to comply with the requirements of policy HS1 of the CSDP.

8 The site gates in the temporary site hoardings adjacent to St. George's House shall only be used as emergency access/egress to the site for the duration of demolition/construction works and must not be used as a main site access at any time.

Reason: to minimise effects on local amenity during site works and to comply with the requirements of policy HS1 of the CSDP.

9 No mobile crusher or screen shall be introduced to the site and operated without first providing a copy of the relevant environmental permit to the LPA. The location of the crusher must then be agreed with the LPA and where necessary, measures incorporated to minimise the off-site impact of noise arising from its operation.

Reason: to ensure the operation of a crusher and screen does not adversely affect local amenity, in accordance with the requirements of CSDP policy HS1.

10 No works of demolition or construction shall be undertaken outside of the site working hours set out in the submitted Construction Environmental Management Plan (i.e. 08:00 - 18:00 weekdays and 08:00 - 13:00 on Saturdays) without firstly notifying the LPA and obtaining its written agreement that such works can take place. Any such notification must include details of the proposed date(s) and time(s) of 'out of hours' working, the nature of the works to be undertaken and the measures proposed to be put in place to acceptably mitigate and minimise impacts on the amenity of the area. Any 'out of hours' working agreed by the LPA shall be undertaken in accordance with the agreed mitigation measures and any further mitigation measures deemed necessary and agreed with the LPA.

Reason: to ensure 'out of hours' working does not unacceptably affect local amenity, in accordance with the requirements of CSDP policy HS1.

11 No piling shall be undertaken at the application site until details of the proposed methodology, location and timing of the piling activity and proposed noise and vibration mitigation measures have been submitted to and approved in writing by the LPA. All piling activity shall then take place in accordance with the agreed details.

Reason: to ensure piling activity does not unacceptably affect the amenity of the locality and to comply with the requirements of CSDP policy HS1.

12 The noise mitigation measures recommended by the submitted Noise Assessment report (NJD Environmental Associates, December 2021) must be implemented in accordance with the report's recommendations. For the avoidance of doubt, the recommended measures are set out within section 7 and 8 and figures 13 to 19 of the report. The dwelling to plot 69 must not be occupied until the 1.8m high boundary wall is installed in accordance with the recommendations of the report.

Reason: to ensure occupiers of the development are afforded satisfactory living conditions in relation to noise and to comply with the objectives of policy HS3 of the CSDP.

13 All demolition and construction work adjacent to Network Rail's infrastructure must be undertaken in accordance with demolition and construction methodologies and details of earthworks and excavations, the use of crane, plant and machinery, drainage and boundary arrangements agreed with Network Rail. Where required by Network Rail, the landowner shall enter into a Basic Asset Protection Agreement with Network Rail, to ensure the operational safety of the railway during these works.

Reason: in order to protect rail infrastructure during works and to comply with the objectives of policy SP10 of the CSDP.

14 Prior to the occupation of any dwellings within the development, details of a trespass proof fence to be erected adjacent to the site's boundaries with Network Rail land shall be submitted to and approved in writing by the LPA in consultation with Network Rail. The submission shall include proposals for the timing of its installation and its future renewal and maintenance and for the avoidance of doubt, the proposed fencing must not result in damage to Network Rail's existing boundary treatment. The fencing shall then be erected and maintained in accordance with the agreed timings and details.

Reason: in order to minimise the risk of trespass to rail infrastructure and to comply with the objectives of policy SP10 of the CSDP.

15 Prior to roads within Phase C of the development (as identified by figure 10.2 of the submitted Construction Environmental Management Plan) being brought into use by motor vehicles, proposals for the design and installation of suitable vehicle incursion measures, designed to prevent incursion onto Network Rail infrastructure, shall be submitted to and agreed in writing by the LPA in consultation with Network Rail. The agreed measures shall then be installed prior to the roads within the being brought into use by motor vehicles.

Reason: in order to minimise the risk of vehicle incursion onto Network Rail infrastructure and comply with the objectives of policy SP10 of the CSDP.

16 No development other than demolition and site clearance/preparation works within any Phase of the development (as identified by figure 10.2 of the submitted Construction Environmental Management Plan) shall be commenced until the submitted Phase II Geo-Environmental Appraisal/Contamination and Geotechnical Review report has been amended/updated/expanded to satisfactorily address the comments provided by the Council's Land Contamination Consultant response (dated 31st January 2022). For the avoidance of doubt, the following is required to be addressed:

- o An additional intrusive investigation should be carried out to further characterise the shallow soils for potential re-use and/or waste classification for offsite disposal and specifically to delineate the hydrocarbon contamination identified in the car park area. The ground investigation must conform to the requirements of BS10175:2011+A2:2017.
- o A suitable controlled waters risk assessment should be included within the submitted report. This should consider the potential presence of contaminants in the shallow Made Ground, the fact there are low permeability deposits between the Made Ground in the north west of the site and the aquifer, the proposed development (i.e. piled foundations), as well as the sensitivity of the aquifer in this area.

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 policies HS3 and WWE4 of the CSDP.

The details are required to be submitted and approved in advance of construction works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

17 No development other than demolition and site clearance/preparation works within any Phase (as identified by figure 10.2 of the submitted Construction Environmental Management Plan) shall be undertaken until a detailed Remediation Scheme in relation to that Phase and designed to bring that part of 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 Remediation Scheme(s) should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme(s) must ensure that as a minimum, 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. Once the Remediation Scheme(s) has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme(s) and the Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

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 HS3 of the CSDP.

The details are required to be submitted and approved in advance of construction works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

18 Within six months of the completion of measures identified in the Approved Remediation Scheme(s) in relation to any Phase (as identified by figure 10.2 of the submitted Construction Environmental Management Plan) and prior to the completion of the Phase, a Verification Report (that demonstrates the effectiveness of the remediation carried out) relating to that Phase 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 HS3 of the CSDP.

19 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A Risk Assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation 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. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be submitted to 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 HS3 of the CSDP.

20 No apartment blocks or individual dwellings shall be occupied until the resident parking space(s) for the apartments or dwellings, as applicable, have been constructed and made available for the use of occupiers. Within six months of the final dwelling within the development being occupied, all visitor parking provision must be constructed, surfaced, sealed and made available in accordance with the approved plans. The visitor parking areas shall then be retained and permanently reserved for the parking of vehicles.

Reason: to ensure that adequate and satisfactory provision is made for the off-street parking of vehicles and to comply with policy ST3 of the CSDP.

21 Prior to its installation, final details of the foot/cycle path connection leading to/from the northern boundary of the site (across 'West Park') shall be submitted for the approval of the LPA. For the avoidance of doubt, the path shall be designed to be able to accommodate cycle use and be appropriately lit (taking into account matters such as amenity and ecology). The footpath shall then be installed in accordance with the agreed details and maintained as such thereafter.

Reason: to ensure the path is of an appropriate design and standard for the development and to comply with the objectives of policies ST1 and ST3 of the CSDP.

22 All new footpaths and cycle routes within the development, including the new footpath connection between City Green and Cowan Terrace through the grounds of apartment block D, must be installed in accordance with the submitted details and made available for public use as soon as reasonably practicable and their use must not be restricted, other than for essential repair and utilities works, at any time without the prior agreement of the LPA.

Reason: in order to ensure an appropriate footpath connection is delivered and to comply with the objectives of policies ST1 and ST3 of the CSDP.

23 Dwellings and apartments within Phase C of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not be occupied until final servicing, bin storage and collection arrangements for dwellings within this phase of the development have been submitted to and approved in writing by the LPA. Servicing of the dwellings within this phase of the development shall then be undertaken in accordance with the agreed details.

Reason: in the interests of amenity and highway safety and to comply with the objectives of policy ST3 of the CSDP.

24 Prior to the one-way roads within the development being opened to public use, details of proposed measures to direct cyclists around the one-way system shall be submitted to and approved in writing by the Local Planning Authority. The approved measures must then be installed in accordance with the agreed details prior to the roads being made available for the use of motorists and cyclists.

Reason: in order to ensure, as far as reasonably practicable, that cyclists observe the one-way system and comply with the objectives of policy ST3 of the CSDP.

25 Prior to the occupation of apartments or dwellings within any phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan), final details of the design, location and timing of the installation of cycle storage facilities for the dwellings within that phase shall be submitted for the approval of the Local Planning Authority. The submitted details must be informed by the strategy provided with the planning application and cycle storage must then be installed in accordance with the details and timings agreed via the discharge of this condition.

Reason: in order to ensure appropriate cycle storage provision is provided and to comply with the objectives of policy ST3 of the CSDP.

26 Prior to the occupation of apartments or dwellings within any phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan), final proposals of the specification and timing of the installation of electric vehicle charging points within that phase shall be submitted for the approval of the Local Planning Authority. The submitted details must be informed by the strategy provided with the planning application and the charging points must then be installed in accordance with the details and timings agreed via the discharge of this condition.

Reason: in order to ensure appropriate electric vehicle charging provision is provided and to comply with the objectives of policy ST3 of the CSDP.

27 Prior to the occupation of any dwellings within the development, a Framework Travel Plan shall be submitted for the approval of the Local Planning Authority. The submission should include proposed details, form and timings of travel surveys to be undertaken, for the written approval of the Council's Sustainable Transport officer. The surveys shall then be undertaken in accordance with the agreed details and all car use reduction, monitoring and action plan measures and initiatives set out in the agreed Framework Travel Plan must be adopted in full and in accordance with the timescales set out within the Plan.

Reason: in order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

28 All demolition and construction works at the application site shall be undertaken in accordance with the 'Ecological Considerations' and 'Ecology & Biodiversity' sections of the submitted Construction Environmental Management Plan and section 6.0 (Recommendations and Mitigation) of the submitted Ecological Impact Assessment report (Dendra Consulting, February 2022).

Reason: in order risks to ecology and biodiversity at the site are minimised during demolition and construction works and to comply with the objectives of policy NE2 of the CSDP.

29 All avoidance, mitigation, compensation and enhancement measures as detailed within section 6.0 of the submitted Ecological Impact Assessment report (Dendra Consulting, February 2022) report must be implemented and adopted in accordance with the report's recommendations throughout the approved development.

Reason: in order to ensure that the development of the site includes appropriate ecological avoidance, mitigation, compensation and enhancement measures and to comply with the objectives of policy NE2 of the CSDP.

30 No contractors shall commence works at the site until those contractors (including, but not being limited to, arborists, demolition contractors and building contractors) have received a 'toolbox talk' from a suitably qualified ecologist, to ensure they are aware of the legislation relating to relevant protected species, the working methods to be implemented and the procedures to follow in the event of any protected species being recorded on site during the works period.

Reason: in order risks to ecology and biodiversity at the site are minimised during demolition and construction works and to comply with the objectives of policy NE2 of the CSDP.

31 Works on any buildings assessed by the submitted Ecological Impact Assessment report as having bat roost suitability must only be undertaken in accordance with a precautionary method statement produced by a suitably qualified ecologist, unless otherwise agreed in writing with the LPA.

Reason: in order to minimise risks to protected species and comply with the objectives of policy NE2 of the CSDP.

32 Works, including building and vegetation clearance (but excluding internal works on sealed sections of the building(s) which are inaccessible to birds) must not be undertaken within the bird nesting period (March - September inclusive) unless a checking survey by a Suitably Qualified Ecologist has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a period of more than 5 days and suitable bird nesting habitat remains which is to be affected by works within the following 5 day period, the checks must be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason: in order to minimise risks to nesting birds and comply with the objectives of policy NE2 of the CSDP.

33 Construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence until a plan has been submitted to and approved in writing by the Council prior to the start of works in that phase, which confirms details regarding the specification, location and timing of installation of the bat and bird boxes to be installed in the phase area, in line with the recommendations of version 1.4 of the Ecological Impact Assessment report (Dendra, February 2022). The bat and bird boxes shall then be installed in full accordance with the approved details.

Reason: to ensure appropriate mitigation and enhancement measures are delivered and to comply with the objectives of policy NE2 of the CSDP.

34 Construction of the apartments and dwellings in each respective phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall not commence until the lighting strategy for each phase has been submitted to and approved in writing by the LPA in consultation with Network Rail. The strategy shall include input from a Suitably Qualified Ecologist in line with current best practice guidelines and include measures to ensure that the proposals do not have a negative impact upon nocturnal species such as bats; this will include dark zones along those habitat corridors designed to benefit wildlife, in line with the ecological documents submitted in support of the planning application, as illustrated through the provision of lighting contour (isolux) plans. Lighting adjacent to Network Rail infrastructure must also be designed and located to ensure it does not dazzle or confuse train/Metro drivers. All lighting within the development shall then be installed and maintained in accordance with the approved details.

Reason: in order to ensure new lighting at the site is sensitive to ecology, biodiversity and rail safety and to comply with the objectives of policies SP10 and NE2 of the CSDP.

35 Notwithstanding the submitted boundary details, gaps measuring at least 13 x 13cm must be created and then maintained in all boundary features.

Reason: to ensure the site remains permeable to species such as hedgehog and comply with the objectives of policy NE2 of the CSDP.

36 No works, including demolition (but excluding internal works on sealed sections of the building(s) which are inaccessible to birds and other species), shall commence on site unless checking surveys for protected species has been undertaken by a SQE within one month prior to the start of works. In the event any such species/features are identified at this time which would be affected by the proposals, works will only proceed under the guidance of the SQE, and once a license has been obtained from Natural England, as advised by NE and/or the SQE.

Reason: in order to minimise risks to protected species and comply with the objectives of policy NE2 of the CSDP.

37 Prior to the completion of the 30th residential unit within the development, a Habitat Management Plan will be submitted to and approved in writing by the LPA. The approved plan shall then be delivered in accordance with the approved details. For the avoidance of doubt, the submitted plan shall include:

- o details of legal funding mechanisms by which long term implementation of the plan will be secured by the developer;
- o details of the planting strategy to be implemented, which must be in line with the details included within version 3 of the BNG metric (dated 28/02/22), submitted in support of the planning application. Priority within the planting scheme should be given to native species, which are ideally of local provenance, and/or those of known value to wildlife, in order to maximise the ecological benefits of the habitat creation and enhancement works;
- o details of management and monitoring works to be completed;
- o contingency measures should the biodiversity aims and objectives not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme in line with the habitat creation and enhancement measures detailed within the ecological reports, including target condition information within the BNG assessment.

Reason: in order to ensure the proposed ecological enhancements are delivered in accordance with the submitted details and to comply with the objectives of policy NE2 of the CSDP.

38 The treatment of foul and surface water within the application site shall be undertaken in strict accordance with the submitted Flood Risk Assessment and Sustainable Drainage Strategy, unless otherwise agreed in writing with the LPA in consultation with the LLFA and Northumbrian Water.

Reason: to ensure arrangements relating to the disposal of foul and surface water are appropriate and to comply with policy WWE5 of the CSDP.

39 Prior to any development other than demolition and site clearance/preparation works commencing on site, specific details of the timing of the submission of a SuDS verification report(s), to be carried out by a suitably qualified person, and the extent of the SuDS

features covered in the report(s), must be submitted to and approved by the LPA. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme.

For the avoidance of doubt, the verification report(s) shall include:

- o As built drawings (in dwg/shapefile 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.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption & maintenance.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

40 The development hereby approved shall be undertaken in complete accordance with the recommendations within the submitted 'Arboricultural Impact Assessment' (Dendra, December 2021). All recommended tree protection measures shall be installed in accordance with the timings and specifications recommended by the Assessment and at the locations shown on the accompanying Tree Protection Plan and must remain in situ in accordance with the recommendations of the Assessment and Plan for the duration of demolition and construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the CSDP.

41 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 all 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.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

42 Prior to any tree and shrub planting, seeding or turfing included within the submitted landscaping scheme being undertaken, final details of species, sizes and densities and shall be submitted for the approval of the LPA in consultation with Network Rail. For the avoidance of doubt, trees at prominent locations within the development should be planted as large specimens to deliver instant amenity benefits. Final planting proposals should also be informed by the recommendations of the Ecological Impact Assessment and Biodiversity Net Gain proposals submitted with the planning application, whilst planting adjacent to Network Rail's boundary must not impact upon operational railway safety and should be informed by Network Rail's guidance (contained within their consultation response dated 26.01.2022). All planting, seeding and turfing shall then be undertaken in accordance with the approved details and the timings set out in condition no. 41.

Reason: in the interests of visual amenity and to comply with policies SP10, NE2, NE3, BH1, BH3, BH7 and BH8 of the CSDP.

43 Prior to any trees within areas of hard surfacing being planted, details of the planting techniques to be utilised to ensure the trees reach full life expectancy shall be submitted for the approval of the LPA. The planting of trees within hard surfaced areas must then be undertaken in accordance with the approved details.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

44 The management and maintenance of landscaping within the development must be undertaken in full accordance with the submitted Landscape Management Plan (Vistry Partnerships, March 2022), unless otherwise agreed in writing with the LPA.

Reason: in the interests of visual amenity and to comply with policies NE3, BH1, BH3, BH7 and BH8 of the CSDP.

45 No dwellings shall be occupied within the development until final details of the proposed form and location of play equipment within the development has been submitted to and agreed in writing with the LPA. The submitted details must include proposed measures for the ongoing maintenance of the equipment and a timetable for its installation. The approved equipment must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure the on-site play provision within the development is acceptable and to comply with the objectives of policy NE4 of the CSDP.

46 No dwellings shall be occupied within the development until final details of the design and location of all street furniture within the development has been submitted to and agreed in writing with the LPA. The submitted details must include proposed measures for the ongoing maintenance of the furniture and a timetable for its installation. The approved furniture must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure street furniture within the development is of acceptable design and to comply with the objectives of policies BH1, BH3, BH7 and BH8 of the CSDP.

47 No hard surfaces to roads and footpaths within the development shall be installed until details of the materials to be used in their finished hard surfaces has been submitted to and approved in writing by the LPA. Details to be submitted shall accord with the proposals set out in the submitted Hard Surfaces Plan. The roads and footpaths within the development shall then be surfaced in accordance with the approved details.

Reason: in the interests of visual amenity and to comply with policies BH1, BH3, BH7 and BH8 of the CSDP.

48 No dwellings within each phase of the development (as identified by Figure 10.2 of the submitted Construction Environmental Management Plan) shall be occupied until final

details and specifications, including elevational drawings, of the proposed boundary treatments for that phase, have been submitted to and approved in writing by the LPA. The submitted details should accord with the proposals set out in the submitted Boundary Treatments Plan. The boundary treatments within the development shall then be installed in accordance with the approved details.

Reason: in the interests of visual amenity and to comply with policies BH1, BH3, BH7 and BH8 of the CSDP.

ITEM 6 – APP. REF. 21/02941/SUB

As set out in the main report, the application was accompanied by an Ecological Impact Assessment report which concluded that, due to the small size of the development and the distance of the development away from the protected European habitat sites, no direct impacts are envisaged. It also recommended a series of measures to avoid negative impacts upon biodiversity, such as avoiding clearance works during the bird nesting season, and enhancement measures, such as incorporating an integrated bat box into the scheme.

This was the same report that was submitted with the original application. In response to that application, the Council's Ecology Team recommended that any forthcoming approval should be subject to a suitable condition designed to secure the recommendations of the Ecological Impact Assessment report, including measures to deal with invasive non-native species, landscaping to mitigate the loss of grassland/ruderal habitat and the additional enhancement recommendations for biodiversity net gain.

However, since the preparation of the main report, in response to consultation on the current scheme, the Ecology Team has submitted a holding objection commenting that, although initially appearing to be acceptable in principle, an updated ecology report should be provided which includes an assessment of the current proposals upon the ecological interests of the site and both adjacent and wider area, in order to ensure the development complies with current guidance, policy and legislation.

In the absence of an updated report to ascertain the full ecological impact of the development, the proposal is considered to be potentially harmful to local wildlife and its habitat contrary to policy NE2 of the CSDP.

RECOMMENDATION: With regard to the above and the details provided within the main agenda report the proposal is considered to be unacceptable, and Members are therefore recommended to refuse planning permission for the reason set out within the main report and with the addition of the following reason.

2. The application is not accompanied by an up-to-date report which takes into account the ecological impact of development and, in lieu of any conclusive evidence to the contrary, the proposal is considered to be potentially harmful to local wildlife and its habitat and contrary to policy NE2 of the City Council's adopted Core Strategy and Development Plan and para 180 of the NPPF.