

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/

Ms. Irene Lucas CBE
Chief Executive

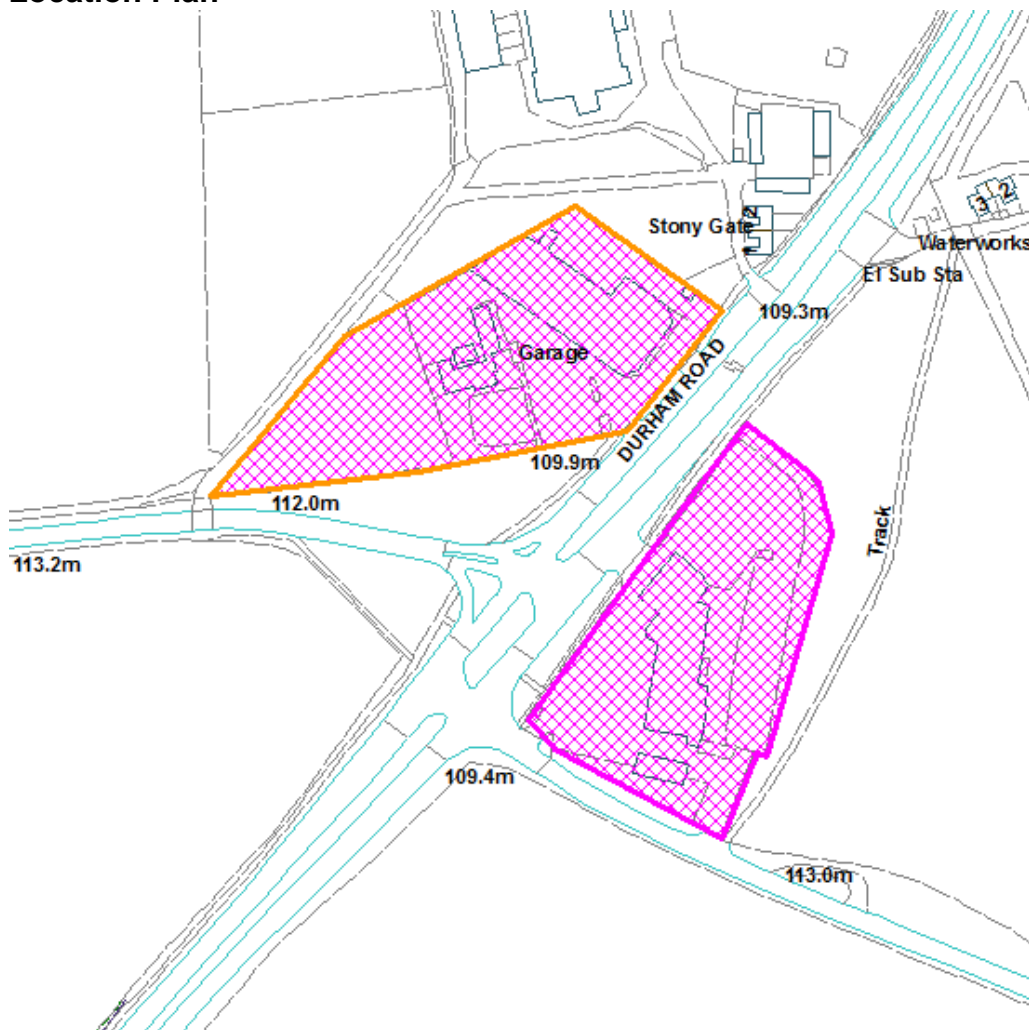
Reference No.: 16/01667/FUL Full Application

Proposal: Demolition of existing bungalow and two car sales showrooms. Erection of a new showroom building to replace the existing showroom to the land north of the A690 and the erection of a new workshop and two number valet buildings to replace the existing sales buildings to the land South of the A690, to include alterations to the existing access arrangements, landscaping and associated works.

Location: Stratstone Garages North And South Of A690 Stoneygate
Houghton-le-Spring DH4 4NJ

Ward: Copt Hill
Applicant: Pendragon PLC
Date Valid: 19 September 2016
Target Date: 19 December 2016

Location Plan



PROPOSAL:

Planning permission is sought for the demolition of an existing bungalow and two car sales showroom. Erection of a new showroom building to replace the existing showroom to the land north of the A690 and the erection of a new workshop and two number valet buildings to replace the existing sales buildings to the land south of the A690, to include alterations to the existing access arrangements, landscaping and associated works at Stratstone Garages north and south of the A690, Stoneygate, Houghton-le-Spring.

The site of the existing Stratstone Jaguar showroom (north A690) currently sells Jaguar, Aston Martin and Land Rover brands from the premises and also carries out servicing and repair works. The site has been operated as a car dealership for approximately 70 years. The "Quicks" site on the opposite side of the A690 has a long history of car sales and until recently accommodated a fuel filling station. The filling station has now been removed and the car sales showroom is closed.

Whilst both sites are located within the Tyne and Wear Green Belt, they are identified within the Unitary Development Plan (UDP) under saved policy HA18 as a "major existing development site" in the Green Belt. Notwithstanding the aforementioned the current development proposal seeks to include additional land outside the UDP HA18 allocation and as such the application is considered to be a departure.

The site is also subject to a further planning application ref : 15/02450/FUL which is currently pending, the description states that:

"Demolition of existing bungalow and two car sales showrooms. Erection of two replacement automotive sales and services facilities and one valet building, to include alterations to existing access arrangements, creation of additional access, landscaping and associated works."

Following alterations to the existing layout of the A690 and a change in business model operations by the owners of the site, the aforementioned application is expected to be withdrawn following the determination of this proposal.

The application is supported by a range of information including;

- Design and Access Statement;
- Planning Statement;
- Preliminary Ecological Appraisal;
- Pre-Development Tree Constraints Assessment;
- Transport Assessment;
- Flood Risk Assessment.

Context

The proposed development has arisen as a result of the need to expand the Jaguar dealership to provide additional display space whilst at the same time improving the existing facilities, which are currently no longer fit for purpose. The current operator, Pendragon has also been appointed to take on the Land Rover sales and servicing for the Sunderland area, making the current facilities unsuitable for the applicant's future operational requirements.

Both brands are a wholly owned subsidiary of Tata Motors Ltd, and were acquired from Ford Motors in 2008. The owners therefore seek as part of their global business plan, sales and servicing for both brands to be co-located for operational efficiency.

The introduction of the Land Rover brand to the existing site along with the impending release of 5 new lines lead to the submission of the current proposal which has been subject to pre-application discussions.

The proposal anticipates increasing staffing levels of the site from approximately 30 full time to 90 full time.

Site Description

The application site is located to the south west of the City of Sunderland and to the north east of Houghton-le-Spring . The two garages straddle the A690 Durham Road which travels south west from Sunderland to Durham. The existing Stratstone Jaguar site is located at the junction of the A690 and High lane that crosses the A690 by way of staggered junction. The existing "Quicks" site is located on the opposite side of the A690 accommodating a former second hand car sales premises, operated by Pendragon until earlier this year, and an extensive area of hardstanding much of which was formerly occupied by a petrol filling station.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Copt Hill - Ward Councillor Consultation
Northumbrian Water
Environment Agency
Network Management
Flood And Coastal Group Engineer
Environmental Health
Nexus
Southern Area Command - Police

Final Date for Receipt of Representations: **17.11.2016**

REPRESENTATIONS:

Following the expiry of the consultation period no letters of representation were received.

Natural England - No objection with reference to Statutory Nature Conservation Sites.

Nexus - No observations.

Northumbrian Water Limited - No issues to raise.

Public Protection and Regulatory Services - In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that should Members be minded to approve the proposal a condition be attached which requires the provision

of a Construction Environmental Management Plan (CEMP). The CEMP should include details of how noise, lighting, dust and other airborne pollutants, vibration, smoke, and odour from construction/conversion work will be controlled and mitigated.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments
HA_18_Major existing developed site in the Green Belt at Stoneygate
CN_3_Control of development within the Green Belt
CN_4_Control of other operations in the Green Belt
CN_5_Safeguarding the visual amenity of the Green Belt
T_8_The needs of pedestrians will be given a high priority throughout the city.
T_9_Specific provision will be made for cyclists on existing/new roads and off road
T_10_Protect footpaths; identify new ones & adapt some as multi-user routes
T_11_Attention to needs of persons with mobility problems / sensory impairments
T_13_Criteria influencing proposals for highways improvements including new road construction.
CN_17_Tree Preservation Orders and replacement of trees
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_12_Conflicts between new development and flood risk / water resources
B_10_Development affecting the setting of listed buildings

COMMENTS:

The key issues to consider in determining the application are as follows:

1. Principle of Development.
2. Siting, Design & Appearance / Landscape & Visual Impact.
3. Highway Implications.
4. Socio-Economic Impacts.
5. Ecology & Nature Conservation.
6. Water Resources and Flood Risk.
7. Conclusion

1. Principle of Development.

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 purpose of Section 38(6)), 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 NPPF, the greater the weight can be given to the development plan.

In addition to the above, planning policies and decisions must reflect and where appropriate promote relevant European Union obligations and statutory requirements.

The NPPF has two key themes:

- Providing a greater level of integration and simplification of the planning policies governing new development nationally;
- Contribute to the achievement of sustainable development from an economic, social and environmental perspective.

Paragraphs 7 and 8 of the NPPF explain that there are three dimensions to sustainable development - economic, social and environmental - and these are mutually dependant, so that gains in each should be sought jointly and simultaneously.

Paragraph 14 of the NPPF indicates that at the heart of the NPPF is a presumption in favour of sustainable development. For decision-taking this means:

- Approving development proposals that accord with the development plan and without delay; and
- Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - (a) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - (b) Specific policies in this Framework indicate development should be restricted.

Paragraph 17 of the NPPF outlines 12 core land-use planning principles that should underpin both plan-making and decision taking. One such principle states:

"encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;"

Paragraph 19 of the NPPF underlines the Government's commitment to supporting sustainable economic growth;

"The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system."

In light of the inclusion of the site within the Green Belt, particular reference needs to be given to paragraphs 79 - 91 of the NPPF. Paragraph 80 states that:

"Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns ; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 of the NPPF defines "inappropriate development" as harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that:

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations."

The NPPF is specific at paragraphs 89 and 90 as to what type of development is considered as an exception to inappropriate development in the Green Belt. The guidance also allows for limited or the partial or complete redevelopment of previously developed sites where the proposal would have not greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

The current proposals involve the construction of replacement buildings within a previously developed site contained within the Green Belt which aligns with paragraph 89, however the proposed incursion of the car parking area on the north site into a green field is classed as inappropriate, therefore very special circumstances must be demonstrated with regards to this element of the application.

In assessing the "very special circumstances" of the proposal, it is worthy of note that whilst the site is located within the Tyne and Wear Green Belt, both sites are recognised by saved policy HA18 as a "major existing developed site" in the Green Belt. The policy is considered to be fully compliant with the NPPF in setting out parameters for the limited infilling of sites within the Green Belt.

Policy HA18 is to be read in conjunction with and in accordance with policy CN3 which sets out the range and type of development that would be considered appropriate within the Green Belt. Policy CN3 is only considered to be partially compliant with the NPPF paragraph 89 and as such there are disparities between both local and national guidance, specifically these disparities relate to a UDP over prescription in terms of height and footprint, the NPPF making provision for the replacement of buildings within the Green Belt as an exception to inappropriate development provided that they are within the same use and not materially larger than the one that it replaces. The complete redevelopment of sites is also considered as an exception to inappropriate development provided that it will not have a greater impact on the openness of the Green Belt.

In assessing the development proposal, due consideration needs to be given to siting, design and appearance / landscape & visual impact, along with other material considerations in order to fully establish the appropriateness and impact on openness of the proposal.

2. Siting, Design & Appearance / Landscape & Visual Impact.

Paragraph 56 of the NPPF states that:

"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

In addition to the above, policy B2 of the UDP sets out requirements for the scale and layout of new development and is fully compliant with the NPPF, whilst policy CN5 which is also fully compliant with the NPPF states:

"Care will be taken to ensure that the visual amenities of the Green Belt will not be injured by proposals for development within or conspicuous from, the Green Belt."

The proposed design has been developed in accordance with the overall brand identity of Jaguar and Land Rover. The design ethos provides a simple, high quality structures, however it is worthy of note that the appearance of each individual site differs to reflect the nature of the business to be undertaken on site.

The proposal for the showroom site (north) includes the demolition of an existing redundant bungalow (285 sq. m) and the existing showroom /workshop building (1981 sq.m) to allow for the erection of a replacement building that measures approximately 37 metres in width, 53.5 metres in depth and reaches 8.0 metres in height. (Increase in height of 0.2 metres). The replacement ground floor area measures 2033 sq.m. which is a net loss of 243 sq.m. on site all contained within the major existing developed site.

The reduced footprint allows the building to be moved away from the rear boundary providing a safer and more efficient access around the service compound.

Materials consist of a dark grey metallic rainscreen cladding panel with grey chamfered panels to glazed areas on the showroom.

The external landscaping finish will be a mixture of Tarmac and block paving. The use of two materials is employed to define zones enhancing legibility and facilitating customer navigation around the site. A level finish is provided throughout the site with raised kerbs adjacent landscaping only.

Stainless steel bollards, timber fencing and paladin fencing will be used to provide a secure site along with discrete security hoops hidden with low level planting.

The area of the Jaguar site which currently lies within the Green Belt is to be substantially planted with native broadleaf species and parking and hardstanding within this zone will be paved with a permeable grass block system.

The proposal for the workshop site (south), includes the demolition of the existing showroom building (1515 sq.m.), valet building (170 sq.m.) and petrol filling station (already removed 286 sq.m.) to facilitate the erection of a new workshop site (2540 sq.m.) and 2 new valet buildings (580 sq.m. and 124 sq.m.) The replacement ground floor area measures 3244 sq.m. which is a net gain of 1272 sq.m. on site and all contained within the major existing developed site.

Measuring 8.0 metres in height which is an overall increase of 1.5 metres above the existing unit, the proposal seeks to utilise a ramp to the rear of the site to allow parking above the workshop unit. Parking at roof level is set at a level behind a screened parapet wall.

Materials consist of a metallic silver profiled cladding panels .

With reference to sustainability, the construction of new buildings on both sites, will allow the design to employ more efficient building techniques to produce far more energy efficient showrooms and include renewable energy technologies. The buildings also incorporate a reduced area of glazing compared to other similar buildings which will potentially contribute to the building's efficiency.

In addition to matters relating to landscape and visual impact of the proposal, the sites are located within the immediate vicinity of several listed buildings, namely the Stoneygate Pumping Station, its boundary walls, gates and engine house (to the south of the A690), and a WWII pillbox (to the north of the A690), all Grade II listed buildings.

Further to consultations with the City Council's Heritage Protection Team, it is noted that in light of the above designations, it is important to assess the impact of the proposals on setting, ensuring all relevant sections of chapter 12 (Conserving and enhancing the historic environment) of the NPPF 12 are considered. Comments received have indicated that the application includes several well-formed visuals, from different perspectives, along with a comparison of the existing scale, massing and layout of the buildings, juxtaposed with the new developments. In assessing the submitted information the Heritage Protection Team consider that no established views to any of the identified heritage assets will be infringed upon by the developments. Moreover the high quality materials and clean, crisp design of the garages will help settle the buildings into their immediate surroundings and allow the listed buildings to remain prominent when visible.

In summary, it is considered that the proposed redevelopment of the sites has been addressed in a coordinated manner, the buildings proposed will be consistent with one another in both scale and appearance removing the vast array of designs and materials that currently occupy the site. Due consideration has been given to minimising the visual impact of the proposal upon the Green Belt and protecting the openness. Furthermore the introduction of mature planting along key boundaries is seen as beneficial to the development integrating sympathetically within its surroundings. The proposal is considered to comply with policies B2 and CN5 of the UDP.

3. Highway Implications.

Paragraph 32 of the NPPF requires that all developments that generate significant amounts of movements should be supported by a Transport Statement (TS) or Transport Assessment (TA) and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Paragraph 35 states in part, that plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people and paragraph 36 emphasizes the use of Travel Plans to facilitate this movement.

UDP policy T14 requires new development to be readily accessible by pedestrians and cyclists, whilst development proposals should not cause traffic congestion or highway safety problems and make appropriate safe provision for access and egress. Policy T13 identifies the need for highway improvements, whilst policies T8, T9, T10 and T11 seek to improve facilities for personal mobility.

Policies T8,T9,T10,T11 and T13 are all fully compliant with the NPPF, whilst policy T14 is broadly compliant with an emphasis placed upon supporting TA's as prescribed within the NPPF.

The application has been supported by a TA. The TA concludes that the number of trips generated by staff customer visits will not have a material impact on the operation of the road network, with the vast majority of customer visits being outside the morning and evening peak hours. Furthermore a review of Personal Injury Collision data was carried out for the last 5 years. The assessment of the data finds that the increase in traffic associated with the proposal will not have a material impact on the surrounding road network in highway safety terms.

With regards to on site parking provision the sales showroom site provides 50 parking spaces including 3 disabled parking bays, whilst the workshop site provides 38 spaces including 2 disabled parking bays. The submitted plans also illustrate how deliveries, including car transporters may access and egress the site in a forward direction.

Further to consultations with the Network Management Section, it is noted that the applicant has worked alongside the Local Highway Authority whilst modifications to the A690 Stoneygate

junction have been developed, agreed at cabinet and implemented on site and the current proposals are considered appropriate to the aforementioned road safety improvements.

Should Members be minded to approve the application, it is recommended that through the imposition of two conditions, one requesting details of signing and road markings to control the use of the entrance to the south site, and the second requiring the submission of a Construction Management Plan for the demolition and building works the proposal is considered to be acceptable and in accordance with both NPPF and UDP policy.

4.Socio-Economic Impacts.

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. The NPPF outlines 12 core planning principles that should underpin plan making and decision taking. Five of these are particularly relevant to the assessment of the socio-economic impacts of the proposed development of the larger Chapelgarth site.

They are summarised below:

- to enhance and improve places in which people live their lives;
- to promote sustainable economic development to deliver homes, businesses, infrastructure and local places that are needed, based on the assessment of local need;
- to provide high quality design and amenity;
- to take account of the different roles and character of different areas including promoting the vitality of main urban areas, protecting the Green Belt and recognising the intrinsic character and beauty of the countryside;
- to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.

As previously mentioned, the site is primarily allocated as a major existing developed site in the Green Belt within the UDP under policy HA18, however part of the site is also covered by policies CN2, CN3, CN4 and CN5, relating to Sunderland Green Belt. Whilst the current application seeks to redevelop both sites, the use of land to the south of the A690 "Quicks" used car sales, ceased during 2015 with the loss of approximately 20 staff, the former petrol filling station closed around the same time.

At present the operational part of the site to the north can demonstrate sales of Jaguar at the site of around 150 per annum for new cars and 200 for used. This is expected to increase significantly to around 500 in the coming years and 800 new and used Land Rover sales with the associated increase in turnover. As previously mentioned Tata Motors seek as part of their global business plan, sales and servicing for both brands to be co-located for operational efficiency.

Market research has indicated that the proposals will clearly result in significant growth at the sites as a result of the expansion of both car sales and after care. Turnover in respect of the Land Rover element, which currently provides servicing only, is expected to increase 52 fold. The turnover at the Jaguar business is also expected to grow dramatically as a result of the proposed development.

In terms of job creation, the application predicts that the existing 30 full time jobs will increase as a result of redeveloping and the reopening of the south site to provide a total of 90 full time jobs, with an additional boost to the local economy created during the construction phase.

With all of the above in mind it is considered that the development is in accordance with the relevant core principles of the NPPF and will have a moderate benefit on the local economy, employment and community benefits.

5. Ecology & Nature Conservation.

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

UDP policy CN17 encourages the retention of trees that make a valuable contribution to the character of an area by the making of tree preservation orders and replacing trees in highways and other public areas, with species which help maintain the character of the locality.

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

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

Following receipt of a Pre-development Tree Constraints Assessment dated October 2015, it is noted that the site contains thirteen trees. Within the context of the surrounding area, the trees within the site are currently assessed as being moderate to high landscape, amenity and ecological value. Four characteristic groups of trees or hedgerows of low to moderate ecological and landscape value were assessed across the site. The proposal involves the removal of a number of garden planted specimens around the existing bungalow with mitigation and recommendations for protection recommended for the remaining trees on the perimeter of the site. Should Members be minded to approve the proposal it is recommended that above recommendations are conditioned.

Further to the receipt of a Preliminary Ecological Appraisal Report dated August 2015, it is considered that overall the site is considered to be of low ecological value and is predominantly made up of hard standing and buildings. The existing buildings have been subject to a dusk emergence survey, with no bats emerging from the buildings on site. Activity levels within the survey area were very low with only two common pipistrelles recorded commuting across the northern site.

In summary and should Members be minded to approve the application, it is recommended that the mitigation and compensation strategy, covering timing of works and good working practices should be attached as a condition.

Having regard to all of the above, it is considered that following the imposition of appropriate conditions to safeguard existing trees and to control the disturbance created by the

demolition/construction work any ecological impacts of the redevelopment of the site is in accordance with UDP policies CN17, CN18 and CN22.

6. Water Resources and Flood Risk

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site -specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. within the site , the most vulnerable development is located in the lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient and resistant, including by emergency planning and it gives priority to the use of sustainable drainage systems.

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The whole of the development site lies within Zone 1 of the Environment Agency Flood map, the proposed development is commercial and as such is considered to be less vulnerable.

The site is approximately 2.45 hectares in area and is considered to be approximately 75% impermeable as the majority of the site is roofed and paved. The current proposal seeks to incorporate a system of Sustainable Urban Drainage that accommodates the drainage from the 7000 square metres of roofed and paved area on the north side of the A690 into a 160 square metre, 1 metre deep crate soakaway, whilst the south side of the site includes 9160 square metres of roofed and paved area to be drained into a 210 square metre, 1 metre deep crate soakaway. The proposed surfacing for the used car sales area seeks to introduce reinforced gravel in order to improve the sustainability of surface water drainage.

The drainage strategy that accompanied the application has been subject to a number of amendments by the Lead Local Flood Authority (LLFA) along with ascertaining approval from the Environment Agency to utilise soakaways.

Further to consultations with the Lead Local Flood Authority, it is considered that the proposal has provided sufficient information relating to drainage and flood risk to support the development in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UDP.

7. Conclusion

The proposed has been subject to considerable pre-application discussions, indeed the scheme has even been modified to accommodate the reconfigured Stoneygate junction, with the aim of improving the operational safety of the site.

In considering the proposals, it has been established that the entire site is located within the Tyne and Wear Green Belt. This siting has been the driving factor in shaping the design, layout and appearance of the current proposals on both sides of the A690. It is, however, significant that the saved UDP policies recognise that both of the existing car showrooms and associated buildings and hardstanding as an existing employment site within the Green Belt due to the motor vehicle uses having long been established in this location.

It is considered that redevelopment of both sites within the boundaries of the allocated site are appropriate and in accordance with the saved policy HA18 as updated by guidance contained within the NPPF, in that they relate to replacement buildings not materially larger than the ones they replace and have no greater impact on the openness of the Green Belt than the existing development.

The proposal does involve an incursion into land outside of the current UDP allocation in order to facilitate the combined business functions of Jaguar and Land Rover. Whilst a number of alternative schemes have been considered that do not require additional land intake, in order for the future operational requirements of the site to be met, the applicant are seeking the minor expansion of the Jaguar Site in to the Green Belt. This incursion is considered to be an inappropriate form of development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

With the above in mind and having addressed all material considerations, it is considered that the current proposal will remove the existing collection of both occupied and vacant, redundant and dilapidated buildings from the site and substitute a development specifically designed to enhance the existing showroom and maintenance buildings.

In addition the proposals are not considered to adversely impact on the visual amenities of the Green Belt in accordance with policy CN5 or impinge upon established views to any of the identified heritage assets that surround the sites in accordance with policy B10.

Notwithstanding the above, the development has demonstrated through exhaustive pre-application discussions the ability to consider all aspects of operational design to mitigate any incursion in to the Green Belt. The report has highlighted that in order for the Jaguar/Land Rover franchise to expand to meet the requirements of their global business plan and thus secure the long term continued operation of the site, the additional land in take is essential.

Should Members be minded to approve the application, it is considered that the application has demonstrated very special circumstances and that the proposal will bring significant social, economic and environmental benefits to the City and wider region.

The proposal would see a significant increase in turnover and investment in the local economy, including an increase in staff numbers, turnover along with an increase in rateable value of the site and associated benefits in the construction industry. Improvements to existing access arrangements, drainage system, as well as the visual appearance of the site are all considered to lead to significant environmental enhancements.

In light of all material considerations, it is considered that any limited harm caused by the inappropriate development of the additional inclusion of the used car display area is outweighed by very special circumstances. The very special circumstances in this instance, present a comprehensive and pragmatic solution to meet the long term operational requirements of the existing site operator and have been evidenced in the form of social, economic and environmental improvements to the existing sites. The proposal is therefore considered to be in accordance with paragraph 87 of the NPPF and compliant with relevant UDP policies relating to design, highways, ecology and flood risk.

Members are therefore recommended to approve the proposal subject to the conditions listed.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: Approve subject to the following conditions:-

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No. A(PL)00-001 Location Plan, received 08.09.2016.
- Drawing No. A(PL)01-005 Existing Site Plan, received 08.09.2016.
- Drawing No. A(PL)01-006 Existing Ground Floor Plan, received 08.09.2016.
- Drawing No. A(PL)01-007 Existing Elevations, received 08.09.2016.
- Drawing No. A(PL)01-010 Proposed Site Plan, received 08.09.2016.
- Drawing No. A(PL)01-011 Proposed Ground Floor Plan, received 08.09.2016.
- Drawing No. A(PL)01-012 Proposed First Floor Plan, received 08.09.2016.
- Drawing No. A(PL)01-013 Proposed Roof Plan, received 08.09.2016.
- Drawing No. A(PL)01-014 Proposed Elevations, received 08.09.2016.
- Drawing No. A(PL)02-020 Existing Site Plan received 08.09.2016.
- Drawing No. A(PL)02-021 Existing Floor Plan received 08.09.2016.
- Drawing No. A(PL)02-022 Existing Elevations received 08.09.2016.
- Drawing No. A(PL)02-025 Rev A Proposed Site Plan received 23.11.2016.
- Drawing No. A(PL)02-026 Proposed Floor Plans received 08.09.2016.
- Drawing No. A(PL)02-027 Proposed Elevations received 08.09.2016.
- Drawing No. A(PL)02-030 Proposed Valet Details received 08.09.2016.

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

3 Notwithstanding any indication of materials which may have been given in the application, 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 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 Before the development hereby approved is commenced details of the means of phasing for both the demolition and construction of each individual site shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

6 The development shall be carried out in complete accordance with the recommendations detailed in Section G of the Preliminary Ecological Appraisal Report prepared by E3 Ecology Ltd dated August 2015 which shall be adopted and delivered in full in the carrying out of the

development hereby approved , in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

7 The development shall be carried out in complete accordance with the recommendations detailed in Section E of the Pre-Development Tree Constraints Assessment prepared by E3 Ecology Ltd dated October 2015 which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policy CN17 of the Unitary Development Plan.

8 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.

9 The construction / demolition works required for the development hereby approved shall only be carried out between the hours of 07.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

10 No delivery works required for the development hereby approved shall be received outside the hours of 07.00 and 18.00 Monday to Friday and outside the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

11 The development hereby approved shall be carried out in complete accordance with the Flood Risk Assessment prepared by EWE Associates Ltd, Final RevB dated February 2017. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UPD.

12 Notwithstanding the information provided within the Flood Risk Assessment dated February 2017, details of the performance of the water quality treatment method to meet CIRIA c753 water quality standards, alongside geological profile (borehole log) details, further infiltration testing and ground water level information should all be presented to and agreed to in writing by the Local Planning Authority in consultation with Sunderland City Council, Lead Local Flood Authority prior to commencement of construction. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UPD.

13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the opening of the units 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 Unitary Development Plan.

14 Before the development hereby approved is commenced the details of signing and road markings to control the use of the entrance to the south site, shall be submitted to and agreed in writing with the Local Planning Authority. All works shall be carried out in accordance with the agreed details in the interests of highway safety and to comply with policy T14 of the UDP.

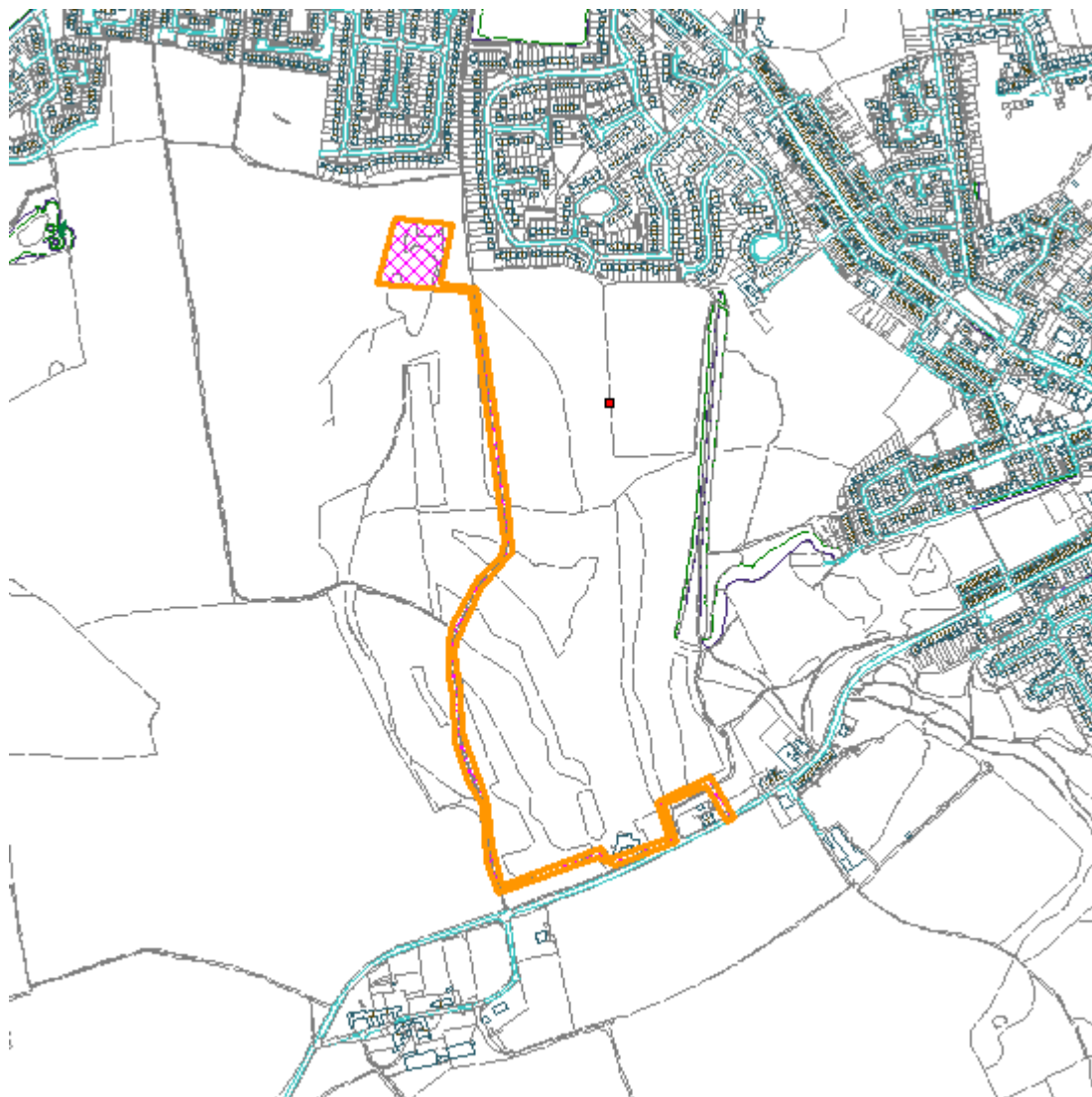
Reference No.: 16/02214/LP3 Local Authority (Reg 3)

Proposal: **Flood alleviation scheme on existing ponds and watercourse.**

Location: Land At Elemore Golf Club Elemore Lane/Hetton Le Hill Easington Lane Houghton-le-Spring

Ward: Hetton
Applicant: Sunderland City Council
Date Valid: 5 December 2016
Target Date: 6 March 2017

Location Plan



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PROPOSAL:

This application relates to an approximately 1ha area of land in the northern section of Elemore Golf Club situated to the north of, and accessed from, Elemore Lane. The site, together with access, includes an existing pond, a bridge and two greens of the golf course and this part of the site generally slopes downward from south to north. The site is situated approximately 35m from the curtilage of the nearest property in Lambton Drive to the east and some 70m from the rear boundary of the dwellings in Deepdale Street and Borrowdale Street to the north, both of which are divided from the Golf Club by unmade tracks.

Planning permission is sought to provide flood prevention works for the ponds of the golf course comprising the construction of a bund around the southern part of the pond and restricting flow rates from the southern to northern section where the water level would be reduced by 100mm to allow for additional storage. Water flow is proposed to be restricted by filling the passage of the existing bridge with a 300mm pipe through, including 1.1m high railings at ground level, and a wall to be set 500mm above existing ground level would be provided, thereby restricting flow rates to the capacity of the pipe.

This application is supported by a Flood Risk Assessment and Ecological Assessment.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Hetton - Ward Councillor Consultation
Hetton Town Council
Network Management
Flood and Coastal Group Engineer
Northumbrian Water

Final Date for Receipt of Representations: **06.01.2017**

REPRESENTATIONS:

This application has been publicised by site and press notice and letters to neighbouring properties and no representations from neighbours have been received.

Northumbrian Water confirmed that it has no comments to make in this instance, noting that it only provides comments of proposed development on Northumbrian Water's assets and the impact of development proposals on its network.

The Council's Ecology Team confirmed its satisfaction of the submitted details, which will be elaborated upon in the "Ecology" section of this report.

The Council's Flood and Coastal Team originally objected to the proposal on the basis of insufficient information being provided but subsequently withdrew this objection further to the submission of additional details, as will be elaborated upon below.

The Council's Network Management section offered no objection and requested clarification of access arrangements for maintenance vehicles; it is noted that the submitted location plan identifies access arrangements.

POLICIES:

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

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

The main issues to consider in the assessment of this application are the impact of the proposal on flood risk and ecology.

Flood Risk

Paragraph 103 of the NPPF states that, when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policy EN12 of the UDP dictates that the Council, in conjunction with the Environment Agency (EA) and other interested parties, will seek to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding) or adversely affect the quality or availability of ground or surface water, including rivers and other waters, or adversely affect fisheries or other water-based wildlife habitats.

As Members may be aware, the City Council is now the Lead Local Flood Authority (LLFA) in respect of major development proposals, with responsibility for matters pertaining to the management of surface water. Guidelines produced by the Department for Environment, Food and Rural Affairs (DEFRA) essentially now require sustainable drainage systems (SuDS) to be provided in major development schemes wherever appropriate. In considering planning applications, the LLFA should be satisfied that the proposed minimum standards of operation are appropriate and ensure, through the use of planning conditions or obligations, that there are clear arrangements in place for on-going maintenance over the lifetime of the development.

As set out above, the Council's Flood and Coastal Team, as LLFA, originally objected to the application on the basis that details of future maintenance of the proposed works had not been provided. Since this objection, a revised Flood Risk Assessment (FRA) has been submitted which sets out that Sunderland City Council will be responsible for on-going maintenance, which will include maintenance for inlets and outlets and sediment removal of the pond.

The FRA goes on to conclude that the site is currently at high risk of surface water flooding and, in particular, surface water routing during high intensity rainfall is the likely cause of flooding to and

from this site. An options appraisal and project appraisal report has identified, through modelling, that the proposal will notably reduce risk of surface water flooding to and from this site which, as per the recommendations of the Council's Flood and Coastal Team, is accepted.

Ecology

Chapter 11 of the NPPF sets out the Government's aims to conserve and enhance the natural environment through the planning process.

Reflective of such aims, policy CN18 promotes the preservation and creation of habitat for protected species where possible. Policy CN22 goes on to state that 'development which would adversely affect any animal or plant species afforded special protection by law, or its habitat, either directly or indirectly, will not be permitted unless mitigating action is achievable through the use of planning conditions and, where appropriate, planning obligations, and the overall effect will not be detrimental to the species and the overall biodiversity of the city'.

An Ecology Assessment has been provided which concludes that the proposed works would not pose any notable adverse impact on any protected or important species or their habitat and sets out the following recommendations:

1. No works be carried out within the bird breeding season (March to August inclusive) unless a checking survey is first carried out confirming that no birds or their habitat would be affected.
2. All unattended open excavations must a ramped means of escape for animal species.
3. If protected or invasive species are discovered on site during works, all activities in the affected area cease until the project ecologist has advised on how to proceed.
4. The design, implementation and management of the works on site include habitat improvement measures such as bank substrate and profiles, vegetation structure and water quality.

The Council's Ecology Section has confirmed its satisfaction of the conclusions of the Ecology Assessment and that the proposal would not directly impact on the Elemore Golf Course Local Wildlife Site, subject to the above measures together with appropriate details of maintenance.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

Summary and Recommendation

For the reasons set out above and subject to the conditions set out below, it is considered that the proposed works would reduce the risk of flooding of the site and its surroundings and would have a neutral to positive impact on local wildlife and its habitat.

It is therefore considered that the proposal accords with the provisions of the UDP, having regard to its conformity with the NPPF, and, in the absence of any material considerations to indicate otherwise, it is recommended that Members grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended).

RECOMMENDATION: Members Grant consent under Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) subject to the following draft conditions:-

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and compulsory Purchase Act 2004, to ensure that the development is carried out within a reasonable period of time.

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing no. NF/005/001: Existing Survey received 29.11.2016
- Drawing no. NF/005/002: Location Plan received 05.12.2016
- Drawing no. NF/005/003: Proposed Details received 29.11.2016

In order to ensure that the completed development accords with the scheme approved.

3 The works hereby approved shall be carried out and maintained in full accordance with the details set out by the Flood Risk Assessment (Version 2) dated and received 26.01.2017, to ensure that satisfactory drainage is provided for the development to prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity and ensure future maintenance of the surface water drainage system and to comply with policy B24 of the adopted Unitary Development Plan.

4 No works shall take place until details of habitat reinstatement and creation, together with details of maintenance, have been submitted to and approved, in writing, by the local planning authority. The development shall thereafter be carried out and maintained in complete accordance with such approved details together with all recommendations set out by the Ecology Assessment July 2016 prepared by Sunderland City Council, in order to ensure the retention and enhancement of the recognised biodiversity of the site and to comply with policies CN18 and CN22 of the adopted Unitary Development Plan.

Reference No.: 16/02259/FUL Full Application

Proposal: Demolition of existing dwelling and erection of 24 dwellings comprising of 6no 1bed flats, 14no 2bed houses and 4no 3bed houses with associated access, parking and landscaping.

Location: Land To South Of Hunter Street Shiny Row Houghton-le-Spring

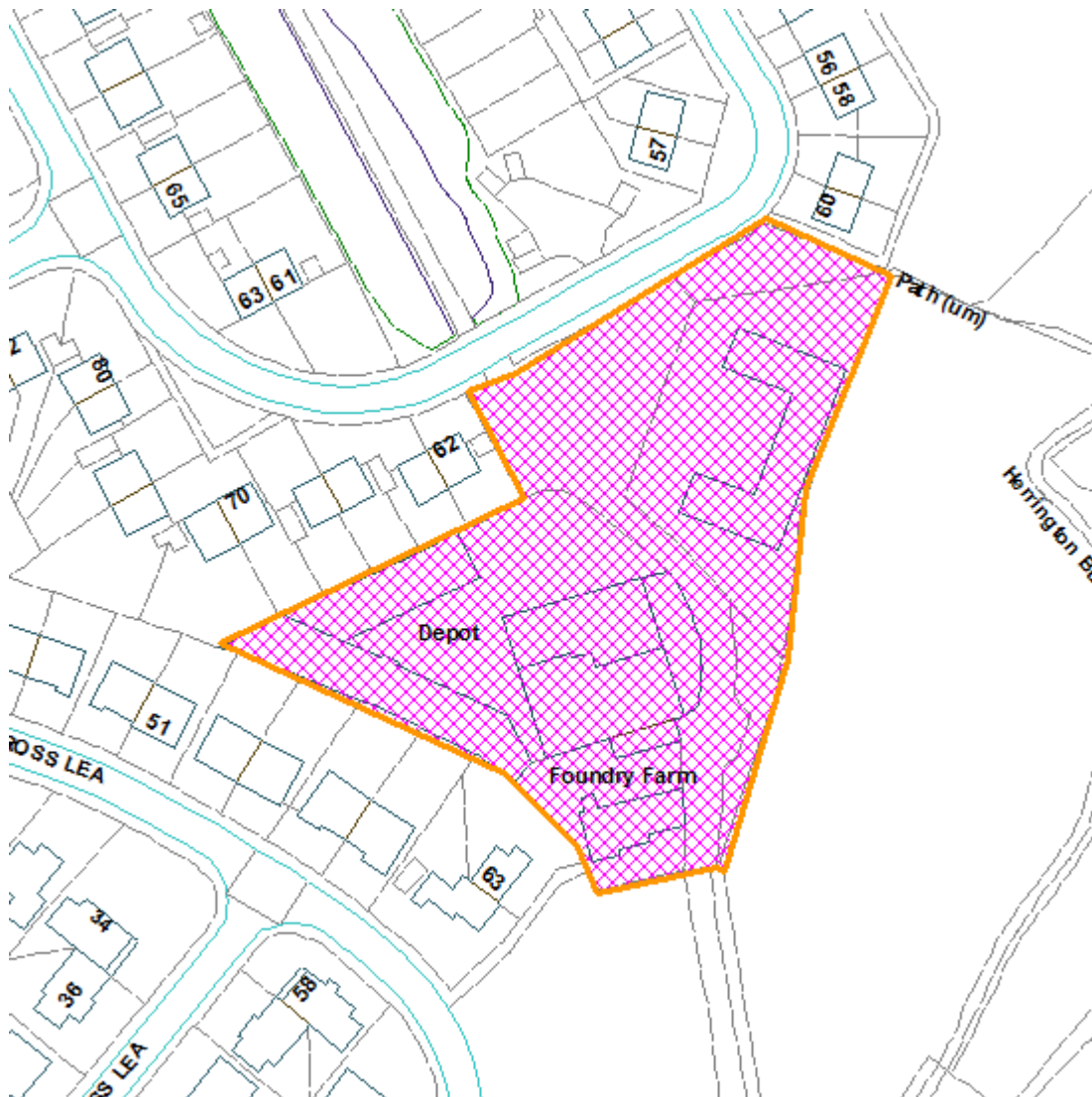
Ward: Shiny Row

Applicant: Mr Smith

Date Valid: 12 December 2016

Target Date: 13 March 2017

Location Plan



PROPOSAL:

The proposal relates to the demolition of existing dwelling and erection of 24 dwellings comprising of 6 No. 1 bedroom flats, 14 No. 2 bedroom houses and 4 No. 3 bedroom houses with associated access, parking and landscaping at land to the south of Hunter Street, Shiney Row, Houghton-le-Spring.

The site is brownfield and is currently occupied by derelict depot buildings, some of which have been previously demolished, leaving behind concrete hardstanding and an existing 2 storey brick house (Foundary Farm). The site is bordered by 2 storey housing to the west, residential properties on Hunter Street to the north and areas of allocated amenity open space to the east and south.

The site has remained vacant for a period of years and has been actively marketed for residential use. The site is being sought for development by Cestria Community Housing which is part of ISOS Housing Group and is a non profit charitable Registered Social Landlord.

The current proposal has been subject to pre-application discussions and supported by the following documents:

- Design and Access Statement.
- Engineering Strategy.
- Foul Water Sewage and Surface Water Drainage Statement and Flood Risk Assessment.
- Arboricultural Impact Assessment.
- Geo-Environmental Assessment.
- Preliminary Ecological Appraisal Report.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Shiney Row - Ward Councillors Consultation
Southern Area Command - Police
Northumbrian Water
Tyne And Wear Archaeology Officer
Flood And Coastal Group Engineer
Environmental Health
Environment Agency

Final Date for Receipt of Representations: **27.02.2017**

REPRESENTATIONS:

Further to the expiry of the consultation period, one letter of representation has been received in support of the proposal.

County Archaeologist - The site was formerly occupied by some of the buildings of the Penshaw Foundry (hence the name Foundry Farm).

In 1828 Watkin and Elliot were the iron founders at "Painshaw Foundry". In 1851, 1861 and 1868, Robert Elliot was resident. By 1880 it was Thomas Mark Elliot of Robert Elliot and Sons, Pensher Foundry. By 1887 the foundry had passed to new owners, Arthur Trevor Crow and Robert Richards of Pensher Foundry Company. The foundry appears to have been disused by 1921.

The Londonderry Railway, which opened in 1831, ran through the site and a map of 1843 shows that the railway terminated at "Painshaw Foundry." The Ordnance Survey first edition map shows several small buildings to the west of the railway line, on the western side of the development site. A branch line ran off to the south east of the site, where foundry buildings are depicted. The railway had gone by 1895.

It is anticipated therefore that structural remains associated with both the foundry buildings and the railway may survive as sub-surface archaeological features within the development site. In light of this potential situation it is recommended that archaeological evaluation trial trenching is undertaken and should Members be minded to approve the application it is recommended that a suite of conditions are imposed in order to preserve any remains on site.

Northumbrian Water Limited (NWL) - No issues to raise, provided the application is approved and carried out within strict accordance with the submitted document entitled "Foul Water Sewage and Surface Water Drainage Statement and Flood Risk Assessment." The document states that foul flows from plots 1-10 will discharge to the combined sewer at manhole 4108, whilst foul flows from plots 11-21 will discharge to the combined sewer via the existing connection on the site. This document further states that a restricted surface water rate of 5l/sec will discharge to the existing surface water sewer at manhole 3910.

It is recommended that should Members be minded to approve the application a condition be imposed that the application is implemented in accordance with above Drainage Statement.

Planning Group of Tyne and Wear Joint Access Forum - Representation received seeking to check that access to non motor routes / rights of way will be retained at the development site.

POLICIES:

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

EN_1_Improvement of the environment

B_2_Scale, massing layout and setting of new developments

B_11_Measures to protect the archaeological heritage of Sunderland (general)

B_13_Sites and monuments of local importance affected by development

B_14_Development in areas of potential archaeological importance

H_1_Provision for new housing

H_4_Density of housing development to at least reflect that of the locality

H_16_Negotiation for affordable housing in major developments

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

CN_18_Promotion of nature conservation (general)

CN_22_Developments affecting protected wildlife species and habitats

EN_12_Conflicts between new development and flood risk / water resources

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

EN_10_Proposals for unallocated sites to be compatible with the neighbourhood

COMMENTS:

The main issues to consider in determining the application are:-

- 1) Principle of the development.
- 2) Design and amenity.
- 3) Highway and transportation.
- 4) Ecology and habitat issues.
- 5) Drainage and flood risk.
- 6) Land contamination.
- 7) Archaeology
- 8) Section 106 and viability.

- 1) Principle of the development.

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act (2004) the starting point for determination must be the saved policies of the development plan. However, since the publication of the National Planning Policy Framework (NPPF) the due weight that can be given to development plans adopted prior to the 2004 Act, such as the Council's Unitary Development Plan (UDP), rests on their consistency with the policies of the NPPF. The closer a UDP policy is to the NPPF the greater the weight that may be given to that UDP policy and vice versa.

Paragraphs 7 and 8 of the NPPF 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 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that it "should be seen as a golden thread running through both plan-making and decision-taking. For decision taking this means:

- 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, grant 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
 - (b) Any specific policies in the NPPF indicate that development should be restricted."

Paragraph 17 of the NPPF then sets out 12 core planning principles which "should underpin both plan-making and decision-taking." These principles, amongst other things, include the need for the planning system to:

- Be a creative exercise that seeks to enhance and improve the places in which people live and not simply be about scrutiny;
- Be a proactive driver of sustainable economic development, so as to deliver the homes, business, industry and infrastructure that are needed;
- Secure high quality design and a good standard of amenity;
- Be aware of the different roles and a character of different areas and promote the vitality of our main urban areas;
- Encourage the effective use of previously developed land that is not of high environmental value;
- Promote mixed use developments; and
- Focus significant development in locations which are, or can be made sustainable.

The site covers an area up to 0.55 hectares (ha) which is currently occupied by derelict depot buildings, (Stark's Yard) some of which have previously been demolished, leaving behind concrete hardstanding, and an existing 2 storey brick house (Foundary Farm) and is not allocated for any specific land use by the Council's adopted Unitary Development Plan (UDP) and, as such, is subject to policy EN10. This policy dictates that, where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principal use of the neighbourhood.

In terms of specific housing policies H1 and H4 are of particular relevance and seek to secure the re-use of vacant and derelict land wherever possible with developments that reflect the density and character of the area.

The site is identified in the 2013 Sunderland Strategic Housing Land Availability Assessment as 6-10 year housing sites and as such is considered developable.

In light of the above, it is considered that the redevelopment of the former Foundary Farm for residential use is acceptable in principle.

2) Design and amenity.

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

As an expansion of this, paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. Furthermore, paragraph 64 states that permission should be refused for development or poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Policy B2 of the saved adopted UDP seeks to ensure that large schemes relate harmoniously to their surroundings and retain acceptable levels of privacy.

With regard to the siting of the proposed development in relation to surrounding dwellings, due regard has been given not only to the requirements of UDP policy B2 as detailed but also section 10C of the Residential Design Guide Supplementary Planning Document (SPD).

The above document deals specifically with the separation distances required between buildings in new proposals for residential development. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard, a distance of 21 metres is recommended between main facing windows (habitable window to habitable window) for two storey properties this distance being reduced to 14 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) for two storey properties.

To further add to both the national and local planning policies, "Building for Life" (BfL12) has been introduced as an industry standard, endorsed by Government and structured to help both local authorities and developers promote good design. Ensuring that new developments integrate in to the neighbourhood by reinforcing existing connections, siting near existing services and facilities, near good public transport and meeting local housing requirements. BfL12 also seeks to create a place by working with the site and its context to provide a locally inspired distinctive character

alongside providing a design that encourages low and safe speeds, that are not dominated by vehicles and include well managed areas of amenity space while ensuring that individual properties provide adequate external storage space for bins that do not dominate the street scene.

Further to correspondence with the City Council's Urban Design Section, the application was assessed against the criteria for Building for Life, the application was considered to be acceptable in principle and following discussions with the agent, minor amendments were sought to improve the overall Bfl12 rating.

The proposal is considered to provide a visually acceptable form of development, replacing the derelict yard with a small residential development that compliments both the neighbouring residential estates of Hunter Street and Ross Lea, the proposal has been assessed against both national and local planning policy and is considered to be in full accordance.

3) Highways and transportation.

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

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

During the pre-application process, the application has been amended in order to reflect comments made by the Network Management Section, these comments related to the need to stop up and divert public rights of way and requirements of the proposal in terms of both Section 38 and 278 agreements.

With regards to the two public rights of way that affect the site, the public right of way that crosses the site No.81 will need to be stopped up and diverted under Section 257 of the Town and Country Planning Act. The proposed layout is considered to satisfactorily divert and reinstate the right of way. The public right of way to the east of the site also requires making good and following discussions with both the Network Management Section and the agent it is considered that the route shall be surfaced with an appropriate material and localised widening where achievable introduced to provide a degree of betterment to the site. The works would be included in a Section 38/278 Agreement.

Further to consultations with the Network Management Section, the proposal is considered to be acceptable in highways terms so as not to conflict with the aims of the NPPF paragraph 32 or UDP policy T14.

4) Ecology and habitat issues.

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

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

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

Following receipt of a Preliminary Ecological Appraisal Report, the following recommendations have been made:

- (i) Care to be taken when removing rubble and waste from the site.
- (ii) Pollution control mechanisms adopted to prevent spillages etc.
- (iii) Removal of shrubs and trees should be done outside the bird nesting season.
- (iv) A buffer to be introduced to minimise any impact on the semi-improved grassland to the east.

In addition to the above, it is also recommended that should Members be minded to approve the application, and prior to any demolition work being undertaken a bat checking survey shall be carried out in order to clarify the likelihood of a bat presence within the existing buildings. It is noted that the checking survey is to be undertaken on a precautionary basis, in light of the fact that there are records of bat species being located within 2km of the site.

In addition to the above, the application has been supported by an Arboricultural Impact Assessment. The assessment identifies 4 individual trees within the site and 2 groups of trees and states that the trees are small self-seeded specimens situated adjacent to the boundary. The assessment concludes that none of the trees would be considered to be important within the immediate or wider landscape and as such a replacement post development tree planting scheme would provide a treescape that could be an asset to the landscape for the future.

In light of the above and should Members be minded to approve the proposal it is recommended that conditions be imposed requiring the submission of a detailed landscaping and planting plan.

Having regard to all of the above, it is considered that following the potential results of a bat checking survey, appropriate mitigation measures could be imposed therefore significantly reducing any ecological impacts of a residential development on the site in accordance with UDP policies CN18 and CN22.

5) Drainage and flood risk.

Paragraph 103 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site -specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

1. within the site, the most vulnerable development is located in the lowest flood risk unless there are overriding reasons to prefer a different location; and
2. development is appropriately flood resilient and resistant, including by emergency planning and it gives priority to the use of sustainable drainage systems.

UDP policy EN12 stipulates that in assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would not be likely to impede materially the flow of flood water, or increase flooding elsewhere, or increase the number of people or properties at risk from flooding and not adversely affect the quality or availability of ground or surface water, including rivers and other waters.

The site is wholly located within Flood Zone 1 "low probability." This zone comprises land assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any year. The application has been supported by a Drainage Statement and Flood Risk Assessment and has been subject to revision following consultations with the Lead Local Flood Authority that stipulated that the development needed to consider a 40% increase in climate change for flood flows.

In light of the above, additional information in the form of a maintenance program for the site has been submitted along with details relating to permeable paved driveways to assist in achieving the above 40% figure and further to consultations with the Lead Local Flood Authority the proposals are considered to be acceptable.

6) Land contamination.

Paragraph 120 of the NPPF relates to measures to be taken to prevent unacceptable risks from pollution and land instability and requires planning decisions to ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination of land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contained 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 combined Phase 1 (Desk Study) and Phase 2 (Site Investigation) has been provided and further to consultations with the Public Protection and Regulatory Services Section it is advised that should Members be minded to approve the application conditions are set for a detailed remedial strategy/verification plan, verification report and a condition for unexpected contamination. It is also noted that mound of demolition rubble is present on the site which has not been tested. It is recommended that this be tested for potential contaminants including asbestos prior to reuse or disposal unless the source of the material can be shown to be asbestos free. A completed gas risk assessment is required for the site. This should be included in the remedial strategy. On this basis, it is considered that the proposal accords with the aims of NPPF paragraph 120 and UDP policy EN14.

In addition to the above and in order to ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interest of the amenity of nearby residents/occupiers in the vicinity of the site, it is recommended that should Members be minded to approve the application a condition be attached which requires the provision of a Construction Environmental Management Plan (CEMP). Any CEMP should include details of how noise,

lighting, dust and other airborne pollutants, vibration, smoke and odour from construction work will be controlled and mitigated.

7) Archaeology.

Paragraph 141 of the NPPF advises that:

"Local Planning Authorities should make information about the significance of the historic environment gathered as part of plan-making or development management publicly accessible. They should also require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted."

In keeping with the nature of this paragraph, policies B11, B13, B14, B15 and B16 of the UDP are concerned with safeguarding sites of known or potential archaeological significance. Where such sites are to be developed, applications should be accompanied by a desk based archaeological assessment.

Policies B11, B13, B14, B15 and B16 are all fully compliant with the NPPF.

The current proposal has been supported by a previously commissioned archaeological assessment by AD Archaeology

In light of the findings of the above assessment, the significance of the archaeological findings which potentially may be unearthed cannot be established at this moment in time, however, with the imposition of appropriate conditions, should Members be minded to approve the application, the archaeology of the area will be sufficiently recorded to ensure that the scheme complies with both NPPF and relevant UDP policies.

8) Section 106 and viability.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:-

- (a) they are necessary to make the development acceptable in planning terms;
- (b) they are directly related to the proposed development;
- (c) they are fairly and reasonably related in scale and kind to the development proposal.

Paragraph 173 also states that in pursuing sustainable development careful attention will be required toward viability and cost in decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, infrastructure contributions or other requirements should, when taking into the normal cost of development and mitigation, provide competitive returns to a willing land owner / developer and enable the development to be deliverable. More specifically, paragraph 205 requires the Council to take viability and market conditions into account when assessing Section 106 requirements and to be sufficiently flexible, wherever possible, in order to prevent the stalling of proposed development.

i) Affordable housing.

UDP policy H16 requires the Council to negotiate with developers, on the basis of site suitability, for elements of affordable housing to be provided on major new housing sites of 50 dwellings or

more. Furthermore, the Strategic Housing Market Assessment (SHMA) and recent Economic Viability of Affordable Housing Requirement Study identify a need for 10% affordable dwellings on housing development sites at a 80% social rented / 20% intermediate split. This therefore equates to 2 affordable properties.

With the above in mind, the affordable housing scheme will be delivered by the ISOS Housing Limited for their partners Cestria Community Housing. The units are all for affordable rent. The scheme is receiving grant funding to enable delivery and will also receive cross subsidies from the larger organisation to facilitate the delivery of affordable housing on this brownfield site.

ii) Open space / equipped children's play space.

As the scheme proposes over 10 dwellings with 2 bedrooms or more, policy H21 requires the provision of formal equipped children's play space. In lieu of on site provision a financial contribution for off-site play would need to be considered , at a current rate of £701 for each two bed (or more) unit i.e. £12618.

In light of the above, information has been provided accompanying the application and covers the financial aspect of the application where the Local Planning Authority are requesting financial obligations and what the applicant considers the development is capable of supporting financially. The conclusion, of this supporting information is that the development of the site would be unviable were the Council to require contributions in respect of either affordable housing or equipped children's play.

Conclusion

In light of all material considerations, it is considered that the proposed residential development is acceptable, providing a modern house type, aimed at the rented sector, appropriate with the surrounding area and having due regard to existing surrounding properties. Furthermore following a significant period the site has remained vacant and subject to vandalism and fly tipping, the proposal will deliver a regenerative housing scheme to the site. Subject to the imposition of relevant conditions, the proposal is considered to be acceptable and in accordance with the provisions of the NPPF and policies of the UDP. Members are recommended to approve subject to the expiry of the consultation period and the conditions set out below.

Should any negative representations be received following the expiry of the consultation period, the application will be brought back to sub-committee for further consideration.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;

- sex;
- sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: Members minded to Approve, subject to the expiry of the consultation period and the conditions set out below.

Conditions:

1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time

2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No. P000, received 07.12.2016, Location Plan.
- Drawing No. P001, received 07.12.2016, Existing Topographical Survey.
- Drawing No. P002 rev A, received 07.02.2017, Proposed Site Plan.
- Drawing No. P100 rev A received 07.02.2017, House Type A1 & A2 1 Bedroom 2 Person Flat, Proposed Floor Plans.

- Drawing No. P110 rev A, received 07.02.2017, House Type A1 & A2 1 Bedroom 2 Person Flat, Proposed Elevations and Roof Plan.
- Drawing No. P120 received 07.12.2016, House Type B1 - Semi 2 Bedroom 4 Person House, Proposed Floor and Roof Plan.
- Drawing No. P130 received 07.12.2016, House Type B1 - Semi 2 Bedroom 4 Person House , Proposed Elevations.
- Drawing No. P140 received 07.12.2016, House Type B1 - Terrace 2 Bedroom 4 Person House, Proposed Floor and Roof Plans.
- Drawing No. P150 received 07.12.2016, House Type B1 - Terrace 2 Bedroom 4 Person House, Proposed Elevations.
- Drawing No. P160 received 07.12.2016, House Type B1 - Terrace 2 Bedroom 4 Person House, Proposed Elevations.
- Drawing No. P170 received 07.12.2016, House Type B2 & C - Semi 2 Bedroom 4 Person House, Proposed Floor and Roof Plans.
- Drawing No. P180 received 07.12.2016, House Type B2 & C - Semi 2 Bedroom 4 Person House, Proposed Elevations.
- Drawing No. P190 received 07.12.2016, House Type D - Semi 3 Bedroom 5 Person House, Proposed Floor and Roof Plans.
- Drawing No. P200 received 07.12.2016, House Type D - Semi 3 Bedroom 5 Person House, Proposed Elevations.
- Drawing No. P500 received 07.12.2016, Boundary Details.

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 (with the exception of demolition and site set up works) 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 Before the development hereby approved is commenced details of the means of demolition shall be submitted to and approved by the Local Planning Authority. All works shall be carried out in accordance with the agreed details in order to protect the amenities of the area and to comply with policy B2 of the UDP.

5 Prior to any demolition works to the existing dwelling, and in accordance with the Chapter 7, Recommendations of the Preliminary Ecological Appraisal Report dated October 2016 a bat risk assessment / checking survey shall be undertaken to inform of the likelihood of a bat presence within the detached residential building, and if necessary appropriate mitigation measures identified and implemented in the interest of safeguarding any protected species or habitat and to comply with policy CN22 of the Unitary Development Plan.

6 Prior to any demolition of the existing garages and walls, and in accordance with the Chapter 7 Recommendations of the Preliminary Ecological Appraisal Report dated October 2016 a single bat risk evening emergence survey shall be undertaken during the bat breeding season (March - September), to inform the likelihood of a bat presence within the structures, and if necessary appropriate mitigation measures identified and implemented in the interest of safeguarding any protected species or habitat in accordance with policy CN22 of the Unitary Development Plan.

7 The development shall be carried out in complete accordance with the recommendations detailed in Section 7 of the Preliminary Ecological Appraisal Report prepared by Ecosurv Ltd dated October 2016 which shall be adopted and delivered in full in the carrying out of the development hereby approved, in order to ensure a satisfactory form of development and to comply with policies CN18 and CN22 of the Unitary Development Plan.

8 The development hereby approved shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide full details in respect of:

- i. provision and location of facilities for the parking of vehicles of site operatives and visitors;
- ii. provision and location of facilities for the loading and unloading of plant and materials;
- iii. provision and location of areas dedicated to the storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control noise, dirt, dust and other airborne pollutants, vibration, smoke and odour during construction;
- vii. full details of any lighting required during the construction phase;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;

In the interests of residential and visual amenity and highway safety to accord with policies B2, EN1 and T14 of the Unitary Development Plan.

9 The construction / demolition works required for the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Monday to Friday and between the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

10 No delivery works required for the development hereby approved shall be received outside the hours of 08.00 and 18.00 Monday to Friday and outside the hours of 08.00 and 13.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 of the UDP.

11 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that 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.

12 The remediation scheme approved under Condition number 11 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless

otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report, that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. 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.

13 If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

14 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest and investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the National Planning Policy Framework and Unitary Development Plan policies B11, B13 and B14.

15 The buildings shall not be occupied / brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 14 has been submitted to and approved in writing by the Local Planning Authority. The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the National Planning Policy Framework and Unitary Development Plan policies B11, B13 and B14.

16 The buildings shall not be occupied / brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal. The site is located within an area identified as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the National Planning Policy Framework and Unitary Development Plan policies B11, B13 and B14.

17 The development hereby approved shall be carried out in complete accordance with the updated Foul Water Sewage and Surface Water Drainage Statement Flood Risk Assessment received 10.02.2017. In order to ensure the provision of a sustainable form of surface water drainage and satisfactory drainage from the site, in accordance with paragraph 103 of the NPPF and Policy EN12 of the saved UPD.

18 No buildings shall be occupied until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces which shall include indications of all existing trees and hedgerows on the land, and details for their protection

during the course of development, in the interests of visual amenity and to comply with policy B2 of the UDP.

19 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.