

## **DEVELOPMENT PLAN**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

### **Unitary Development Plan - current status**

The Unitary Development Plan for Sunderland was adopted on 7th September 1998. In the report on each application specific reference will be made to those policies and proposals, which are particularly relevant to the application site and proposal. The UDP also includes a number of city wide and strategic policies and objectives, which when appropriate will be identified.

## **STANDARD CONDITIONS**

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

## **LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION**

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director City Development

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**Reference No.:** 19/00214/FUL Full Application

**Proposal:** **Construction of 56no. residential dwellings (Use Class C3) on land south of Kidderminster Road.**

**Location:** Land South Of Kidderminster Road Sunderland

**Ward:** Redhill

**Applicant:** Gentoo Homes

**Date Valid:** 6 February 2019

**Target Date:** 8 May 2019

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The proposal relates to the erection of 56 dwellings consisting of 2 and 3 bedroom bungalows and houses with associated hard and soft landscaping on land south of Kidderminster Road, Sunderland.

The application site comprises 2.18ha (5.4 acres) of brownfield land to the south of Kidderminster Road that was formerly occupied by local authority housing built in the 1960s, which were demolished in 2010. The site contains a mix of rough scrubland, grassland, hardstanding and paving, with a few scattered trees. The site is bound:

To the north by Kidderminster Road with residential areas beyond. Further to the north is agricultural land and West Boldon.

To the east of the site is the first phase of Gentoo's residential development at Downhill. Further to the east is the residential area around Ravenswood Road.

To the south of the site is grassland, open space and small copses of trees contained by Washington Road.

To the west of the site is the Bunnyhill Centre and the residential areas of Town End Farm.

The site is brownfield having previously contained blocks of three storey flats in a "S Shape."

The site has previously been granted outline application for a residential development and stopping up of footpaths and bridleway and change of use to residential development (ref.05/04020/SUB). In 2013 an application (ref.13/04717/FUL) was made for a residential development of 88 homes on the site to the east of the application site, representing the first phase of Gentoo's residential development at Downhill, this was approved in January 2015. A further application (ref.15/00123/FUL) was approved that sought minor modification to the approved scheme.

In 2017, a pre-application enquiry was made relating to a residential development for the application site. This concluded that the proposal effectively constituted the replacement of housing stock in an established residential area and the proposal was deemed appropriate in land use terms.

The application has been supported by the following documents:

- Planning Statement
- Statement of Community Involvement
- Open Space Assessment
- Design and Access Statement
- Phase 1 Geoenvironment Report

- Phase 2 Geoenvironmental Report
- Flood Risk Assessment and Drainage Strategy
- Acoustic Design Statement
- Noise Risk Assessment
- Archaeological Evaluation and Earthwork Survey
- Archaeological Desk-Based Assessment
- Ecology and Habitats Regulations Appropriate Assessment
- Ecological Phase II Assessment
- Transport Statement
- Air Quality Screening Statement

#### **TYPE OF PUBLICITY:**

Press Notice Advertised  
 Site Notice Posted  
 Neighbour Notifications

#### **CONSULTEES:**

Redhill - Ward Councillor Consultation  
 DC North Chair And Vice Chair Consultation  
 Environmental Health  
 Network Management  
 Tyne And Wear Archaeology Officer  
 Flood And Coastal Group Engineer  
 Southern Area Command - Police  
 Fire Prevention Officer  
 NE Ambulance Service NHS Trust  
 Public Rights Of Way Officer  
 Northumbrian Water  
 Northern Electric  
 Natural England  
 Director Of Childrens Services  
 Natural England

Final Date for Receipt of Representations: **20.03.2019**

#### **REPRESENTATIONS:**

Natural England - The application could have potential significant effects on Northumbria Coast Special Protection Area. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:- A revised mitigation strategy that effectively prevents impacts on designated sites as a result of an increase in recreational disturbance. Without the information, Natural England may need to object to the proposal.

Following submission of the above revised strategy Natural England have confirmed that they have no objection, subject to appropriate mitigation being secured.

County Archaeologist - An archaeological desk based assessment was produced in 2006. This was followed by a geophysical survey and archaeological trial trenching in 2015. We were hoping

to find the remains of Hylton Mill. However the only archaeological remains recorded were ridge and furrow (former ploughing) and a 19th century field boundary ditch. Part of the site has been disturbed by quarrying. No further archaeological work is required.

Northern Powergrid - It has been confirmed from mains records the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live. The following has been highlighted for the attention of any future development.

Plans must only be used as a guide in the location of underground cables. The use of suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located when it has been safely exposed.

Cable depths are not generally indicated on our records and can vary considerably even when shown.

Great caution must be exercised at all times when using mechanical plant. Careful trial digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

Northumbrian Water Ltd. - Having assessed the proposed development against the context outlined above Northumbrian Water have the following comments to make:

NWL have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "Flood Risk Assessment". In this document it states that surface water will discharge to the existing sewer at manholes 5302 and 7302, with flows being restricted to 15l/sec and 25l/sec respectively.

Tyne and Wear Fire and Rescue Service - The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.

Public Protection and Regulatory Services has considered the submitted documentation and considers that;

The development is acceptable subject to the inclusion of the following conditions on any granted consent, in particular;

Land Contamination - A remediation strategy is required for the development to provide details for design and verification of the clean cover, management for colliery spoil and demolition rubble and the design and verification plan for gas protection measures.

Conditions are appropriate for a Remediation Strategy, Verification Report and a condition for Unexpected Contamination.

Noise - Prior to occupation of the proposed development, a specification shall be provided and agreed with the LPA for each plot detailing appropriate noise mitigation measures including facade treatment. Reference should be made to the noise insulation specification in Table 1 and predicted noise levels in Figure 1 of the Noise Assessment (ref 6347.2).

Noise Mitigation as described in Table 1 and Fig 1 of the Noise Assessment (ref 6347.2) shall be installed and maintained for the lifetime of the development. Where plots have been identified in the noise risk assessment and acoustic design statement as requiring acoustic controls to achieve acceptable internal noise levels, an overheating assessment shall be carried out to determine an appropriate closed

window overheating strategy. The acoustic performance of the strategy shall be reviewed before the development is started to ensure the acceptable internal noise levels will be achieved.

Construction Environmental Management - In order to ensure the environmental impact of the construction of the development is adequately managed and mitigated a Construction Environmental Management Plan should be prepared and submitted. The 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.

Third Party Representations - Four letters of representation were received raising issues relating to the following:

1. Increased parking from the Bunny Hill Centre on highway.
2. Loss of open space.
3. Devaluation of property prices.
4. Disturbance to residents throughout construction period.
5. Highway Safety.
6. Site not suitable and sustainable for residential development.

Each of the above have been considered within the pertinent sections of the agenda report, with the exception of the devaluation of property prices which is not considered to be material to the determination of this application.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_3\_Protection of public/ private open space (urban green space)  
R\_1\_Working towards environmentally sustainable development  
R\_3\_Infrastructure provision, etc. in association with developments  
CN\_13\_Protection and enhancement of important views  
CN\_14\_Landscaping schemes and developments prominent from main transport routes  
CN\_18\_Promotion of nature conservation (general)  
CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites  
CN\_20\_Developments affecting designated/proposed SSSI's  
CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS  
CN\_22\_Developments affecting protected wildlife species and habitats  
CN\_23\_Measures to conserve/ improve wildlife corridors  
L\_7\_Protection of recreational and amenity land  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
T\_22\_Parking standards in new developments  
NA\_7\_Sites for new housing  
H\_4\_Density of housing development to at least reflect that of the locality  
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

## **COMMENTS:**

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

- The principle of residential development.
- Form of development proposed. (Design, Scale, Massing, Layout and Appearance, including Landscaping).
- Ecology and Biodiversity.
- Archaeology.
- Drainage and Flooding.
- Noise
- Highway Considerations.
- Heads of Terms for Section 106.

### **The principle of residential 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 February 2019, which is a material consideration for the purposes 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 development plan to the policies in the NPPF, the greater the weight can be given to the development plan.

In this particular instance, whilst the site is allocated for housing under Unitary Development Plan (UDP) policy NA7.4, the land is immediately adjacent to the Hylton Dene Local Nature Reserve (LNR) declared in 2003, whilst also being within proximity to the Natura 2000 sites at the coast. The siting of both the LNR and Natura 2000 sites with respect to this development are significant material considerations and will be discussed further under the ecology and biodiversity section of the report, along with the impacts (both positive and negative) upon the other various heading outlined above.

It is noted that paragraph 177 of the NPPF states that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site."

Whilst the relevant impacts of the development upon the LNR and Natura 2000 sites will be discussed further, the application site is still considered to be suitable for housing development and has been included in the Council's most recent Strategic Housing Land Availability Assessment 2018 (SHLAA) as a "deliverable" housing development site which is available, suitable and viable for residential development.

The proposal is therefore considered to be acceptable in principle, subject to the assessment of the other impacts which are considered below.

Form of development proposed (design, scale, massing, layout and appearance, including landscaping).

Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Whilst paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

UDP policy B2 reflects the above, stating that:

"The scale, massing, layout and/or setting of new developments should respect and enhance the best qualities of nearby properties and the locality whilst large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas."

Expanding upon Policy B2, the Council also has additional guidance in the form of the Development Control Supplementary Planning Document (SPD) which set out standards and examples of good design practice.

Section 10C of the Residential Design Guide SPD recommends a minimum distance of 21m be provided between main facing windows and 14m between main windows facing onto gable or other elevations which contain no primary windows. A reduction in the above standard may be acceptable where it is demonstrated through imaginative design solutions that the proposal will (a) not adversely impact on existing levels of residential amenity, notably outlook, light and privacy, whilst (b) ensuring that satisfactory levels of the above minimum requirements and it not considered that any property would be afforded an unsatisfactory level of amenity.

The development will provide a variety of well designed 2 & 3 bedroom houses ranging in size from 60.2 square metres to 96.3 square metres at a density of 26 dwellings per hectare.

Within the site, the layout has an urban feel, on road frontages and face to face distances are kept close enough to give an appropriate sense of enclosure in the public realm. The constraints of the site namely, topography and existing utility infrastructure have determined the layout of the site and in certain instances have lead to separation distances being marginally less than the guidance outlined above.

In terms of architectural detailing, the proposal provides a variety of house types, with a mix of bricks and roof tiles to add to the variations in fenestration across the development.

The development provides a pedestrian route along the south of the site that marry's into the existing footway along phase 1 and adjacent to the LNR. A pedestrian footway is also introduced along the line of the existing right of way.

The proposal has been subject to consultation with the City Council's Urban Design Team and minor modifications to the layout have been sought and received relating to house types, layout and detailing. Overall the proposal is considered to provide a degree of continuity to the phase 1 development, that is respectful of the neighbouring surrounding residential properties, attractive from a visual amenity point of view and designed with properties of a wide variety.

Ecology and Biodiversity.

Under Section 40(1) of the Natural Environment and Rural Communities Act 2006, every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. This duty covers the protection, enhancement and restoration of habitats and species. In addition to the above The

Conservation of Habitats and Species Regulations 2010 (as amended) is also of particular relevance in the assessment of this proposal.

The NPPF provides that Local Planning Authorities should aim to conserve and enhance biodiversity. Paragraph 175 of the NPPF provides as follows:-

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

As a member of the European Union (EU), the United Kingdom (UK) is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives.

Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

Regulations require that HRA's must consider in-combination effects cumulatively, with all relevant plans and projects. If it can be concluded that no likely significant effects will arise from the plan or project, including in combination then no further stages of the HRA are required (on the basis that the proposal is screened out and appropriate mitigation if required is provided).

There are a number of designated sites within the vicinity of the proposal, these include both statutory and non-statutory sites. The statutory sites being the Northumbria Coast Special Protection Area, the Durham Coast Special Area of Conservation, Hylton Castle Cutting, Claxheugh Rock and Ford Limestone Quarry and Wear River Bank Sites of Special Scientific Interest. Whilst the non statutory sites include Hylton Dene Local Nature Reserve (LNR) and



Bunny Hill Local Wildlife Site (formerly Hylton Castle Grassland SNCI), and local wildlife corridors and buffer zones.

Policies CN13, CN14, CN18, CN19, CN20, CN21, CN22, CN23, B3, L7, R1 and R3 are all of particular relevance with regards to safeguarding the ecology and biodiversity of the site and surrounding areas.

In light of the above policies, the development proposals proximity to the Natura 2000 sites at the coast and the incursion into land designated within the LNR, the application has been supported by a Habitats Regulations Assessment - Appropriate Assessment and an Ecological Appraisal.

Each of these documents has set out a series of mitigation measures to address the potential adverse effect of the development.

The HRA Appropriate Assessment has recommended the following:

Information panels will be provided within the development site highlighting local walking routes and areas of greenspace within 1km.

Homeowner packs to be provided, highlighting the importance of the designated sites and how to minimise effects. This will include information on local walking routes and potential alternative destinations.

A financial contribution will be agreed with Local Planning Authority to contribute to coastal management of the SPA, SAC and associated functional land.

Whilst the Ecological Appraisal highlights the key mitigation measures which include:

Trees will be retained within the site wherever possible. Should any be removed these will be replaced on a 2:1 basis with extra standard nursery trees of native species.

The use of close boarded fencing will either be avoided or a gap will be provided at the bottom of fences in order to allow hedgehog movement through the site.

Footpath lighting will be designed to ensure that light levels more than 5m into the retained LNR are no higher than 2lux.

Vegetation clearance/tree felling will be undertaken outside of the bird nesting season (March to August inclusive) unless a checking survey by a suitably experienced ornithologist confirms the absence of active nests.

Any excavations left open overnight will have a means of escape for mammals that may become trapped in the form of a ramp at least 300mm in width and angled no greater than 45 degrees.

The roots and crowns of retained trees will be protected throughout the development through the provision of adequate construction exclusion zones in accordance with the guidance given by BS5837:2012.

Four sign boards providing interpretation of the LNR will be provided where paths enter the housing, two for phase 1 and two for phase 2.

Two dog waste bins will be provided at the entrance points to the LNR.

The first 25m of the adjacent paths into the LNR from phase 2 will be surfaced with magnesian limestone hoggin to encourage use of specific routes.

Following consultations with the City Council's Ecology Team, confirmation was requested over the mitigation proposals of the Appropriate Assessment.

Confirmation was received from the developer of a contribution to Strategic Access Management and Monitoring (SAMM) measures in the sum of £569 per dwelling, this is to be delivered via the signing of a Section 106 planning obligation.

Confirmation is sought of content and location of signage and information packs, including clarity over management of access to Local Wildlife Sites and other areas of (ecologically) function greenspace, and that landowners and managers approve the potential increase in foot and paw fall to the areas proposed. Should Members be minded to grant consent it is recommended a condition is imposed to safeguard the delivery of the aforementioned mitigation measures.

With regards to the revised ecological appraisal for the most part the report addresses the outstanding issues and no objection is raised subject to the imposition of conditions relating to delivery of mitigation, compensation and enhancement measures.

Archaeology.

Policies B11, B13 and B14 of the UDP are all concerned with archaeological remains, whilst Section 16 : Conserving and enhancing the historic environment of the NPPF provides the national policies.

Policy B11 states that:

"The City Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered will be either physically preserved or recorded."

Policy B13 states that:

"The City Council will seek to safeguard sites of local archaeological significance. When development affecting such is acceptable in principle, the Council will seek to ensure mitigation through preservation of the remains in situ as a preferred solution. Where the physical preservation of remains in the original situation is not feasible, excavation for the purpose or recording will be required."

Policy B14 requires the submission of appropriate assessment/evaluation prior to the granting of planning approval. In this instance the proposal was supported by an Archaeological Desk-Based Assessment undertaken by Archaeological Services dated March 2006 and followed up by a geophysical survey and archaeological trial trenching in 2015.

Following an assessment of the above information the County Archaeologist is satisfied that no further works is required and the proposal is fully compliant with both national and local planning policy.

### **Drainage and Flooding.**

Policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
2. Not 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.

Following consultations with the Lead Local Flood Authority, the submitted information is considered to be acceptable.

The site is confirmed as being within Flood Zone 1 and therefore at low risk of flooding. Flood risks from other sources are also considered to be low.

By restricting the surface water discharge there will be no increased flood risk to downstream properties.

### **Ground Conditions.**

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- o Unstable or potentially unstable;
- o Contaminated or potentially at risk from mitigating contamination;
- o Potentially at risk from migrating landfill gas or mine gas;

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 instability, contamination, or gas migration 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.

The application has been supported by a Phase 2 Geo-environmental Appraisal.

Further to comments received from the City Council's Public Protection and Regulatory Services (PPRS) section it is considered that the proposal is acceptable subject to relevant conditions should Members be minded to approve relating to a remediation strategy, verification report and a condition for unexpected contamination.

### **Noise.**

Policy EN5 of the UDP covers noise and vibration and requires the applicant to carry out an assessment of the nature and extent of likely problems and to incorporate suitable mitigation measures in the design of the development.

The application has been supported by a noise risk assessment and subject to consultation with the PPRS section.

PPRS have noted that prior to occupation of the proposed development, a specification shall be provided and agreed with the LPA for each plot detailing appropriate noise mitigation measures including facade treatment. Where plots have been identified in the noise risk assessment and acoustic design statement as requiring acoustic controls to achieve acceptable internal noise levels, an overheating assessment shall be carried out to determine an appropriate closed window overheating strategy. The acoustic performance of the strategy shall be reviewed before the development is started to ensure the acceptable internal noise levels will be achieved.

The above information can be imposed via condition should Members be minded to approve.

## **Highway Considerations.**

The application is accompanied by a Transport Statement. Access to the site is taken from the existing entrance on to Kidderminster Road via Munro Way along with an additional access point on to Kidderminster Road that serves the single storey properties.

The development has been designed as the second phase of the Downhill site, with the road network continuing the standards that were introduced via phase 1.

Following consultations with the Transportation Development Section, amendments to the layout were sought, requiring minor modifications including alterations to driveway positioning and relocation of visitor parking bays. These modifications have been received and the proposal is now considered to be acceptable in terms of the policy requirements stipulated in policy T14 of the UDP.

Policy T14 states that:

"Proposals for new development should:-

- (i) Be readily accessible by pedestrians and cyclists as well as users of public and private transport from the localities which they are intended to serve;
- (ii) Not cause traffic congestion or highway safety problems on existing roads. Where this criterion cannot be met modifications to the highways concerned must be proposed to the satisfaction of the relevant highway authority and the cost of these must be met by the developer;
- (iii) Make appropriate safe provision for access and egress by vehicles (including buses), pedestrians, cyclists and other road users, paying particular attention to the needs of people with mobility impairment;
- (iv) Make provision for the loading and unloading of commercial vehicles;
- (v) Indicate how parking requirements will be accommodated."

In addition to the above policy, it is noted that the proposal will require the stopping up of highway and diversion of public rights of way/Sunderland Bridleway 11 along with a Section 278 Agreement to bring the development up to an adoptable standard.

## **Heads of Terms - Section 106 Provision.**

The applicant submitted a bid to Homes England for their Affordable Homes Guarantee Programme and were successful in securing funding to deliver all 56 affordable homes. This proposal is for 100% affordable rent, well in excess of the policy requirement of 10 per cent.

Whilst the receipt of the funding is dependent upon the development site being unviable, in light of the need through statute for a contribution towards HRA, the developer has agreed the funding of £569 per dwelling, a total financial contribution £31,864.

## **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

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

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

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

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

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

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

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

## **Conclusion.**

With regards to the above, it is recommended that the proposed development represents an acceptable form of development that it is compliant with both National and Local Planning Policies. As such, it is recommended that Members Delegate back to the Executive Director of City Development who is minded to approve the application subject to the conditions listed below and the completion of the S106.

**Recommendation:** Delegate to the Executive Director of City Development who is minded to approve subject to the conditions listed and the signing of the Section 106.

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing No. GEN/43B/001, Location Plan, received 06.02.19.
  - Drawing No. GEN/43B/002 P7, Proposed Site Plan, received 27.07.2019.
  - Drawing No. GEN/43B/003 P4, Proposed Roof Plan, received 06.02.2019.
  - Drawing No. GEN/43B/005 P2, Proposed Street Elevations, received 06.02.2019.
  - Drawing No. GEN/43B/200T3, Proposed Site Layout, received 14.02.2019.
  - Drawing No. GEN/43B/205T2, Roof Plan and Materials Layout, received 06.02.2019.
  - Drawing No. GEN/43B/010, Sage House Type, received 06.02.2019.
  - Drawing No. GEN/43B/011, Sage (B) House Type, received 06.02.2019.
  - Drawing No. GEN/43B/012, Fern North House Type, received 06.02.2019.
  - Drawing No. GEN/43B/013, Fern South House Type, received 06.02.2019.
  - Drawing No. GEN/43B/014, Pine North House Type, received 06.02.2019.
  - Drawing No. GEN/43B/015, Pine South House Type, received 06.02.2019.
  - Drawing No. GEN/43B/016, Fairway House Type, received 06.02.2019.
  - Drawing No. GEN/43B/017, Laurel House Type, received 06.02.2019.
  - Drawing No. GEN/43B/018, Meadow House Type 1, received 06.02.2019.
  - Drawing No. GEN/43B/018P1, Laurel House Type, received 06.02.2019.
  - Drawing No. GEN/43B/019, Meadow House Type 2, received 06.02.2019.
  - Drawing No. GEN/43B/020, Fern House Type Plot 9 only, received 23.07.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-01, received 14.02.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-08, received 14.02.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-13, received 14.02.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-14, received 14.02.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-15, received 14.02.2019.
  - Drawing No. GEN/43B/800, Masonry Walls Type W-16, received 14.02.2019.

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

- 3 No development shall commence until a detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the

Environment Protection Act 1990 in relation to the residential use of the land. The Remediation Strategy and Verification Plan are required to ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.

- 4 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details. The abovementioned is required in order to ensure that risks from land contamination to future users of land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.
- 5 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Downhill Phase 2 Sunderland, Gentoo Homes, Flood Risk Assessment and Drawing No. 001/3 Surface Water Drainage Strategy and Drawing No. 004/1 Rev A Permeable Drives. The drainage scheme shall ensure that surface water discharges to the combined sewer at manholes 5302 and 7302. The surface water discharge rate shall not exceed the available capacities of 15l/sec and 25l/sec that has been identified in these respective sewers. To ensure in accordance with policies EN12 and B2, the development hereby approved does not impede the flow of water and respects the best qualities of the locality.
- 6 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 7 Prior to the occupation of the development, a specification shall be provided and agreed in writing with the Local Planning Authority for each plot detailing appropriate scheme for the noise mitigation measures including facade treatment. Where plots have been identified in the noise risk assessment and acoustic design statement as requiring acoustic controls to achieve acceptable internal noise levels, an overheating assessment shall be carried out to determine an appropriate closed window overheating strategy. The acoustic performance of the strategy shall be reviewed before the development is started to ensure the acceptable internal noise levels will be achieved in accordance with policy EN5 of the UDP.

- 8 The development shall be carried out in accordance with the E3 Ecology : Ecological Appraisal Downhill Phase II August 2019 with particular reference to Section H Recommendations prior to the occupation of the first dwelling, copies of the aforementioned report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 9 Notwithstanding the information detailed on drawing no. 860/03/E which outlines the broad principles and positive elements for ecological mitigation and compensation, and landscaping, further details relating to and not exhaustive to the following shall be provided , prior to work starting on site, and delivered in full prior to occupation of the first dwelling:
1. The conflation of Phase 1 and Phase 2 ecological mitigation, compensation and enhancement measures; such as access network and habitat improvements.
  2. Areas of grassland habitats and programme for cut, rake and removal of arisings.
  3. Landforms, site safety and future management.
  4. Species mixes, and seeding and planting areas.
  5. Specification and location of footpaths
  6. Interpretation (including leaflets/packs) will be designed by the applicant and will be mindful of their design of other materials relating specifically to European Sites.
  7. Programme of establishment and maintenance of all features, including mechanism for long term management.
  8. On site landscaping schedule.

In the interest of ecology and in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.

- 10 Prior to occupation of the first dwelling on site details of the mechanism to maintain the measures and features established as a result of the approved development; for example signage, waste bins and habitat improvement areas shall be submitted to and approved in writing by the Local Planning Authority in the interest of ecology and in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.



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**Reference No.:** 19/00856/LP3 Local Authority (Reg 3 )**Proposal:** **Siting of 2 no. temporary portable buildings.****Location:** Hylton Castle Craigavon Road Hylton Castle Sunderland**Ward:** Castle**Applicant:** Sunderland City Council**Date Valid:** 15 July 2019**Target Date:** 9 September 2019

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## PROPOSAL

The proposal is to site 2 No. temporary portable buildings within the grounds of Hylton Castle which is undergoing refurbishment works. The proposal consists of a secure, ply - lined glass fronted activity cabin and toilet block. The activity cabin would measure 6 metres length, 3 metres wide and have a flat roof up to a height of 2.4 metres. It would have 6 glazed aluminium bi-fold doors to the front elevation and a box roller shutter. The w.c. block would provide 2 w.c.'s and the unit would measure 3 metres wide, 3 metres depth and have a flat roof up to 2.4 metres in height. The units would be shipping containers constructed of steel.

This installation will be temporary in that it is anticipated that alternative arrangements will be put in place within 5 years

## SITE

The site relates to Hylton Castle, Scheduled Monument and Grade 1 Listed Building, built between 1397 and 1403 which is considered to be of exceptional significance as a heritage asset. It stands in large extensive grounds on the corner of Craigavon Road and Washington, Sunderland.

## TYPE OF PUBLICITY:

Press Notice Advertised

Site Notice Posted

Neighbour Notifications

## CONSULTEES:

Castle - Ward Councillor Consultation

DC North Chair And Vice Chair Consultation

Network Management

Historic England

Tyne And Wear Archaeology Officer

Northumbrian Water

Final Date for Receipt of Representations: **15.08.2019**

## **REPRESENTATIONS:**

### Statutory and Non-Statutory Response

Castle - Ward Councillor Consultation - No response received

DC North Chair and Vice Chair Consultation - No response received

Network Management - Comments received, no objections to the development in principle

Historic England - response received and detailed in main section of the report, no adverse comments and support of the scheme on a temporary basis.

Tyne And Wear Archaeology Officer - Response received and no adverse comments to the development subject to conditions being imposed which are detailed in the main report.

Northumbrian Water - Comments received, no adverse comments to report.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments

B\_3\_Protection of public/ private open space (urban green space)

R\_1\_Working towards environmentally sustainable development

CN\_13\_Protection and enhancement of important views

CN\_14\_Landscaping schemes and developments prominent from main transport routes

CN\_18\_Promotion of nature conservation (general)

CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

CN\_20\_Developments affecting designated/proposed SSSI's

CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS

CN\_22\_Developments affecting protected wildlife species and habitats

CN\_23\_Measures to conserve/ improve wildlife corridors

T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

T\_22\_Parking standards in new developments

B\_11\_Measures to protect the archaeological heritage of Sunderland (general)

B\_13\_Sites and monuments of local importance affected by development

B\_14\_Development in areas of potential archaeological importance

## **COMMENTS:**

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

- 1) Principle of the Development
- 2) Amenity Issues
- 3) Heritage Issues
- 4) Archaeology
- 5) Ecology
- 6) Highway Issues

## **1) Principle of the Development**

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

Within the adopted Unitary Development Plan (UDP), policy NA5.6 states that the provision and/or improvement of visitor facilities and other works to enhance the attraction of Hylton Castle and Dene will be encouraged. Proposals which adversely affect the attraction will normally be resisted. This policy is an expansion of policy EC8, which states that the Council will support the expansion of activities catering for tourists and other visitors by:

- Identifying, consolidating and safeguarding attractions;
- Refusing proposals which would have an adverse impact on tourist attractions;
- Actively encouraging opportunities for new tourist initiatives, especially where they are near existing areas of visitor interest;
- Providing cycle and car parking for visitors and footpaths and interpretive facilities at tourist attractions;
- The environmental implications of any proposals will be taken into consideration.

Hylton Dene and the castle grounds, an area extending to 52 hectares, are allocated as amenity open space by UDP policy NA22.4. This acts as an expansion of UDP policies L3, L5, L7 and B3. Policy L3 states the Council's encouragement of recreational developments of a regional nature subject to adequate access to the strategic road network and public transport. Policy L5 states that the Council will seek to ensure that public parks and amenity spaces are available to the public. Policy L7 states that land allocated for open space or outdoor recreation should be retained in its existing use. Policy B3 states that public and private open space will be protected from development which would have a serious adverse effect on its amenity, recreational or nature conservation value and states that proposals will be considered in light of their contribution to urban regeneration and to the importance of such space to the established character of the area.

In considering the proposal, it is noted that the proposal would consist of a secure, ply - lined glass fronted activity cabin and an adjacent toilet block. This installation will be temporary in that it is anticipated that alternative arrangements will be put in place within 5 years which would enhance its status as a visitor attraction in accordance with the aims of policies EC8 and NA5.6. Furthermore, the temporary units placed at the entrance drive are not considered to compromise the amenity value of the open space, within which the castle stands and as such, the proposed development accords satisfactorily with policies B3, L3, L5, L7 and NA22.4.

For these reasons, the principle of the proposal is considered to be acceptable with due regard to relevant planning policy.

## **2) Amenity Issues**

Paragraph 127 of the NPPF and Policy B2 of the Unitary Development Plan (UDP) dictate that development should be designed to a high standard and the scale, massing, setting and layout of new developments should respect and enhance the best qualities of nearby properties and the

locality and retain acceptable levels of privacy and improve and enhance places in which people live.

In respect of residential amenity, the closest dwellings to the site are those on the opposite side of Craigavon Road, which are approximately 31 metres distance from the units. These properties are far enough offset so that presence of the units are not likely to prove detrimental to the amenities of their occupiers. This distance combined with the small scale nature of these works is considered to be such that they would not be harmful to residential amenity.

In terms of visual amenity, the use of the porta cabins would facilitate the proposed use of the castle and its site and are not considered to impact detrimentally upon visual amenity. The implications of the development in terms of impact upon the fabric of the castle building and its grounds are considered in greater detail below.

Notwithstanding this further detailed assessment, it is not considered that the proposal would impact detrimentally upon residential or visual amenity and accords with the aims of NPPF paragraph 127 and UDP policy B2.

#### Summary Amenity Issues:

The proposed works would not be considered to have a detrimental impact upon the area and members are minded to grant consent.

### 3) Heritage Issues

Paragraph 192 of the National Planning Policy Framework (NPPF) advises local planning authorities to take account of: (1) the desirability of sustaining or enhancing the significance of heritage assets in a manner consistent with their conservation; (2) the positive economic contribution that heritage assets can make to communities, as well as (3) the positive contribution new development can make to the local character and distinctiveness of an area. The proposed temporary development will cause a minor amount of harm to the setting and significance of the monument which can be mitigated. In this case overall balance is one of less than substantial harm to the significance of the site as per para.196 as the need and use of the temporary outdoor classroom will contribute to the long term sustainable use of the heritage asset.

Paragraph 185 of the NPPF relates to conserving the historic environment and states that in determining planning applications, local planning authorities should take account of:

- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality and
- The desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 199 states that local planning authorities should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

In respect of local planning policy, UDP policy B8 states that there will be a presumption in favour of retaining listed buildings. Policy B17 further states that the City Council will undertake and encourage schemes for the management, interpretation and promotion of important features, including listed buildings and ancient monuments.

Historic England have reviewed the proposed development and commented as follows: The proposed development lies within the area of the extensive scheduled monument known as Hylton Castle: a medieval fortified house, chapel, 17th and 18th century country houses and associated gardens (NHLE HA 1017223). The monument survives as an upstanding 13th Century gatehouse and 15th Century ruined chapel with extensive below ground archaeology. The gatehouse is currently undergoing extensive consolidation and change of use as part of a large NLHF funded project which will bring it back into use by the community and City Council.

Historic England have had some discussion with the Hylton Castle Project Team about the principle of this proposal, and agreed the location was acceptable as a short-term location while discussions evolved about a permanent location for the outdoor classroom.

The proposed modular style building is positioned near the main driveway entrance and located to the east of the newly constructed bin store. The structure will be painted a grey-brown with roller shutters to cover the bi-fold aluminium glazed doors which should help to mitigate any visible intrusion. There is little detail about the placement of the structure, but assuming it is positioned directly on the ground surface it will then have no physical disturbance. This should be confirmed. There is a need for a foul drain connection which will require excavation and may disturb below ground archaeological deposits. As the area is relatively removed from the main castle gateway structure where development has always been centred it is likely that the physical impact on significant archaeological remains will be low and could be mitigated through the use of appropriate conditions for the recording of any archaeology. The impact on the setting of the gatehouse and chapel is likely to be minimal due to the removed location adjacent to the existing bin store and the effect of existing trees acting as screening.

Historic England have no concerns by the proposed development location nor impact on setting as the proposal is time-limited. The Council's Conservation Team have no comments to make and suggest the advice from Historic England is followed.

The works will also require scheduled monument consent from the Secretary of State for DCMS and the applicant is recommended to enter into discussion with Historic England at the earliest time to ensure consent is granted in time to meet any work deadlines

Historic England and the Council Conservation Team supports the application on heritage grounds. Historic England consider that the application meets the requirements of the NPPF, in particular paragraph numbers 192 and 196.

**Summary heritage -**

The proposed development is considered acceptable in terms of respect of heritage details and members are recommended to be minded to grant consent subject to a condition for alternative lighting design in line with Historic England's Comments.

#### **4) Archaeology**

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of 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.

Policy B11 of the UDP indicates that the Council will promote measures to protect the archaeological heritage of Sunderland and ensure that any remains discovered are either physically preserved or recorded. Policy B12 states that there will be a presumption in favour of the preservation of scheduled ancient monuments and other nationally important archaeological sites. Planning permission which would have an adverse effect on their site or setting will be refused unless exceptional circumstances prevail. In addition, sites of architectural or potential architectural interest are afforded specific protection in relation to required works during new developments by policies B13 and B14.

The County Archaeologist has reviewed the submitted application and has provide comments that the Hylton Castle is a Scheduled Monument and is under the remit of Historic England. The County Archaeologist has confirmed that Scheduled Monument Consent is required. The County Archaeologist has confirmed that the proposed siting of the portacabins are considered acceptable subject to the condition listed below.

#### **Archaeological Excavation and Recording Condition**

A programme of archaeological fieldwork (to include further building recording, excavation and watching briefs) will be required prior to development, during development and after the completion of development work. This shall be carried out in accordance with a Written Scheme of Investigation approved by Historic England in accordance with Scheduled Monument Consent.

Reason: The building is a Scheduled Ancient Monument. 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 NPPF, Core Strategy Policy 7.11, Policy DM7.8, Policy DM7.11, Policy DM7.12 and saved Unitary Development Plan Policies B11, B13 and B14.

#### **SUMMARY ARCHAEOLOGY-**

The proposed development is considered acceptable in terms of respect of archaeology details subject to the above conditions and members are recommended to be minded to grant consent.

#### **5) Ecology**

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

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

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

The Ecology team have no comments on the proposed development, but would recommend a condition in respect of tree root protection zones.

With the above details in place the proposal is considered to accord with paragraph 109 of the NPPF and policies CN18 and CN22 of the UDP.

## **6) Highway Issues**

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

Policies T14 and T22 of the UDP stipulate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles.

As set out above, the Network Management Team has offered no adverse comments to the proposed siting of the cabins. The proposal is considered to be acceptable with regard to NPPF paragraph 32 and UDP policies T14 and T22.

## **CONCLUSION**

In light of the above, the development is considered to be acceptable in terms of all relevant material planning considerations.

It is recommended that Members should be minded to grant consent subject to Regulation 3 of the Town and Country Planning General Regulations 1992 and the draft conditions listed below:-

**Recommendation:** Grant Consent, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

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

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

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

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

### **Conditions:**

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



- Proposed Portable Building Plan Number 1930 Rev A received 6th June 2019
- Location Plan received 15th May 2019

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 Prior to commencement of the development a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows shall be 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 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 5 No groundworks or development shall commence until a programme of archaeological fieldwork has been completed. This shall be carried out in accordance with a WSI approved by Historic England.  
Reason: The site is located within a Scheduled Monument. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Draft Core Strategy Policies E4 and E5, and saved Unitary Development Plan Policies B11, B13 and B14.
- 6 The building(s) shall not be occupied/brought into use until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition ( 5) has been submitted to and approved in writing by the Local Planning Authority.  
Reason: The site is located within a Scheduled Monument. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 199 of the NPPF, Draft Core Strategy Policies E4 and E5, and saved Unitary Development Plan Policies B11, B13 and B14.

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**Reference No.:** 19/00879/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of a single/two storey 96 place Special Education Needs School (SEN) with associated playing field, hard/soft landscaping, access and other works. (Amended Plans received 19.08.2019).**

**Location:** Former Bishop Harland Primary School Ramillies Road Sunderland

**Ward:** Redhill

**Applicant:** Sunderland City Council

**Date Valid:** 7 June 2019

**Target Date:** 6 September 2019

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## **PROPOSAL:**

The proposal relates to the erection of a single/two storey 96 place Special Education Needs School (SEN) with associated playing field, hard/soft landscaping, access and other works on the site of the former Bishop Harland Primary School, Ramillies Road.

Covering an area of approximately 1.35 hectares, the site was cleared in 2013 when the school was demolished. The site is vacant and secure, containing hardstanding and unmaintained playing fields.

Bound to the east, south and west by existing residential properties and to the north a footpath runs along the entire boundary of the site with Community North Sports Complex beyond.

The site is currently owned by the City Council and pre-application discussions have been undertaken, prior to the submission. The applicant has also conducted a public consultation survey.

The proposal has been supported by the following documents:

- Design and Access Statement
- Planning Statement
- Ground Conditions Report
- Drainage Strategy and Flood Risk Assessment
- Extended Phase 1 Survey Report
- Statement of Community Involvement
- Transport Statement
- Staffing at the school is reflective of the SEN with the following numbers on site during term time on a daily basis. At peak times 52 members of staff.
- 38 Full time employees (teaching and support staff) equating to 2.5 pupils per staff member.
- 3 Full time administrative, financial and office based
- 4 Full time caretakers, pastoral and intervention staff.
- 7 Part time lunch staff

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Redhill - Ward Councillor Consultation  
DC North Chair and Vice Chair Consultation  
Flood and Coastal Group Engineer  
Environmental Health  
Nexus  
Fire Prevention Officer  
NE Ambulance Service NHS Trust  
Southern Area Command - Police  
Network Management  
Sport England  
North Gas Networks  
Northumbrian Water  
Northern Electric

Final Date for Receipt of Representations: **28.08.2019**

## **REPRESENTATIONS:**

Sport England - The application relates to the loss of existing playing fields and/or the provision of replacement fields and as such has been considered against exception 4 of Sport England's Playing Fields Policy which states:

"The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- o Of equivalent or better quality, and
- o Of equivalent or greater amenity, and
- o In a suitable location, and
- o Subject to equivalent or better accessibility and management arrangements."

The buildings associated with the former Bishop Harland School have been removed from site, but the distinction between built and playing field is discernible from aerial photos. The layout for the proposed school largely respects the area of playing previously set out, and the redevelopment is therefore considered to broadly meet exception E4 to Sport England's playing field policy.

In light of the above Sport England does not raise an objection.

Nexus - No objection.

Public Protection and Regulatory Services - Environmental Health has reviewed the submitted documentation and considers that the development is acceptable, subject to the inclusion of appropriate conditions which require the submission and approval of;

- Updated Phase II Report

- Remediation Strategy/Verification Plan
- Verification Report

It is recommended that a condition is also included for dealing with any unexpected contamination.

Northern Gas Networks - No objections.

Northumbrian Water Limited (NWL) - With regard to foul water NWL have no issue to raise should foul flows discharge to manhole 2402. In terms of surface water, no issue to raise provided the application is approved and carried within strict accordance with the submitted document entitled "Flood Risk Assessment."

Third Party Representations - No letters of representation were received.

## **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
 T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising  
 T\_22\_Parking standards in new developments  
 L\_7\_Protection of recreational and amenity land  
 CN\_18\_Promotion of nature conservation (general)  
 CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites  
 CN\_20\_Developments affecting designated/proposed SSSI's  
 CN\_21\_Developments affecting designated / proposed LNR's, SNCI's or RIGS  
 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

## **COMMENTS:**

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

- o The Principle of the Development
- o Design
- o Amenity
- o Highways
- o Ecology/Trees
- o Flood Risk and Surface Water Drainage
- o Land Contamination

Principle of the Development.

By virtue of Section 38(6) of the Planning and Compulsory 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 and vice versa.

Paragraph 7 of the NPPF states that:

"The purpose of the planning system is to contribute to the achievement of sustainable development."

Paragraph 8 of the NPPF explains 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 11 of the NPPF then sets out a presumption in favour of sustainable development in more detail and states that for decision taking this means:

- o Approving development proposals that accord with an up-to-date development plan without delay; or
- o Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date is absent, silent or its relevant policies are out of date, grant permission unless:-
  - (i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The site of the former Bishop Harland Church of England Primary School which was demolished in October 2017 following its closure in July 2013 is identified within the UDP as a school playing field and as such policy L7 is applicable.

UDP policy L7 states that:

"Land allocated for open space or outdoor recreation, as shown on the proposals map, will be retained in its existing use. This includes playing fields attached to schools or other educational establishment. Permission for other uses on these sites will only be granted if:

- (i) Alternative provision, of an equivalent scale, quality and accessibility is made which assists the achievement of the standards indicated in policies L4, L5 and L6; or
- (ii) The development is for educational purposes; and
- (iii) There would be no significant effect on the amenity, recreational and wildlife habitat value of the site."

In addition to the above national and local planning policies and by virtue of a statutory instrument made in 1996, Sport England is a statutory consultee on proposals for development which affect playing fields, land used for playing fields at any time in the last five years which remains undeveloped, or land which is identified for use as a playing field in a development plan.

With the above in mind and given that the site has not been utilised as a playing pitch for in excess of five years, is to remain for educational purposes, it is considered that the redevelopment of the site for a new school is acceptable in principle.

Design.

Paragraph 124 of the NPPF relates to achieving well designed places and states in part that:

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

Policy B2 of the UDP is aligned with the above guidance and states that:

"The scale, massing, layout or setting of new developments and extensions to existing buildings should respect and enhance the best qualities of nearby properties and the locality and retain

acceptable levels of privacy; large scale schemes, creating their own individual character, should relate harmoniously to adjoining areas.

The proposed design provides an L-shaped building, with the front elevation overlooking Rockingham Road, two storey with a brick faced ground floor elevation and a white rendered finished second floor. Designed with a flat roof with a single ply membrane, the building provides a parapet wall that reaches a total height of 8.47metres. The proposal has been supported by a full schedule of external materials which can be imposed by condition should Members be minded to approve.

The constraints of the site, have resulted in the footprint of the building being placed on the site of that of the previous school build (Bishop Harland Primary School), reducing the need to build upon existing green and wooded areas. Spacing standards to neighbouring residential properties have not been compromised.

The design of the site has also been future proofed providing an area of land to the south of the entrance block identified for expansion requirements.

Whilst the site is currently enclosed by an existing boundary fence of a variety of heights within the range 2.2 metres to 2.4 metres, there are areas where this height drops to 1.5 metres. It is proposed to substitute this smaller fence with a matching 2.2 - 2.4 metres high enclosures. As a matter of additional security, the proposal also seeks to introduce close circuit tv cameras to the site.

In terms of the hard and soft landscaping to the site, the proposal seeks to introduce a hard surfaced play area that is to be enclosed by a 3 metres high ball catch fence with gated access. The outdoor area also provides an enclosed shared play area with rubber matting, grass and tarmac surfacing. The western and southern areas of the site provide the grass playing fields and soft landscaping, whilst the eastern site boundary contains two attenuation basins for surface water drainage surrounded by a 0.5 metre high knee rail fence. In order to facilitate the drainage improvements to the site, a number of existing trees are required to be removed.

Ancillary buildings that have been introduced to the site include a modular bike shelter, a green house and sheds.

The application has been supported by a comprehensive landscaping plan with full details of all species. In summary, the site will provide a total of 335 No. shrubs, 10 No. trees, 432 No. structure planting and a 1000 No. hedge planting.

With reference to sustainability, the City Council's Capital Projects Team have designed the proposal with a "fabric first" approach. To achieve this, some of the measures will be to maximise the insulation within the external envelope, increasing the thermal mass as much as practicable but balancing this with the need to make the internal partitioning as flexible as possible to enable the school evolve to meet an ever changing curriculum and various future needs. The agent has also confirmed that the school will be built in accordance with Approved Document M : Access to and use of buildings in order to ensure full DDA compliance.

In conclusion, the design of the building is considered to provide an adequate layout, that addresses the constraints of the site, and retains the existing playing pitch in its current location. The scale and massing are commensurate with the surrounding two storey residential estate, whilst the appearance and landscaping provide clear building lines and definition between various operational areas of the site. The proposal is considered to be compliant with policy B2 of the UDP and paragraph 124 of the NPPF.

Amenity.

Policy B2 of the UDP seeks to attain the creation of a high-quality standard of amenity in new development where it would contribute to a safe, quiet and attractive environment.

Whilst it is recognised that the development site is a former school site, it is acknowledged that the proposed layout retains the brownfield area of the site, and subsequently existing levels of residential amenity currently afforded residents is to be retained.

With reference to the impact upon visual amenity the proposal will add a modern form of architectural building, to a site that is currently unkempt, a significant landscaping scheme is also proposed improving both the appearance of the site and the wider street scene.

The proposal is considered to be compliant with policy B2 with regards impact upon amenity.

Highway.

Policy T14 of the UDP deals specifically with new development and seeks to ensure that up-to-date standards are imposed to ensure satisfactorily environmental results which meet both highway and safety requirements.

The proposal includes a layout which builds upon the existing vehicles and pedestrian access points including two existing pedestrian access points from Ramillies Road and a new access provision from Rockingham Road to provide a more direct route to the school entrance. The proposal includes retaining the existing entrance on Rockingham Road and providing a new separate exit to the north of Rockingham Road, creating a one way system through the site.

The main car park is located on the eastern edge of the site and will provide 30 spaces including 2 disabled bays and drop off area within the site curtilage. Two parking bays are to be furnished with electric charging points.

A cycle store for 8 bicycles is proposed to the front of the building.

Further to consultations with the City Council's Transportation Development Section, clarification has been sought over a number of areas including the following:

- Clarification is required if the school would have a mini bus or any vehicles and where they would be stored.
- The application form states 40 members of staff to be employed, it is not clear if this number is for full time or part time staff and if it is just teaching staff or if this includes lunch staff/cleaners etc.
- Provision for visitor parking to be made and bays/area is to be clearly identified.

With reference to the above, it is acknowledged that the school will have a mini bus and the updated site layout highlights where this will be parked.

The proposed occupier have indicated that the site will employ 52 members of staff (excluding cleaners). The site provides no visitor parking.

In light of the above information, the Transportation Development Section have acknowledged that the proposed parking provision is below that suggested by the Council's parking standards.

Therefore, it is suggested should Members be minded to approve the application that a condition is imposed that a Travel Plan be submitted and approved by the Local Highway Authority prior to the opening of the facility. The Travel Plan should set out the measures that the school will introduce to encourage travel to the site by sustainable modes including public transport.

## **Ecology/Trees**

Policies CN18, CN19, CN20, CN21, CN22 and CN23 of the UDP all relate to Nature Conservation and seek to make provision for preservation of habitats or compensatory habitats within new developments. The current proposal has been supported by an Extended Phase 1 Survey Report October 2018 by DWS.

The amended layout to the proposal requires the removal of five trees, to facilitate the development and allow the introduction of the drainage attenuation and parking for the site.

Further to consultations with the City Council's Natural Heritage Team and Landscape Team comments received have been incorporated into the layout, including extending hedgerows and improving wetlands/swales. The proposal also incorporates a comprehensive planting schedule that far outweighs the loss of any existing trees/shrubs.

Notwithstanding the above, it is recommended that should Members be minded to approve the application a condition shall be imposed that requires the adoption and delivery of the recommendations of the DWS Ecology report; with particular regard to:

- Including bat and bird units.
- Adherence to a bat method statement for the pruning and felling of trees.
- Breeding birds.
- Working methods around steep-sided excavations and storage of materials.

In addition to the above, it is recommended that further conditions are imposed that seek to protect existing trees during construction and operation of the development, along with a maintenance plan for the planting schedule that has been submitted.

Further to the imposition of the above, the proposal is considered to be compliant with relevant nature conservation UDP policies.

## **Flood Risk and Surface Water Drainage**

Policy EN12 is relevant to the consideration of this proposal in terms of the potential impact upon flooding and water quality.

"In assessing proposals for development (including change of use), the Council in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

1. Not be likely to impede materially the flow of water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding; and
2. Not 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.

The proposal has been supported by a Surface Water Drainage Strategy (Version 2) and a Flood Risk Assessment (Version 2). Sited within a flood zone 1, the proposal includes the construction



of a new surface water drainage system. This would include building a bund along the northern boundary of the site to protect the development from overland flows at times of high rainfall originating from the playing fields and residential area to the north. Surface water will be attenuated on site with the use of dry basins, filter trenches and permeable paving.

The school management will be responsible for the ongoing maintenance of the proposed development. This will include for inlets and outlets at the detention basin. Should Members be minded to approve the application it is recommended that a condition be imposed to ensure the development is undertaken in accordance with the submitted Drainage Strategy.

Further to consultations with the City Council's Lead Local Flood Authority, it is considered that drainage element of the proposal is considered to be acceptable.

## **Land Contamination and Ground Conditions**

Policy EN14 is relevant to the consideration of this planning application.

Policy EN14 of the adopted UDP states that:

Where development is proposed on land which there is a reason to believe is either:

- o Unstable or potentially unstable;
- o Contaminated or potentially at risk from mitigating contamination;
- o Potentially at risk from mitigating landfill gas or mine gas;

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 instability, contamination, or gas migration 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.

The application has been supported by a Preliminary Risk Assessment, Geo-environmental Appraisal, Express Preliminary UXO Risk Assessment and Detailed UXO Risk Assessment.

Further to consultations with the City Council's Public Protection and Regulatory Services Section it is considered that the development is acceptable, subject to the inclusion of appropriate conditions which require the submission and approval of;

- o Updated Phase II Report
- o Remediation Strategy/Verification Plan
- o Verification Report

## **Equality Act 2010 - 149 Public Sector Equality Duty**

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

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

- o age;
- o disability;

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

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

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

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

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

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

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

## **Conclusion.**

The application proposal consists of the provision of a new school building to meet an identified need within the city. The proposal will redevelop the site for educational purposes in accordance with the allocation within the adopted UDP and will provide a wider choice in education in accordance with the NPPF. The proposal meets local and national policy in regard to the retention of the playing fields.

The proposal provides a high quality design using modern materials which respects and enhances the surrounding built form whilst also incorporating an increase provision of open space and landscaping.

In light of the above and subject to the expiry of the consultation period, Members are recommended to approve the application subject to the draft conditions listed.

## **RECOMMENDATION:**

## Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
  - Drawing No. 0517011/ARCH/300, Building Elevations as Proposed dated 03.04.2019.
  - Drawing No. 0517011/ARCH/105, Location Plan dated 15.05.2019.
  - Drawing No. 0517011/ARCH/145, Boundary and Internal Site Fencing as Proposed dated 30.07.2019.
  - Drawing No. 0517011/ARCH/107, Site Plan as Existing dated 20.05.2019.
  - Drawing No. 0517011/ARCH/116, Site Plan as Proposed dated 20.05.2019.
  - Drawing No. 0517011/ARCH/200, GA Ground Floor Plan as Proposed dated 03.04.2019.
  - Drawing No. 0517011/ARCH/201, GA First Floor Plan as Proposed dated 03.04.2019.
  - Drawing No. 0517011/ARCH/202, Roof Plan as Proposed dated 03.04.2019.
  - Drawing No. LS000150/0001, Planting Proposals 1 of 2 dated 02.08.2019.
  - Drawing No. LS000150/0002, Planting Proposals 2 of 2 dated 02.08.2019.
  - Drawing No. LS000150/0003, Landscape Construction Details dated 14.08.2019.
  - Drawing No. 0517011/ELEC/005, Proposed Security Systems dated 08.04.2019.
  - Drawing No. 0517011/ARCH/780, Bird and Bat Roosts dated 20.08.2019.
  - Drawing No. MMcycle shelters dated 19.08.2019.

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

- 3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those provided on the Schedule of External Materials received 19.08.2019. unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall commence until an Updated Phase II Report, detailed Remediation Strategy and Verification Plan to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A

of the Environment Protection Act 1990 in relation to the residential use of the land. The Remediation Strategy and Verification Plan are required to ensure that risks from land contamination to future users of the land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.

- 5 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, all works within the affected part of the site shall cease until an investigation and risk assessment and, when remediation is necessary, a remediation scheme in accordance with the details of the respective conditions set out above have been submitted to and approved, in writing, by the Local Planning Authority and any necessary remediation is carried out in accordance with the approved details. The abovementioned is required in order to ensure that risks from land contamination to future users of land, neighbouring land, controlled waters and ecological systems are minimised and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with policy EN14 of the Unitary Development Plan and paragraph 178 of the National Planning Policy Framework.
- 6 Development shall be implemented in line with the drainage scheme contained within the submitted document entitled Surface Water Drainage Strategy (Version 2) dated 02.07.2019. The drainage scheme shall ensure that surface water discharges to the manhole 2501. The surface water discharge rate shall not exceed the available capacity of 3.5l/sec. To ensure in accordance with policies EN12 and B2 , the development hereby approved does not impede the flow of water and respects the best qualities of the locality.
- 7 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy B2 of the UDP.
- 8 Before the use hereby approved is occupied, details of the ventilation/extraction/filtration system, including all external ducting and stacks shall be submitted to and approved in writing by the Local planning authority. All works shall be completed in accordance with the agreed details before the use commences, in order to protect the amenities of the area and to comply with policy S12 of the UDP.
- 9 A School Travel Plan shall be prepared by the applicant and agreed in writing by the local planning authority, in order to reduce the number of staff arriving by car and increase the number of staff using public transport, walking and cycling as a means of travelling to/ from school and be so implemented, in the interests of traffic mitigation and environmental sustainability and to comply with policy T14 of the UDP.

- 10 The development shall be carried out in accordance with drawing no. 0517011/ARCH/116/P1 and the extended Phase 1 Survey Report October 2018 by DWS Ecology. Copies of both the drawing and the report shall be issued to the developer and building contractor, in order to ensure a satisfactory form of development and to comply with policy CN18 of the UDP.
- 11 No tree shown to be retained on the approved plans shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any topping or lopping approved shall be carried out in accordance with British Standard 3998 "Tree Work", in the interests of visual amenity and to comply with policy CN17 of the UDP.
- 12 The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the plans and particulars to be submitted to and approved by the Local Planning Authority, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the UDP.