

DEVELOPMENT PLAN

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

Unitary Development Plan - current status

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

STANDARD CONDITIONS

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

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

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

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

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

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

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

These reports are held on the relevant application file and are available for inspection during normal office hours at the Economy and Place Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Ms. Irene Lucas CBE
Chief Executive

Reference No.: 16/00115/FU4 Full Application (Reg 4)

Proposal: Demolition of existing building and erection of 3 storey building to provide 12 no. residential apartments and associated parking. (amended scheme 07.10.2016)

Location: Former Junglerama Victoria Road Concord Washington NE37 2SY

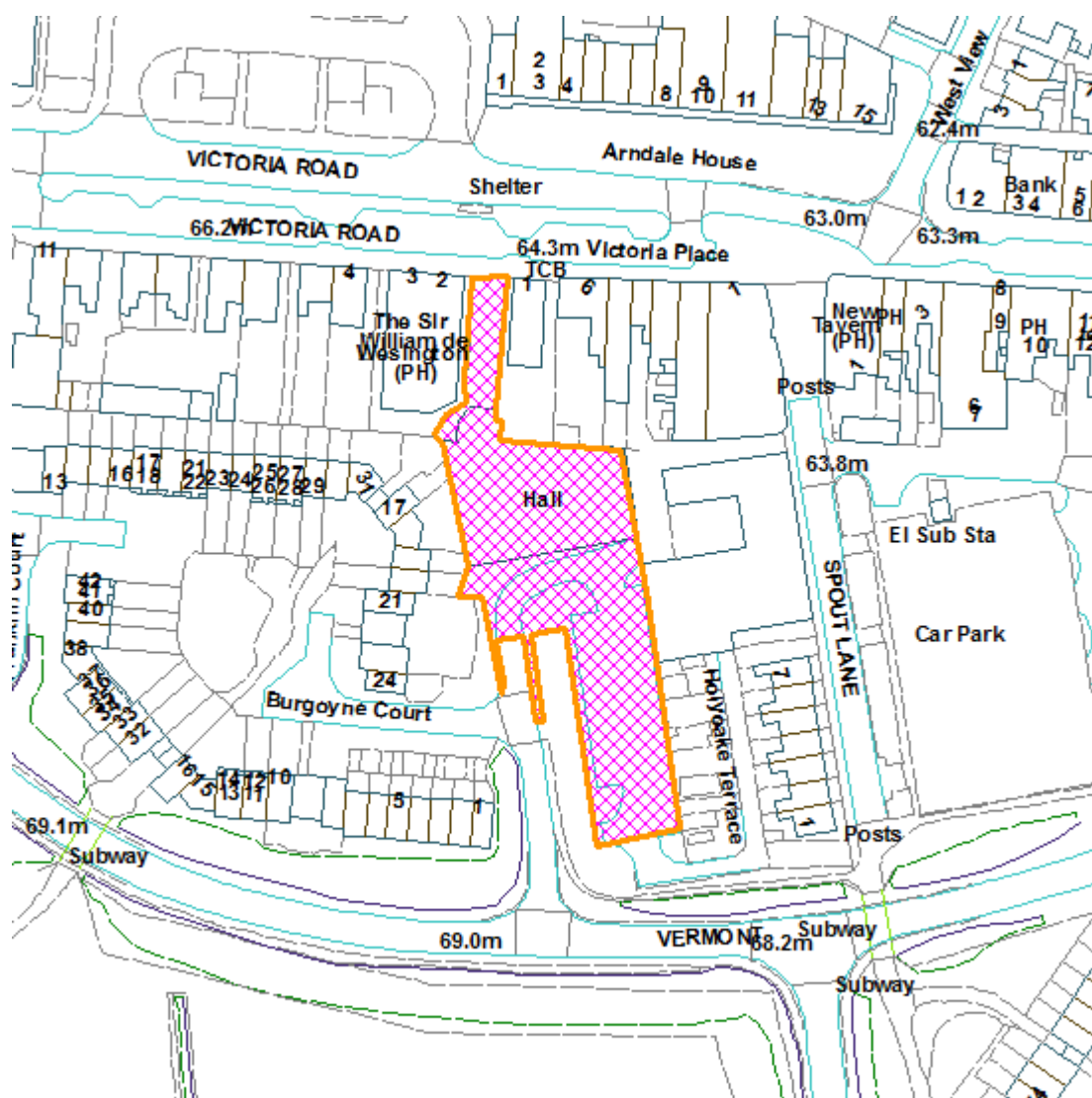
Ward: Washington North

Applicant: A. M. PROPERTY DEVELOPMENTS LTD

Date Valid: 8 March 2016

Target Date: 7 June 2016

Location Plan



PROPOSAL:

Planning permission is sought for the demolition of the existing building and erection of a 3 storey building to provide 12 no. residential apartments and associated parking at Former Junglerama, Victoria Road, Concord, Washington, NE37 2SY.

It should be noted that the proposal was amended 7 October 2016 following the consideration of the initial submission by the Network Management Section (Transportation). The amendments have been deemed necessary following concerns identified in relation to highway and pedestrian safety. As such, the initially proposed 2no town houses have been removed so that parking for the apartments can be accommodated within the site boundary. The proposal will be outlined in greater detail below.

In addition, Members may recall a retail development scheme at the same site which was presented at the Committee in September. It should be noted that the current proposal for a residential development and the previous retail scheme have both been submitted by the same applicant, speculative in nature, to attempt to successfully progress development at the site.

SITE AND SURROUNDINGS

The existing building comprises a floor space of approximately 1000 square metres with the majority of the development 9.1 metres in height. This increases to approximately 10.6 metres towards the west of the site, adjacent to residential properties.

The building was originally erected as a cinema, before being converted into a bingo hall and eventually to its last recorded approved use as a children's soft play centre. The soft play business closed and the equipment removed and sold, leaving the building unoccupied.

It is understood the building has been vacant since around 2007 and was actively marketed for the subsequent 3 years. Little interest resulted and the property was auctioned in 2010. The building was bought at auction and various options considered for 4 years between 2010 and 2014. The current owner acquired the building in 2014.

There are a mix of uses in the immediate vicinity of the site, including commercial premises to the north and east of the site within the allocated shopping centre of Concord whilst residential dwellings prevail to the west, the closest being those on Burgoyne Court. Residential properties are also situated to the southeast on Holyoake Terrace while an area of open space and a public car parking area is located to the south.

Vehicular access to the site is taken off Vermont to the south of the site, with the road also serving the residents of Burgoyne Court and Holyoake Terrace. Public car parking is available to the south of the building which is to the rear of the residential dwellings on Holyoake Terrace. Additionally pedestrian access can be gained from Victoria Road to the north, Spout Lane to the east while a route exists through from Burgoyne Court to the west.

PROPOSAL

The residential scheme is to be located towards the centre and east of the site with a significantly smaller footprint than the existing former Junglerama development on the site. As such, amenity space for the apartments is to be provided to both the front and rear of the scheme, with the majority of external space provided to the rear (north). Car parking to serve the apartments has been included to the west of the proposed building which is to accommodate 15 spaces constructed with permeable tarmac. This provides 1 space per apartment and allows for 3

visitor bays. The main entrance to the development is to be taken from the south, fronting the access road and existing public car park.

Further to the above, it should be noted that the existing former Junglerama building serves as the rear boundary to numbers 17-19 Burgoyne Court. Following demolition it is proposed to erect a timber post and rail fence to a height of 1.8 metres to reinstate a boundary.

The apartments are to measure approximately 12.5 metres in depth (north to south) and 25.7 metres in width across the site (east to west). The apartments are to be constructed over 3 floors with the staircase to be provided to the centre of the building within a projecting design element. The apartments are to have an eaves height of 8.2 metres increasing to a maximum ridge height of 12.8 metres. A distance of approximately 20 metres would be provided between the proposed development and 18 Burgoyne Court.

The development is to be constructed with a pitched roof which runs in an east to west arrangement with all openings to the north and south elevations with the gable walls blank. Materials have been selected to match the surroundings, predominately facing brick work with white upvc windows and doors and Artstone heads and cills. Render panels are also proposed to elevations coloured light cream while the roof is to be Old English Dark Red concrete interlocking tile.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Environmental Health
Flood And Coastal Group Engineer
Network Management
Washington North - Ward Councillor Consultation
Fire Prevention Officer
NE Ambulance Service NHS Trust
Northumbrian Water
Southern Area Command - Police
Director Of Children's Services
Environmental Health

Final Date for Receipt of Representations: **28.10.2016**

REPRESENTATIONS:

Neighbour/Local Representation

Upon the expiry of the consultation period, which included site notices and neighbouring occupier letters, no formal written objections have been received.

Consultees

Northumbrian Water

Northumbrian Water assesses the impact of the proposed development on assets and assesses the capacity within Northumbrian Water's network to accommodate and treat anticipated flows arising from the development.

In accordance with the above, it has been confirmed that provided the application is approved and carried out in strict accordance with the submitted document entitled 'Drainage Report' there is no objection to the scheme. As such, the Drainage Report can be conditioned to form part of the approved documents with the scheme therefore deemed to be acceptable by Northumbrian Water.

Network Management

The proposed parking is considered to be acceptable and is to remain within private ownership. In addition, three visitor parking bays are proposed within the development site (detailed on amended drawing no. 3169(C)06 Rev B: Proposed site plan, received 04.11.2016), which is deemed to be an appropriate level for the proposed scheme.

It has been confirmed that the applicant is required to enter into an agreement with the Council under Section 278 of the highways Act for the following matters:

- o The creation of a new footpath to the perimeter of the site
- o New access to the proposed car park
- o The relocation of lighting column at the entrance to the car park

It has also been confirmed that the applicant, under the Private Street Works Code contained within the Highways Act 1980 as frontager, will be required to upgrade the portion of unadopted highway to the east of the site. This however is outside of the scope of the planning application and the ownership of the applicant, as illustrated by the submitted location plan. As such, this matter will be required to be pursued under the Highway Act.

In addition, it was recommended that a footpath link should be provided from the car park through to the retail provision within Concord Shopping Centre to the north. In this respect, the agent has confirmed that the installation of an opening poses a security concern for the applicant and was reluctant to install such an opening. Discussions with the Engineers have subsequently confirmed that this request is not fundamental to the acceptability of the scheme and therefore the omission of such, does not raise any concerns.

Additional information was also provided stating that the proposed development entails the erection of buildings on a proposed private street and will therefore be subject to the Advance Payments Code of the Highways Act 1980.

Furthermore, for private developments, the road maintenance, street lighting and footway maintenance would be the responsibility of the home owners fronting the road and they would also be liable for any claims. The construction works would not be supervised by Sunderland City Council.

The outstanding matters identified above are issues which would be controlled via the Highways Act, separate from the planning application and therefore do not require the imposition of planning conditions. As such, the proposal appears to be acceptable in terms of highway safety.

Environmental Health

The preliminary Environmental Risk Assessment completed by Wardell Armstong, dated December 2015 is currently being reviewed by Public Protection and Regulatory Services. As such, it is recommended that no works other than investigation works be carried out on the site prior to written approval of the desk top study and any necessary remediation strategy. It is stated the responsibility of safe development rests with the developer.

In addition, given the proximity of the proposed development site to nearby residential occupiers it was recommended that prior consent should be sought for work on construction sites under the Control of Pollution Act 1974. It was also stated demolition and construction works should be restricted to certain periods of the day whilst advice was also provided in terms of working practices and selection of machinery. It was also stated that the proposed building should be constructed to meet the requirements of BS8233:2014 (insulation and noise reduction).

Vibration from construction operations should also not be experienced at nearby residential properties and it was advised the Estimated Vibration Dose Value (eVDV) should be calculated at the nearest residential property then submitted to Public Protection and Regulatory Services. This must be undertaken prior to the commencement of vibration generation operations. The estimated vibration dose value should be calculated in accordance with Appendix A.1 and A.2 British Standard 6472:1992

With regard to the above advice, conditions and an informative note can be placed on the decision notice to ensure the agent is made aware of the recommendations of Public Protection and Regulatory Services.

Natural Heritage

The existing building is deemed to be a medium to high risk of supporting bat roosts whilst the habitat is considered to be a low to medium risk of supporting foraging bats.

The submitted survey completed by E3 Ecology Ltd (January 2016) stated further work was required over the active season as the survey was completed during winter months. As such, an additional report was submitted 28 June 2016, again completed by E3 Ecology Ltd.

In accordance with the above, the additional information has been formally considered by the Natural Heritage Team who have advised that the proposal is acceptable subject to the imposition of a condition to secure the recommendation of the mitigation strategy (Section F.2) of the report prepared by E3 Ecology Ltd (June 2016).

Drainage

The City Council's Flood and Coastal Group Engineer is aware that permeable paving is proposed to the driveway, with this approach deemed to be acceptable, subject to further design information. This information has been submitted and is currently being considered by the City Council's Flood and Coastal Group Engineer. As such, without confirmation of the acceptability of the proposed design approach, a condition has been placed on the 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
S_2_Encouraging proposals which will enhance / regenerate defined existing centres.
CN_18_Promotion of nature conservation (general)
CN_22_Developments affecting protected wildlife species and habitats
EN_5_Protecting sensitive areas from new noise/vibration generating developments
T_14_Accessibility of new developments, need to avoid congestion and safety problems arising
T_22_Parking standards in new developments
WA_7_Retention and improvement of Concord Shopping Centre
EN_12_Conflicts between new development and flood risk / water resources
S_3_Support to other existing centres, local groups and small shops, including new provision

COMMENTS:

RELEVANT POLICIES

In order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) and Development Control Guidelines Supplementary Planning Guidance (SPG), both of which have been formally adopted and therefore carry significant weight, as detailed under section 38(6) of the Planning and Compulsory Purchase Act 2004.

In view of the need to consider policy coverage beyond the UDP period, the Council sought a direction from the Secretary of State (SoS) which confirms agreement of the policies that are to be saved for a further period, pending formal adoption of the Local Development Framework (LDF). Accordingly, a list of the proposed "saved" policies was submitted to the SoS - via Government Office for the North East (GONE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4 September 2007, supporting the intention to maintain the extension of existing adopted policies to maintain continuity in the Development Plan, and ensure a stable planning framework locally, and a continual supply of land for development.

Subsequently, Annex 1: Implementation of the NPPF, particularly paragraph 215, dictates that 'due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)'.

As such, in order to properly assess the proposal, due regard must be given to relevant national policies and the policies and guidance provided by the Council's Unitary Development Plan (UDP) which was adopted in September 1998.

The National Planning Policy Framework (NPPF) provides the current Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. The overarching aim of the NPPF is to deliver 'sustainable development', which comprises three dimensions: economic, social and environmental. The planning system has a role to play in contributing to all three dimensions and to achieve this, the NPPF sets out a series of 12 'core planning principles' which should underpin plan-making and decision-taking. Particularly relevant in this case are the principles that development should always seek to secure a high quality design and a good standard of amenity; should proactively drive and support sustainable economic development and should encourage the effective re-use of land and property.

Also relevant is section 2 of the NPPF, which requires Local Planning Authorities to promote the vitality of town centres by directing planning applications for 'main town centre uses' to existing

centres. Included within the list of 'main town centre uses' are those relating to the provision of retail.

The relevant guidance of the NPPF detailed above feeds into policies B2, S2, S3, WA7, CN18, CN22, EN5, T14 and T22 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

The site lies within Concord Shopping Centre, as defined by the proposals map of the Council's adopted Unitary Development Plan (UDP), and, as such, policy WA7 is relevant. This policy states that Concord shopping centre will be retained and improved.

Policy WA7 cites policy S2 of the UDP, which states that the Council will give favourable consideration to proposals which will sustain and enhance the vitality, viability and appropriate diversification of retail centres and thereby facilitate their regeneration. Subject to other policies within the UDP, Use Classes A1 (retail), A2 (financial and professional services), the former Class A3 (all food and drink, which has since been divided into Classes A3, A4 and A5), Class D1 (non-residential institutions) and Class D2 (assembly and leisure) are identified as being acceptable within these centres however residential is not included.

Notwithstanding the above, although policy S3 supports the retention of existing shopping centres, where individual units become of doubtful viability, consideration will be given to the conversion of premises to non-retail uses providing that an acceptable level of everyday shopping remains and that the proposed use will not conflict with either established uses in the neighbourhood or other policies of the plan.

Policy B1 aims to secure environmental improvements whilst policy B2 relates to new development, redevelopment and alterations to existing buildings and states in part 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.

UDP policy EN5 seeks to ensure that where development is likely to generate noise sufficient to increase significantly the ambient sound or vibration levels in residential or other noise sensitive areas, the Council may require the applicant to carry out an assessment of the nature and extent of likely problems or to incorporate suitable mitigation measures in the design of the development. Where such measures are not practical, permission may be refused.

Policy CN18 of the UDP aims to promote the interests of nature conservation throughout the City, the Council will work together with neighbouring authorities and other agencies in regard to aspects affecting the wider area. Areas of nature conservation interest, particularly those of national importance, will be protected and enhanced; measures will include:-

- The appropriate management of City Council owned land
- Encouraging landowners and occupiers to adopt management regimes sympathetic to nature conservation, especially in wildlife corridors
- Making provision in development proposals for preservation of habitats or creation of compensatory habitats;
- Seeking opportunities in development proposals or other schemes for new habitat creation on both public and private land;
- Improving access and providing interpretation to appropriate sites of wildlife interest; and
- Refusing inappropriate development.

Policy CN22 of the UDP highlights that development which would adversely affect any animal or plant species afforded special protection will not be permitted.

Policies T14 and T22 of the UDP require proposals for new development to be readily accessible by pedestrians, cyclists and users of public transport and indicate that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision should be made for parking and the loading and unloading of commercial vehicles.

The main issues to be considered are:

- 1) Principle of the Development.
- 2) Siting and design of the building and amenity issues.
- 3) Highway issues.

1) Principle of Development

On a national policy level, the proposal is not considered to conflict with any of the overarching aims and objectives or detailed policies of the NPPF.

The site is located within Concord Shopping Centre and as such, Unitary Development Plan (UDP) policies WA7, S2 and S3 are applicable to the proposal as detailed above.

The guidance provided through policy WA7 seeks to retain and improve the Concord Shopping Centre. It is acknowledged that the scheme will result in the loss of a building previously operated for commercial purposes however the building is of a bespoke design, having been erected as a cinema. As such, the scope for conversion to alternative uses is particularly limited.

This is highlighted by the supporting information which states that the building has been vacant since around 2007 despite being actively marketed. Given the building remains vacant and has been since 2007, it is considered the property is effectively redundant with redevelopment of the site for housing deemed to be appropriate.

In accordance with the above, the proposal accords with policy WA7 by way of improving the diversity of premises available in Concord through provision of residential dwellings in place of a redundant building, delivering physical and environmental improvements to the area south of Victoria Road.

Further to the above, policy S2 aims to sustain and enhance the vitality, viability and appropriate diversification of existing centres (including Concord Shopping Centre). Uses considered appropriate or able to complement the retailing function of these areas are stated in this policy but do not include residential. Uses not listed within policy S2 will be decided on their merits. In this regard, the proposal for residential development is considered appropriate in the context of guidance provided through policy S2 by delivering diversification to Concord Shopping Centre and supporting the future viability of the area through the development of a site where no other form of development has been forthcoming.

Policy S3 supports the retention of existing shopping centres however where individual units become of doubtful viability, consideration will be given to the conversion of premises to non-retail uses providing that an acceptable level of everyday shopping remains and that the proposed use will not conflict with either established uses in the neighbourhood or other policies of the plan. In this regard, the building has never operated as a retail unit and the redevelopment of the site for residential purposes will not impact upon the provision of the retail offer in Concord and it is not

considered that the proposal will conflict with any other policies of the plan as detailed above. As the building has remained vacant for some considerable time with limited developer interest, the future viability of the building for commercial or retail uses is considered doubtful and the redevelopment for residential purposes is considered to be appropriate in principle.

In light of the above, it is considered that the proposal accords satisfactorily with the relevant policies of the UDP and as such, the principle of the proposed residential development is considered to be acceptable.

2) Siting and design of the building and residential/visual amenity issues

Paragraph 56 of the NPPF identifies that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. Paragraph 57 states the importance attached by Government to planning positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Furthermore, paragraph 64 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.

In respect of Local Planning Policy, UDP policy B2 dictates that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality and retain acceptable levels of privacy.

Regard must also be given to section 10C of the Residential Design Guide, Supplementary Planning Document (SPD). This document deals specifically with the separation distances required between buildings. It is considered that weight should be given to the recommended minimum distances required to ensure levels of outlook and privacy are created and retained. In this regard, a minimum distance of 26 metres is required to be maintained between main facing windows (habitable window to habitable window) for three storey properties. This distance is reduced to 19 metres for main facing windows facing side or end elevations (with only secondary windows or no windows) again for three storey properties.

In order to fully assess the impact of the proposed development, regard must be given to the layout, scale and massing, external appearance and amenity issues, each of which is considered in turn below.

Layout:

The proposed development is to be located towards the centre and eastern side of the site, with the footprint considerably smaller than the existing former Junglerama building. As such, the built form is to be located a greater distance away from the nearest residential occupiers.

Given the reduction in footprint and proximity of development to neighbouring occupiers, where a dedicated car park for the proposed apartment development is included at the site, the layout is considered to be generally acceptable.

In addition, the scale of the development allows for a level of external amenity space to be provided to the north and south of the building which appears of a typical scale for such an apartment scheme.

The associated highway works predominately relate to the modification of the existing access road to allow for access to the proposed private car park. This does not result in significant changes to the existing highway arrangements.

In accordance with the above, the proposed layout raises no serious concerns and results in a reduction in footprint of development, with adequate amenity space provided. As such, the proposed layout is deemed to be acceptable.

Scale and Massing:

The proposed building is designed to be three storeys with a dual-pitched roof reaching a maximum height of 12.8 metres with an eaves height of 8.2 metres. The highest part of the development (the ridge) is located to the centre of the site, limited in volume and accounts for the highest peak of development when viewed from the adjacent neighbouring occupiers. The lowest sections of the roof are located towards the north and south boundaries.

The proposed development results in a significant reduction in built form, particularly given the arrangements of the existing flat roof construction where there are large expanses of brickwork and cladding to the majority of the building and up to each boundary.

The existing building reaches a maximum height of 10.6 metres directly to the rear of the dwellings on Burgoyne Court and therefore, the proposal with a height of 8.2 metres at eaves level and 12.8 metres at ridge, located approximately 20 metres away from the occupiers on Burgoyne Court, results in a reduction in built form in close proximity to the boundary.

In accordance with the above, the proposal results in development being located away from the shared boundary with the neighbouring occupiers which will arguably result in a form of development which would be more appropriate to the setting. The increase in spacing standards between habitable windows within the residential properties and the physical development on the site therefore raises no concerns in terms of scale and massing.

Furthermore, the spacing distances between the proposal and the commercial properties to the north and east appears to be acceptable while there are no concerns to the south given the presence of the public car park.

External Appearance:

The proposal is to be constructed utilising predominately facing brick work with white upvc windows and doors and Artstone heads and cills. Light cream render panels are also proposed to elevations with the roof to be constructed from concrete interlocking tiles coloured Old English Dark Red.

The above detailed materials are considered to be appropriate to the location and will not be at odds with those used within the residential accommodation located on Burgoyne Court or the wider area. The materials utilised on the existing building are somewhat limited by the initial cinema use and comprise large expanses of brown cladding and painted brickwork.

In accordance with the above, it is considered that the proposal will enhance the visual amenity of the area with the selected external materials deemed acceptable in this location. The proposal is therefore deemed to be in accordance with the principles of the NPPF and policy B2 of the UDP.

Amenity Issues:

In terms of overlooking and privacy, the development has been situated towards the centre and east of the site without any openings proposed in the gable elevations, with windows installed to the north and south elevations. As such, the privacy afforded to the closest neighbouring occupiers on Burgoyne Court is unlikely to be compromised by the proposed development with the scheme in compliance with the abovementioned spacing standards within the SPD. Over 19 metres would be retained between the gable wall of the development and main facing windows within the residential properties on Burgoyne Court. The spacing between the existing commercial developments to the north and east also appears to be acceptable.

In addition to the above, each apartment appears to be of a suitable scale offering adequate outlook to each main habitable room, inclusive of bedrooms and kitchen/ living rooms for prospective occupiers.

Further to the above and given the proposed development would result in the demolition of a large building, which has been vacant for a number of years, showing signs of deterioration, the outlook afforded to neighbouring occupiers could also be argued to be improved.

Notwithstanding the above, and to safeguard the amenity of neighbouring occupiers, it is deemed appropriate to condition working practices and hours.

Although landscaping is somewhat limited, given the nature of the development and the site, those improvements proposed such as landscaping and planting, along with the removal of a dilapidated building, is considered to be of benefit to visual amenity.

In conclusion and based on the advice provided by Public Protection and Regulatory Services, it is considered that any potential short-term issues that arise in respect of noise and disturbance can be adequately overcome through the imposition of conditions. The proposed scale and appearance does not raise significant concerns in terms of visual and residential amenity and the proposal is therefore considered to be in accordance with policy B2 of the UDP.

3) Highway issues

Policy T14 of the UDP aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met. In addition, policy T22 seeks to ensure that the necessary levels of car parking provision will be provided.

In response to consultation with the Network Management Section which is outlined above, those alterations proposed which include the creation of a footpath link, access to the proposed car park and the relocation of a lighting column, would all be undertaken through Section 278 of the Highways Act 1980.

Similarly, the suggested improvements to the cobbled back lane to the east of the site would be secured through the Highways Act.

In accordance with the above the proposal does not raise serious concerns in terms of highway and pedestrian safety with the main comments amounting to matters controlled under the Highways Act 1980.

Conclusion

The principle of the development is considered to be acceptable with due regard to policies WA7, S2 and S3 of the Council's adopted Unitary Development Plan with the siting, design and relationship between the application site and surroundings considered to be acceptable. As such, the proposal is deemed to be an appropriate form of development for this location having had due regard to paragraphs 56, 57 and 64 of the National Planning Policy Framework and policy B2 of the adopted Unitary Development Plan.

The proposal does not raise concerns in terms of highway and pedestrian safety with the proposed highway alterations controlled under Sections 38 and 278 of the Highways Act 1980. For the reasons set out above the proposal is considered to be satisfactory in accordance with UDP policies T14 and T22.

Subject to the restrictions of hours of construction and consideration to the associated construction works as detailed within the suggested informatives, it is considered that the proposed development would not create any significantly detrimental level of noise and disturbance. For this reason, the proposal is considered to be acceptable from a noise and disturbance perspective and therefore accords with policy EN5 of the UDP.

For the reasons set out above, the proposal is considered to be acceptable with due regard to the relevant national and local planning policy. As such, it is recommended that Members grant consent subject to the imposition of the following conditions.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

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

encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: Grant Consent under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the following conditions

Conditions:

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

Drawing No. 3169(B)02: Existing topographical survey plan, received 13.02.2016

Drawing No. 3169(B)03: Existing south elevation, received 02.02.2016

Drawing No. 3169(B)04: Site location plan - residential, received 07.10.2016

Drawing No. 3169(C)03 Rev B: Proposed block plan, received 04.11.2016

Drawing No. 3169(C)06 Rev B: Proposed site plan, received 04.11.2016

Drawing No. 3169(C)07 Rev A: Floor plans as proposed, received 07.10.2016

Drawing No. 3169(C)08 Rev A: Elevations as proposed, received 07.10.2016

Drawing No. T79-16-101: Proposed drainage layout, received 08.08.2016

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

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

the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

- 4 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 EN5 of the UDP.
- 5 During construction no deliveries shall be taken at or despatched from the site outside the hours of 09:00-18:00 Monday to Friday, 09:00-14:00 Saturdays, nor at any time on Sundays or Bank Holidays to ensure that nearby properties are not adversely affected by the development and that highway safety is not compromised and to comply with policy EC12 and EC13 of the UDP.
- 6 The construction works required for the development hereby approved shall only be carried out between the hours of 07.00 and 19.00 Monday to Friday and between the hours of 07.30 and 14.00 on Saturdays and at no time on Sundays or Bank Holidays in order to protect the amenities of the area and to comply with policy B2 and EN5 of the UDP.
- 7 All planting, seeding or turfing comprised in the submission (Drawing No. 3169(C)03 Rev A: Proposed Block Plan, received 07.10.2016) shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy B2 of the UDP
- 8 Notwithstanding any specifications on the submitted plans, details of all walls, fences or other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development is commenced. The agreed boundary treatment shall be completed before occupation or in accordance with an agreed timetable, in the interests of visual amenity and to comply with policy B2 of the UDP.
- 9 The development hereby approved shall be carried out in accordance with the Drainage Report which confirms details of foul flows, to prevent the increased risk of flooding from any sources, in accordance with the NPPF and policy B24 of the UDP.
- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent

specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 11 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.'

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

- 12 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 13 The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 14 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 15 Prior to the commencement of vibration generation operations on site, the Estimated Vibration Dose Value (eVDV) should be calculated at the nearest residential property and submitted to and approved in writing by the Local Planning Authourity. The estimated vibration dose value should be calculated in accordance with Appendix A.1 and A.2 British Standard 6472:1992 in view of the potential for complaints regarding vibration from the proposed development in accordance with the NPPF and policy EN5 of the UDP.
- 16 The development hereby approved shall be carried out in accordance with the recommendations of the mitigation strategy (Section F.2) of the report prepared by E3 Ecology Ltd (June 2016), in order to ensure the development will not give rise to harm to the biodiversity value of the site and protected species, and to comply with the requirements of policy CN22 of the UDP and section 11 of the NPPF

- 17 No part of the development shall be occupied until the off street parking provision of at least one space per apartment and 3 visitor bays has been constructed, surfaced and made available in accordance with the approved plans. This parking area shall then be retained and permanently reserved for the parking of vehicles to ensure that adequate and satisfactory provision is made for the off street parking of vehicles and to comply with policy B2, T14 and T22 of the Unitary Development Plan.
- 18 Before the development hereby approved is commenced the details of any floodlighting/ exterior lighting shall be submitted to and approved in writing by the local planning authority. The lighting shall then be installed in accordance with the approved details before the building is occupied, in order to ensure a satisfactory form of development and to comply with policy B2 of the Unitary Development Plan.
- 19 Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall take place in accordance with the approved details to prevent the increased risk of flooding from any sources in accordance with the NPPF and policy EN12 of the UDP.

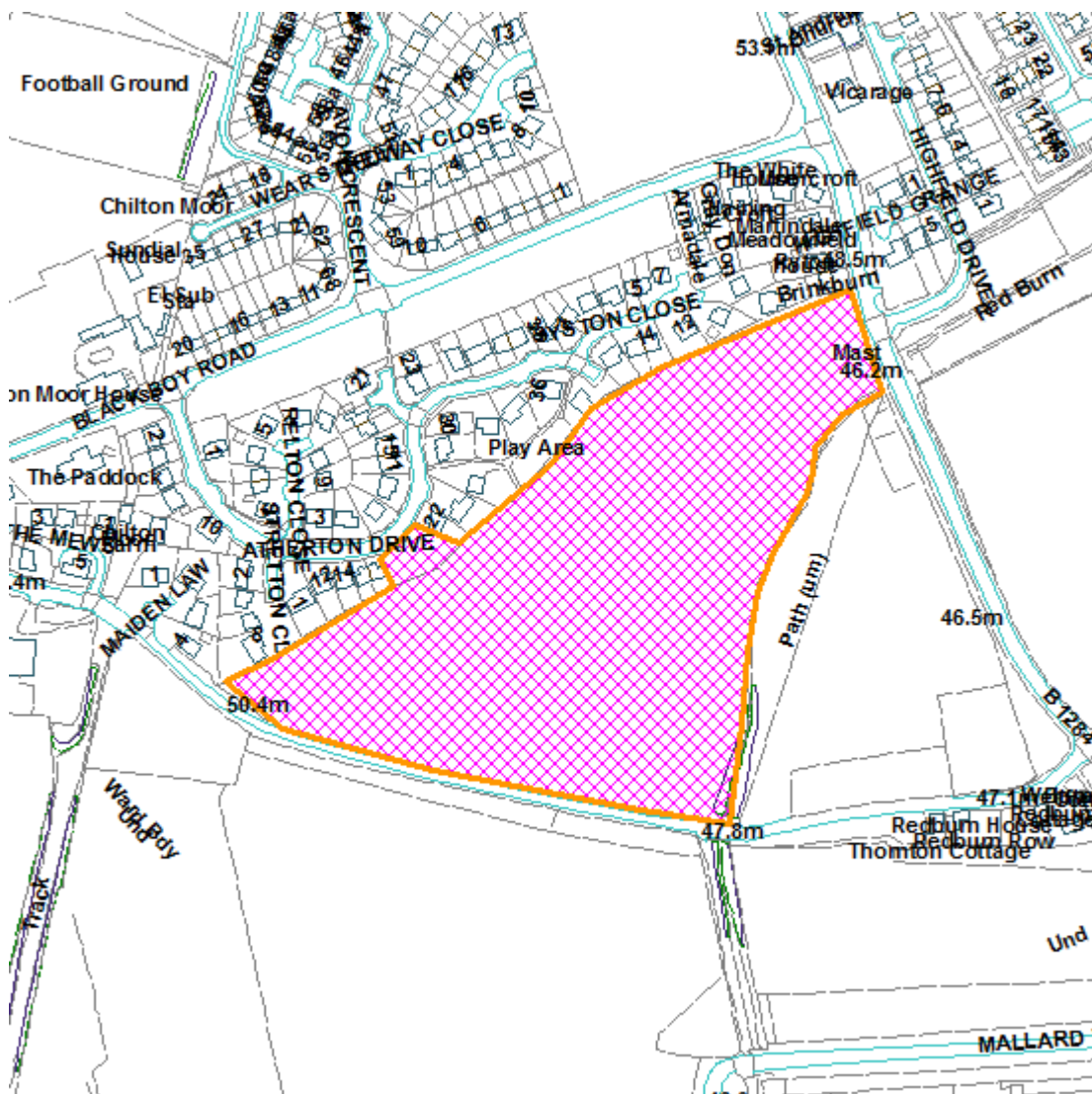
Reference No.: 16/01321/VAR Variation of Condition

Proposal: Variation to conditions 2,4 and removal of 5 to approved planning application 14/01647/FUL. Vary condition 2 in respect of changing house type on plots 55-58 to Sutton House Type. Vary condition 4 in respect of revised Flood Risk Assessment and Drainage Strategy (Patrick Parsons Report). Remove condition 5 Surface Water Drainage scheme as information is submitted as part of this application.

Location: Land North Of Redburn Row Houghton-le-Spring

Ward: Houghton
Applicant: Mr Adam McVickers
Date Valid: 22 July 2016
Target Date: 21 October 2016

Location Plan



PROPOSAL:

The application is seeking variation to conditions 2,4 and removal of 5 to approved planning application 14/01647/FUL. Vary condition 2 in respect of changing house type on plots 55-58 to Sutton House Type. Vary condition 4 in respect of revised Flood Risk Assessment and Drainage Strategy (Patrick Parsons Report). Remove condition 5 Surface Water Drainage scheme as information is submitted as part of this application.

Members may recall the application for full planning permission was determined by the Hetton, Houghton and Washington sub committee on the 15th July 2015.

The site is currently under construction. Member should be aware that the principle of development is not under consideration as part of this planning application only the elements specified above, condition 2 (plans) and conditions 4 and 5 in respect of drainage.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Houghton - Ward Councillor Consultation
Flood And Coastal Group Engineer
Environment Agency
Environmental Health
Northumbrian Water

Final Date for Receipt of Representations: **24.08.2016**

REPRESENTATIONS:

Neighbours

2 Letters of representation have been received to the proposed development. The main objections are listed below:-

Issues in respect of drainage of the site.
Destruction of a greenfield site
Noise and disturbance in respect of the site being developed currently.

The issues on drainage will be covered in the main report.

In respect of destruction of greenfield land and associated Flora and Fauna, the principle of development was established through planning application 14/01647/FUL and as such will not be considered as part of this application.

Any issues raised in connection with noise and disturbance during the construction phase of development have been investigated and action taken when required. This again is outside the current variation application currently before Members.

Statutory and Non-Statutory Consultee responses:-

Environment Agency - satisfied with the submitted information

Northumbrian Water - no adverse comments to the proposed variation.

Environmental Health: no adverse comments to the proposed variation.

Lead Local Flood Authority - no adverse comments subject to new conditions being imposed to ensure the development is carried out in strict accordance with the variation application information.

POLICIES:

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

B_2_Scale, massing layout and setting of new developments

EN_12_Conflicts between new development and flood risk / water resources

COMMENTS:

The key issues to consider as part of this variation application are:-

- 1) Changed to plots 55 -58
- 2) Variation to Drainage conditions 4 and 5 attached to planning application 14/01647/FUL

- 1) Changes to plots 55-58

The changes to the above plots are as follows. To replace Souter with terraces of Suttons. The key changes are the Souter to the Suttons, these properties have the same footprint and scale the visual changes is the two roof lights will be replaced with a front dormer.

The proposed changes to the plots listed above are considered acceptable and comply with policy B2 of the adopted Unitary Development Plan.

- 2) Variation to Drainage conditions 4 and 5 attached to planning application 14/01647/FUL

Condition 4 and 5 are set out below:

Condition 4

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by 3e Consulting Engineers Ltd Ref: 13589 Issue 3 dated July 2014 and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated from the site to a maximum of 5.5 litres per second as stated in paragraph 6.10.

2. Finished floor levels are set no lower than 46.355m above Ordnance Datum (AOD) as stated in paragraph 6.5.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Condition 5

The development hereby permitted shall not be commenced until such time as a suitable surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may be subsequently be agreed, in writing, by the Local Planning Authority.

Reason - To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- 2) Variation of condition 4 and 5.

The applicant has requested to vary condition 4 Flood Risk Assessment and removed condition 5. The impact of the development in respect of flooding and drainage.

Policy EN12 is relevant to the consideration of this application in terms of flood risk. Policy EN12 of the adopted UDP states that:

In assessing proposals for development, the Council, in conjunction with the Environment Agency and other interested parties, will seek to ensure that the proposal would:

- o Not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding); and
- o 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.

The site is located within Flood Risk Zone 2 .The application is supported by a detailed flood risk assessment.

Both the Environment Agency and Northumbrian Water have been consulted regarding this application.

The application is accompanied by a revised Flood Risk Assessment and Drainage strategy along with additional information requested by the Local Lead Flood Authority to fully consider the revised information.

The report conclusion and summary is summarised below.

The Environment Agency website has confirmed that the eastern part of the site, that is to remain undeveloped at existing levels, is located in Flood Zone 2 'Medium probability' and Flood Zone 3b 'Functional Flood Plain' adjacent to Red Burn but that the proposed development part of the site is contained entirely within the Flood Zone 1 that is not at risk of flooding from rivers or sea.

The Flood Risk Vulnerability Classification for the new development is "More Vulnerable - Buildings used for dwelling houses" and no Sequential Test is required.

The Environment Agency website has also confirmed that there is a risk of flooding to the development site from surface water.

Northumbrian Water has confirmed through a pre-development enquiry response that there has been records of sewer flooding at the proposed site entrance off Atherton Drive, corresponding with the location of high risk of flooding from surface water as noted by the Environment Agency.

Sunderland City Council's Strategic Flood Risk Assessment (SCC SFRA) confirms that the eastern part of the site, which is to remain undeveloped, is susceptible to surface water flooding centred upon the Red Burn.

The 1m-high by 1.5m wide culvert that conveys the Red Burn Watercourse under Front Street to the east of the site could potentially act as a restriction on the watercourse during extreme flood events. The level of the adjacent Front Street boundary is the limiting factor on the depth of water achievable upstream of the culvert and it is calculated that the maximum achievable height of surface water during a 1 in 100-year storm event, including allowance for climate change, upstream of Front Street will be 45.754m.

In order to protect the proposed development from the effects of flooding the minimum floor level of any proposed dwelling on the site should be 46.354m in order to provide a 600mm freeboard above the calculated flood water level.

The new development is at a higher level than Front Street to the east and flood flows will flood across Front Street to the east in to adjacent land in times of extreme events. This situation should not be exacerbated as a result of the development.

Development should be avoided within the 1 in 100-year flood Zone 3 outline in line with the NPPF guidance.

In order to accommodate surface water flows identified as entering the site during extreme storm events from Atherton Drive on the northern boundary, development levels should be configured to ensure overland flow can pass uninterrupted through the development, with no flooding to the proposed properties, towards the Red Burn watercourse to the south-east in order to replicate existing drainage paths.

Due to the elevation of the site access road and the provision of a surface water flood route through the development, safe access/egress can be provided to the development at all times, including during times of flooding of the Red Burn watercourse.

It is considered that Method 2, discharge to a watercourse, will be the most appropriate method of surface water management for the proposed development; i.e. discharge to the Red Burn which is located along the eastern boundary of the site.

It is proposed that the discharge of surface water flows from the development site to the Red Burn be restricted to the mean annual greenfield peak flow rate (Q_{bar}), calculated to

be 5.1 l/s, resulting in 540m³ of surface water attenuation being required to accommodate a 1 in 100-year storm event with allowance for climate change.

The use of an open attenuation basin to provide storage for attenuated surface water is considered not a practical option due to the limited volume of storage that can be achieved and the difficulty in providing additional storage volume within the development, requiring the raising of ground levels beyond a reasonable level.

It is proposed that the on-site attenuation be provided by an underground attenuation storage structure, which will be adopted by NWL, located within the landscaped area fronting plots 11-16. Please refer to the Engineering Layout Drawing in Appendix I for the tank location.

Allowance has been made within the surface water calculations for the outfall from the development being surcharged during times of high water levels within Red Burn to a level of 45.755m; i.e. the calculated maximum possible surface water level within the development site.

A diversion of the exiting 225mm-diameter combined sewer at the entrance to the site off Atherton Drive, required to accommodate the development, should be upsized to 300mm-diameter to ensure capacity of the existing sewer is not compromised and to ensure there is no increased risk of flooding from the existing public sewers.

All public surface water and foul water drainage should be designed in accordance with the current Sewers for Adoption.

All private surface water and foul water drainage should be designed in accordance with the current Building Regulation.

Northumbrian Water has confirmed that the sewage treatment works downstream of the site is able to accept the flows from the development and that discharge of foul flows can be made to the existing 375mm-diameter public combined sewer at or downstream of manhole 4306 in the north-east of the site.

The displaced water created by the development of this site will not raise the risk of flooding, due to any watercourses overtopping, nor to the area located adjacent to the development.

This Flood Risk Assessment has confirmed that the proposed development is appropriate and sustainable in the terms as set out in NPPF.

The revised Flood Risk Assessment/ Drainage strategy and additional information have been carefully considered by the Local Lead Flood Authority and are considered acceptable in principle subject to a new detailed planning condition in respect of Flooding and Drainage to ensure the development complies with both National and Local Planning Policy. The proposed condition is set out below:-

Prior to the commencement of the construction of the scheme hereby approved details of the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. This should include a detailed surface water drainage layout. This detailed drainage layout should be directed by the completion of ground investigations and drainage surveys and should include for;

a) All drainage networks , source control areas (including permeable paving), flow control devices, attenuation features, swales and in particular flood relief channels including details of

pipe inlets and outlets, cross sections of the surface water flood channel at the site boundary behind Atherton drive and invert levels of any surface water feature , pipes and manholes, and
b) Additionally , a drainage plan and a finalised FRA/Drainage strategy should explicitly state who will be responsible for maintaining what parts of the drainage network (including areas to be adopted by Northumbrian water, areas to be privately maintained including details of the text to be added into property deeds with regard to maintenance of drainage on private property and details of who will maintain any other parts of the network such as permeable paving),

Thereafter the development shall be built in accordance with the agreed details unless otherwise first agreed in writing by the Local Planning Authority. To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework paragraph 103 and policy EN12 of the saved adopted Unitary Development Plan.

Conclusion.

The proposed change of house types are considered acceptable and as such condition 2 is considered acceptable to be amended by this variation application.

It is recommended that conditions 4 and 5 be removed and replaced with the proposed condition in the drainage section of the report.

The proposed variations have been considered against both National and Local policies and as such are considered compliant.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

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

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

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are

connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

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

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

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

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

RECOMMENDATION: Members approve the application subject to the draft conditions listed below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted 12.05.2016 to ensure that the development is carried out within a reasonable period of time.
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:

Site Location Plan - Redline only received 15.07.2014

Proposed site layout - Rev P received 22.07.2016

House types:

Drawing number CD-WD10 Chedworth Plans and Elevations received 15.07.2014 Rev L

Drawing number CA-WD10 Clayton Plans and Elevations received 15.07.2014 Rev B

Drawing number ST-WD10 Strand Plans and Elevations received 15.07.2014 Rev A

Drawing number SUT-WD10 Sutton Plans and Elevations received 15.07.2014 Rev M

Drawing number WS-WD10 Winstar Plans and Elevations received 15.07.2014 Rev P

Drawing number ME-WD10 Maryleborne Plans and Elevations received 15.07.2014

Drawing number SU-WD01 Rev T received 22.07.2016

Drawing number MS-WD10 Moseley Plans and Elevations received 15.07.2014 Rev H

Drawing number RS-WD10 Roseberry Plans and Elevations received 15.07.2014 Rev P

Drawing number HT-WD10 Hatfield Plans and Elevations received 15.07.2014 Rev K

Drawing number RF-WD10 Rufford Plans and Elevations received 15.07.2014 Rev M

Single and Double garage plans reference number SGD - 01 Rev A received 15.07.2014

Triple garage plan reference SGD-02 Rev A received 15.07.2014

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 Development above ground level shall not progress until details of the materials to be used in the construction of the external surfaces of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of ensuring public and private amenity:

- 4 Condition 4 removed and varied be condition 5
- 5 Prior to the commencement of the construction of the scheme hereby approved details of the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. This should include a detailed surface water drainage layout. This detailed drainage layout should be directed by the completion of ground investigations and drainage surveys and should include for;
- a) All drainage networks , source control areas (including permeable paving), flow control devices, attenuation features, swales and in particular flood relief channels including details of pipe inlets and outlets, cross sections of the surface water flood channel at the site boundary behind Atherton drive and invert levels of any surface water feature , pipes and manholes, and
 - b) Additionally, a drainage plan and a finalised FRA/Drainage strategy should explicitly state who will be responsible for maintaining what parts of the drainage network (including areas to be adopted by Northumbrian water, areas to be privately maintained including details of the text to be added into property deeds with regard to maintenance of drainage on private property and details of who will maintain any other parts of the network such as permeable paving),

Thereafter the development shall be built in accordance with the agreed details unless otherwise first agreed in writing by the Local Planning Authority. To prevent the increased risk of flooding from any sources in accordance with the National Planning Policy Framework paragraph 103 and policy EN12 of the saved adopted Unitary Development Plan.

- 6 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. measures to control the emission of dust and dirt during construction
 - vi. a scheme for recycling/disposing of waste resulting from demolition and construction works
 - vii. wheel washing facilities

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 Unitary Development Plan.

- 7 No groundworks or development shall commence until a programme of archaeological fieldwork (to include evaluation and where appropriate mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B13 and B14.

- 8 Archaeological Post Excavation Report Condition
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 (7) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, in accordance with paragraph 141 of the NPPF and saved Unitary Development Plan Policies B13 and B14.

- 9 The buildings shall not be occupied/brought into use until a report detailing the results of the archaeological fieldwork undertaken has been produced in a form suitable for publication in a suitable and agreed journal and has been submitted to and approved in writing by the Local Planning Authority prior to submission to the editor of the journal.

Reason: The site is located within an area identified in the Unitary Development Plan as being of potential archaeological interest and the publication of the results will enhance understanding of and will allow public access to the work undertaken in accordance with paragraph 141 of the NPPF and paragraph 135 of the PPS5 Planning for the Historic Environment: Historic Environment Planning Practice Guide March 2010.

- 10 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 11 to number 13 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 14 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 11 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The

investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 12 (Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 13 Implementation Remediation Scheme The remediation scheme approved under Condition number 12 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 14 Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 11 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 12 (Submission of

Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 13 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.

- 15 The biodiversity enhancement and mitigation measures set out in the E3 Ecology report (May 2015) shall be fully implemented in accordance with the measures and mitigation as set out in that report, in the interest of biodiversity enhancement and the protection of ecological interests and to comply with the requirements of policy CN23 of the adopted Unitary Development Plan.
- 16 Construction work or deliveries associated with the proposals shall only take place between the hours of 0800 to 1800 hours Monday to Friday and 0800 to 1400 Saturday, with no activity Sundays or Bank Holidays.

Reason: In the interest of the amenity of nearby and new residents.

- 17 No dwellings hereby approved shall be occupied until details of hard and soft landscape works and their implementation have been submitted to and approved in writing by the LPA. The submitted details shall include planting plans, specifications and schedules. The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

Reason: In the interest of amenity, ensuring a satisfactory form of development.

- 18 Prior to the commencement of development a scheme detailing the implementation strategy of the hereby approved ecological management plan (HABITAT MANAGEMENT AND MAINTENANCE PLAN LAND OFF REDBURN ROAD, FENCEHOUSES, May 2015), thereafter the development will be built in accordance with this scheme:

Reason: In order to protect the ecological interests of the site.

- 19 Prior to the commencement of development, full details of the proposed levels of any building and associated structures, compared to existing levels of the site, shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved levels.

Reason: In order to safeguard the character and appearance of the area

- 20 Prior to the occupation of any dwellings full details shall be submitted to and approved by the local authority showing, cycle storage and bin storage associated with each plot. Thereafter the development shall be built out in accordance with these details.

Reason: In the interests of the provision of adequate refuse storage/collection facilities and of general and visual amenities, and to establish cycling as an alternative form of transport,

- 21 The development hereby approved shall be set out and built in accordance with the approved layout (ref). All roads proposed for adoption shall be built to the Council's adoptable standards:

Reason: to ensure a suitable form of development:

- 22 Prior to the occupation of any dwellings, the car parking associated with that dwellings (hereby approved) shall have been set out, constructed and suitable for use, thereafter retained for the lifetime of the development.

Reason: to ensure suitable car parking in the interests of highways safety:

Reference No.: 16/01364/FUL Full Application

Proposal: **Construction of a temporary 300-space car park, with associated works to include lighting and storm water attenuation facilities. (Retrospective)**

Location: Land Adjacent To N Power Cygnet Way Rainton Bridge South Houghton-le-Spring

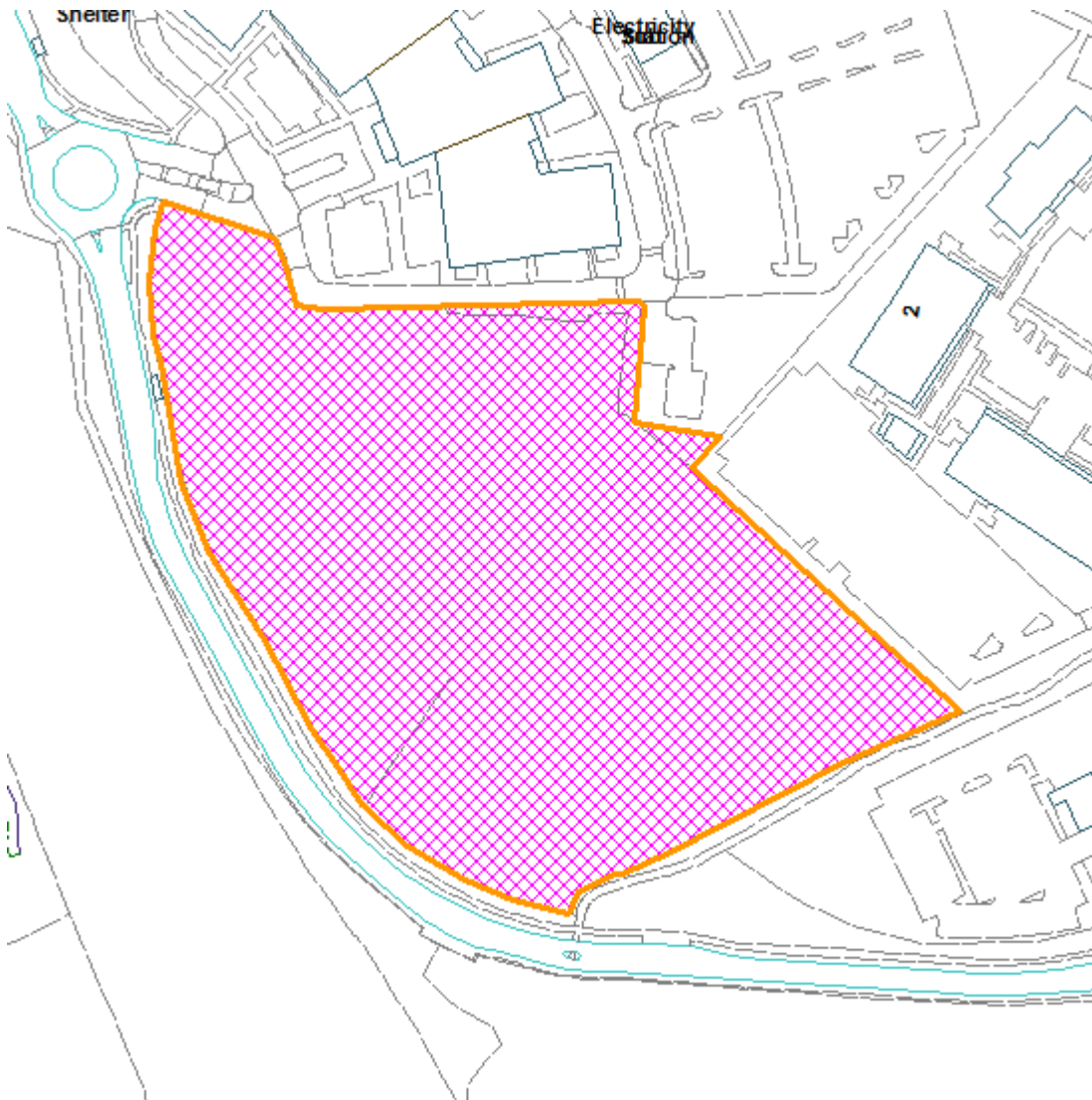
Ward: Hetton

Applicant: Npower Northern Limited

Date Valid: 1 August 2016

Target Date: 31 October 2016

Location Plan



PROPOSAL:

The development relates to a retrospective temporary 300 space car park on a land at N. Power Adjacent Rainton House Office complex at Cygnet Way.

The application was re-submitted following the withdrawal of a previous application for the same proposal, which was withdrawn as a result of the drainage details not being sufficient to serve the site.

The site measures 3.12 hectares and provides temporary car, associated lighting and drainage including storm water attenuation facilities.

The surface consists of 40mm cellular grid paving system filled with 5mm-20mm angular aggregate.

APPLICATION SITE AND SURROUNDINGS

The site is located on Rainton Bridge Industrial Estate south of Rainton House adjacent Cygnet Way, Houghton le Spring. The land consists of grassland surrounded by ornamental shrubs and hedgerows.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hetton - Ward Councillor Consultation
Tyne And Wear Archaeology Officer
Environmental Health
The Coal Authority
Hetton Town Council
Durham Wildlife Trust
Environment Agency
Flood And Coastal Group Engineer

Final Date for Receipt of Representations: **05.09.2016**

REPRESENTATIONS:

Natural Heritage

1. The ecology report dates from December 2014 and does not cover the full extent of land affected by the development or associated works; and the boundary of the proposed site plan (construction drawing) does not appear to equate fully to the location plan boundary. The site plan also shows a 7m high willow for removal, which has probably already occurred.
2. The ecology survey and report however broadly reflects the nature of the overall site and as such the development could proceed subject to adoption and delivery of the recommendations in section 4 of the report, with particular regard to pre-commencement

ecological checking surveys and method statements to ensure good practice and no breaches of legislation; especially with reference to breeding birds, amphibians, badger and other mammals.

3. Notwithstanding the above, the applicant must be mindful that the data with respect to amphibian wetland habitat in particular, especially with regard to great crested newt, are almost two years old at least, and conditions on and adjacent the site may have changed. Further ecological surveys may therefore be required or result from the checking surveys, especially if works are delayed beyond December 2016. The amphibian survey season is broadly speaking March to early June inclusive.
4. Landscape design and maintenance should include, as indicated in the report, areas of native unimproved grassland, hedgerow and trees, and open ditch/swale (SuDS) features to mitigate the loss of vegetated habitat and provide an element of habitat improvement for commuting and foraging species, including five species of owl, known to breed and overwinter in this area of Sunderland.

Network Management Comments

- The new car park is accessed from N Power private access road.
- Private car park for the exclusive use of N. Power staff and the new increased parking should deter overspill illegal parking in the vicinity of the B1284.
- Suitable footways to and from the car park to be provided.

Northumbrian Water

No comments to make.

Tyne and Wear Archaeologist

No objections

Environmental Health Comments

The Council's Public Protection and Regulatory Services have identified that an assessment has been submitted with regard to ground contamination. The assessment is currently under review and no works, other than investigation works should be carried out on the site prior to the written approval of the desk top study and any necessary remediation.

The Coal Authority

The site has been identified as being within a high risk area, therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

The applicant has obtained appropriate and up to date coal mining information for the proposed development site and has used this information to inform the ground investigation report (dated 1 June 2015 produced by Atkins) and the Statement on coal Mining risk (dated 26 November 2015 produced by Neil Richardson) which accompany this application.

The reports correctly identify that the application site has been subject to past coal mining activity. The two mine entries on the site have been located and the investigations have shown them to be

capped. The proposed layout on the Construction Drawing has also been amended to avoid parking directly over the mine entries. Given the nature of the proposed use and the findings of the investigations this would appear to be an appropriate way forward.

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition to secure the layout as illustrated on drawing no. 5134403-ATK-HGN-CP-DR-D-0001 Rev P1.

Environment Agency

No comments received.

Durham Wildlife Trust

No comments received to date

Flood and Coastal Engineer

Within the planning documents submitted the developer has shown that full infiltration to ground is not possible. They have proposed a scheme which includes sustainable drainage methods and considers restriction of run-off rates and volume control. However there are two main considerations that the developer should meet before Sunderland city council could accept this scheme. These are listed below.

1. The design drawings and modelling suggest a drained area of around 0.7ha but the planning application suggests an area of 1.3ha (or more). This may or may not include a road into the car park. Can the developer confirm the area that is being drained at this site and can the drainage details for the road into the car park be confirmed, and 2. The drainage details submitted show flooding for the 100 year event + climate change allowance. Please can the developer provide flood flow routing/analysis to show that this flooding will be retained on site and not affect any roads or other potential land development areas off-site.

Further comments received stated that that the scheme whilst up to 250m³ in excess of the proposed drainage system, will be retained on the landowners site at their own risk.

POLICIES:

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

EC_2_Supply of land and premises for economic development purposes

EC_4_Retention and improvement of existing business and industrial land

EC_9_Locations for Hotels and Conference centres.

EC_15_Development or extension of bad neighbour uses

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

S_13_Resisting retail development on land allocated for industry

EC_5_Sites for mixed uses

B_1_Priority areas for environmental improvements

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_21_Factors to be taken into account in the provision of parking

CN_15_Creation of the Great North Forest

COMMENTS:

Issues to consider in this application are:-

- 1) Principle of the Development.
- 2) Design and Layout.
- 3) Highway Issues
- 4) Residential and Visual Amenity
- 5) Lighting Issues.
- 6) Ground Conditions/Contamination
- 7) Ecology and Wildlife Implications.
- 8) Flood Risk
- 9) Archaeology
- 10) Coal Mining Legacy

PRINCIPAL OF DEVELOPMENT

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied by Local Planning Authorities. It has served to replace a wide range of national planning policy statements and guidance. For the purposes of decision-taking, the policies contained within the Framework are material considerations which Local Planning Authorities should take into account in addition to the Development Plan policies outlined above.

Paragraph 7 of the NPPF sets out three dimensions in relation to sustainable development and in particular, contributing to building a strong responsive and competitive economy, by supporting growth, innovation, identifying and coordinating development requirements and the provision of infrastructure.

Paragraph 8 of the NPPF states that the roles are mutually dependant, economic growth can secure higher social and environmental standards and well-designed development can improve the lives of people and communities. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

Paragraph 9 of the NPPF pursues sustainable development by seeking positive improvements in the quality of the built, natural and historic environment by making it easier for jobs to be created in cities towns and villages and improving the conditions in which people live, work and travel.

Policies EC2, 4, 9 and 15 are also relevant to the site which seek to ensure that an adequate supply of economic development needs are met by maximising choice and identifies a wide range of sites available for businesses and general industry.

Policy S13 is also relevant and states that retailing on land allocated for industry and/or mixed use on the proposals will be permitted only if it accords with policies EC4 and EC5.

The land is allocated as an existing employment site (policy HA1.6) within the Councils Adopted Unitary Development Plan (UDP) which identifies Rainton Bridge South as an established industrial and business area. This policy aims to retain and improved such sites for offices, research and development, light industry, general industry, warehouses and storage.

The current proposal supports N Power, which is an existing thriving business within the Rainton Bridge Industrial Estate which employs an average of 2300 employees. The applicant states that, alternative sites have been explored and additional sites have been used as park and ride and

overspill parking facilities. The applicant identified that existing off-site parking is of a low quality and therefore it is not considered appropriate for long term use, (particularly in the case of the Chilton Country Hotel which offers a park and ride bus service), along with parking available at Rainton Arena which requires pedestrians to cross the B1284.

The applicant states that this site was chosen as it is owned by N Power and avoids land acquisition cost whilst also being within close proximity to Rainton House and it can be effectively accessed and incorporated in to the existing car parking management practice.

Although the site would remove a large area of grassed land, on balance, it is considered that, the proposal would support a thriving company with growth potential. The company has provided employment and brought vitality to a rural village Industrial Estate and in turn boosted the economy of the local community. The proposal is a temporary porous surface which can be removed and land re-instated, once no longer required and is considered to provide a good quality, cost effective approach to parking provision.

As such, it would be considered acceptable in this instance, in compliance with paragraphs 7, 8 and 9 of the NPPF and policies B1, B2 and T14 and T21 of the UDP.

Policy B1 is also subject to this application site which relates to environmental improvements and states that in general, priority will be given to sites which are visually prominent, with particular emphasis given to older industrial areas and main transport routes.

Policy CN15 is also relevant and this policy seeks to support initiatives which assist in the creation of great north forest of land around the main urban areas. Development which would adversely affect the creation of the forest would be resisted.

Therefore, having regard to all of the above policy considerations it is considered that the proposed temporary car park is acceptable and as such complies with the relevant UDP and NPPF policies as stated above.

DESIGN AND LAYOUT

Paragraphs 17 and 56 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.

The layout is such that it would avoid two capped mine shaft within the site, with minimal earthworks. It would avoid pile foundations that were installed for Phase 2 of Rainton House Office development and connect into an existing car parking layout. It would require safe pedestrian crossing to the new car park and a pond or swale for attenuation of storm water.

The Council have stated a requirement to limit the storm water run off and to highway drains to 5 litres per second and as such the proposed surface would be porous, temporary, low cost and removable once no longer required. It consists of a 40mm deep grid system in-filled with angular aggregate and the access to the parking paved to normal standard to manage heavy traffic use.

The proposal complies with paragraphs 17 and 56 of the NPPF and policy B2 of the UDP in this respect.

HIGHWAY ISSUES

T21 relates to the provision of parking and sets out that development should maintain safe road conditions reduce travel demand to a sustainable level, ensure economic viability of existing retail and commercial centres and promote more environmentally sensitive modes of transport.

UDP Policy T14 aims to ensure that new developments are easily accessible to both vehicles and pedestrians, should not cause traffic problems, should make appropriate provision for safe access by vehicles and pedestrians and indicate how parking requirements will be met.

The purpose of the car park is to facilitate employees who are required to travel by car despite the vigorously promoted green travel plan.

Internal pedestrian access is proposed existing car park at Rainton House, which is an improvement from the current overflow car park at Rainton Arena Site.

Vehicular access would be incorporated into the existing car parking arrangement system at Rainton House which would enable employees to use the new car park if the existing one is unavailable. With the car park being solely for the use of employees at Rainton House there would be no pedestrian access available to the public highway or any other premises.

The Council's Network Management Team have observed that the proposal would be accessed from the Rainton House access road and exclusively for staff for Rainton House, this should deter overspill illegal parking in the vicinity of B1284.

The car park would operate effectively along with the existing car parking arrangements and controls currently in place at the site.

As such the proposal is considered to be in accordance with policy T14 and T22 of the UDP and as such is an acceptable form of development from a highway perspective.

RESIDENTIAL AND VISUAL AMENITY

Policy B2 of the council's adopted Unitary Development Plan (UDP) dictates that development should retain acceptable levels of privacy and amenity, improve and enhance places in which people live.

The nearest residential dwelling would be sited in excess of 500 metres east of the proposed car park and is situated across the A690, as such it is not considered that there would be any impact upon the residential amenity of the residents of these properties.

With regard to visual amenity, the surface has been described as Bodpave 40 grass pavers which is an interlocking cellular grid paving system for grass and ground reinforcement for pedestrian or vehicular use. The surfacing is manufactured from high-density polyethylene and is designed in black or green. The surface is strong, chemically inert and non-toxic, enabling it to provide a durable, safe surface. The material used will be subject to a condition to ensure that the finished material colour, either green or black, is in keeping with site and immediate surrounds.

The surface would not be visible from any public vantage point and only to the users of the car park and the proposed development in terms of siting, design and visual amenity is considered acceptable and as such complies with relevant NPPF and UDP policies.

LIGHTING ISSUES

With reference to lighting the plans illustrate 11 No. single lantern, 10 metre high planted root abacus lighting columns designed as heavy duty hot dipped galvanised metal, positioned around the perimeter of the site with two double lantern 10 metre high galvanised lanterns within the centre of the site. Following consultation with the Councils Public Protection and Regulatory Services, there are no objections to the scheme in this regard.

GROUND CONDITIONS AND CONTAMINATION

Policy EN14 of the UDP states that where development is proposed on land which there is reason to believe is contaminated, unstable or at risk from migrating landfill gas or mine gas then the LPA will require the applicant to carry out investigations to determine the nature of ground conditions below and any precautionary or remedial measures within the control of the applicant.

Public and Regulatory Services Comments

The development comprises the construction of a temporary parking area on semi-improved grassland within the Rainton Bridge Business Park. This site use is relatively insensitive to contamination however it is noted that the site was former colliery.

A site investigation Factual Report has been provided with two memoranda "Ground Investigation at Rainton Houses Temporary Car Park - Rev1", ATK-5134403-GEO-DOC-002 (01/06/2015) and "Statement on Coal Mining Risk" (26/11/2015) which discuss the risk of legacy mining on the site. The main risk identified for the site was the presence of two mine shafts of unknown treatment and therefore an exclusion zone around each of 30m was considered. Following investigation by Geocore ref TP/15/57297 (April 2015) which found a constructed cap over each shaft it was determined that risk of instability was low. The design layout will avoid direct parking over mine shafts. A response from the Coal Authority dated 22/12/15 confirms that they are satisfied with this arrangement.

The Agent Neil Richardson's Statement on Coal Mining Risk suggests that if a development is within a low risk area "there is no need to submit any coal mining information with a planning application". This is contrary to standing advice from the Coal Authority that a Coal Mining Report is advised within the Coalfield, although it is true that the Coal Authority will not wish to be consulted by Planning or require a Mining Risk Assessment, which is a more detailed risk assessment needed for a high risk area. The Planning Authority is required to take into account ground stability under the NPPF (March 2012) regardless of whether the Coal Authority wishes to be consulted. It is normal practice for Sunderland to seek a Mining Report within the Coalfield. In addition, a risk assessment should be provided for the risk of shallow unrecorded mining where the geology suggests these may be a risk.

The Coal Authority is satisfied with the site investigation and mitigation for the two shaft and there does not appear to be significant risk for ground instability.

The Desk Study has not been provided for review, nor has an interpretation for the site investigation. The exploratory logs indicate made ground within the site is variable in thickness and comprises typical colliery spoil including wastes such as ash, clinker and demolition rubble commonly associated with former collieries. The chemical testing appears to have been conducted for samples at or below 0.5m depth therefore they may have no direct bearing on long term exposure to car park users in areas of landscaping; however the testing does not indicate significant problems for ground workers such as presence of asbestos.

Given the sparse density of testing in these cases it is possible that contamination may be uncovered during development therefore it is recommended that a standard condition be imposed which deals with "unexpected contamination".

It is recommended also that the Desk Study be provided for review although it is not expected the findings would prevent development of the site for this insensitive land use.

In light of the above and further to the submission of a desk top study, ground investigation report and coal mining risk assessment Public and Regulatory Services have confirmed that based on the response of the Coal Authority and imposition of the recommended condition as set out above there are no further concerns regarding the risk to the development due to the legacy of coal mining below the site.

ECOLOGY AND WILDLIFE IMPLICATIONS

The application is accompanied by an extended phase 1 habitat survey to identify habitats or species that may be affected by the proposed works along with a preliminary ecological assessment. Both documents have been reviewed by the Councils ecologist who considers the assessments/reports to be sound and as such no further works/conditions are required in this regard.

FLOOD RISK

With regard to flood risk, the application is accompanied by a statement on flood risk and storm water management. The statement explained that the proposal would discharge surface water to the highway drainage network via an existing stub connection and at the request of the Councils engineers have reduced the design discharge rate in to the drains to 5 litres per second which was previously indicated by the flood and Coastal Engineer to be acceptable.

The design of the drainage system is such that it would percolate through the car park porous Bodpave system which would discharge into a grassed dry pond or swale to the south of the site, which has a capacity of 300m³ and therefore into the highway drains via a hydrobrake system at 5l/s.

The Councils Flood and Coastal Engineer offered comments that the scheme whilst up to 250m³ in excess of the proposed drainage system, will be retained on the landowners site at their own risk and as such is acceptable on this occasion.

ARCHAEOLOGY

The County Archaeologist has been consulted on the application and has advised that the site was originally the site of North Pit and its waggon ways and archaeological work was completed in 2003, as such no further archaeology work is required. The development is considered to satisfactorily address archaeology issues required and no conditions are required in this instance.

COAL MINING LEGACY

In addition to the comments made above, it is noted that the site has been subject to previous coal mining activity and falls within the councils Coal referral area. The Coal Authority have identified that two mine entries are located on the site and investigations have shown them to be capped. The proposal has identified the location of the capped mines and shown how they could be incorporated into the proposal and avoid development over the mine entries. Subject to the detail provided within the application the Coal Authority have confirmed that they have no objection to

the proposed development subject to a condition to secure the layout illustrated in drawing No. 5134403-ATK-HGN-CP-DR-0001 Rev P1.

CONCLUSION

In conclusion, for the reasons set out above, the proposed development is considered to represent an acceptable form of development that is in accordance with relevant local and national policies. As such it is recommended that Members approve the application subject to the conditions listed below:-

EQUALITY ACT 2010 - 149 PUBLIC SECTOR EQUALITY DUTY

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

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

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

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

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

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

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

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

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

RECOMMENDATION: Members approve the application subject to the conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time
- 2 Unless otherwise first agreed in writing with the Local Planning Authority, the development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Site layout Drawing Number 5134403-ATK-HGN-CP-DR-D-0001 Rev P1 received on 28.7.16
 - Car parking site plan drawing No. MAP/RAIN/020/B
 - Lighting column layout and lux levels drawing No. 5134403-ATK-HLG-XX-DR-LE-0001 received on 28.7.16
 - Duct and cable layout drawing No. 5134403-ATK-HLG-XX-DR-LE-0002 received on 28.7.16
 - Manhole schedule drawing No. 5134403-ATK- HGN-CP-DR-D-0005 received on 28.7.16
 - Feeder Pillar Standard details drawing No. 5134403-ATK-HLG-DE-DR-LE-001 received on 28.7.16
 - Standard details drawing No. 5134403-ATK-HGN-CP-DR-0004 received on 28.7.16
 - Schematic layout drawing No. 5134403-ATK-HLG-SD-DR-LE-001 received on 28.7.16
 - Setting out and earthworks details drawing No. 5134403-ATK-HGN-CP-DR-D-0002 received on 28.7.16
 - Drainage general agreement drawing No. 5134403-ATK-HGN-CP-DR-D-0003 received on 28.7.16
 - Detail of column drawing NoIT107RLH received on 28.7.16

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 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 4 to number 6 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 7 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 4 Site Characterisation - Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 5 Submission of Remediation Scheme) Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the adopted Unitary Development Plan.
- 6 Implementation Remediation Scheme - The remediation scheme approved under Condition number 5 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours

and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 7 Unexpected Contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 4 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 5 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 6 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.
- 8 The development should be carried out in complete accordance with the coal mining risk assessment revised 26.11.15 submitted on 26.8.16 and the site layout plan drawing reference 513443-ATK-HGN-DR-D-001 Rev P1.

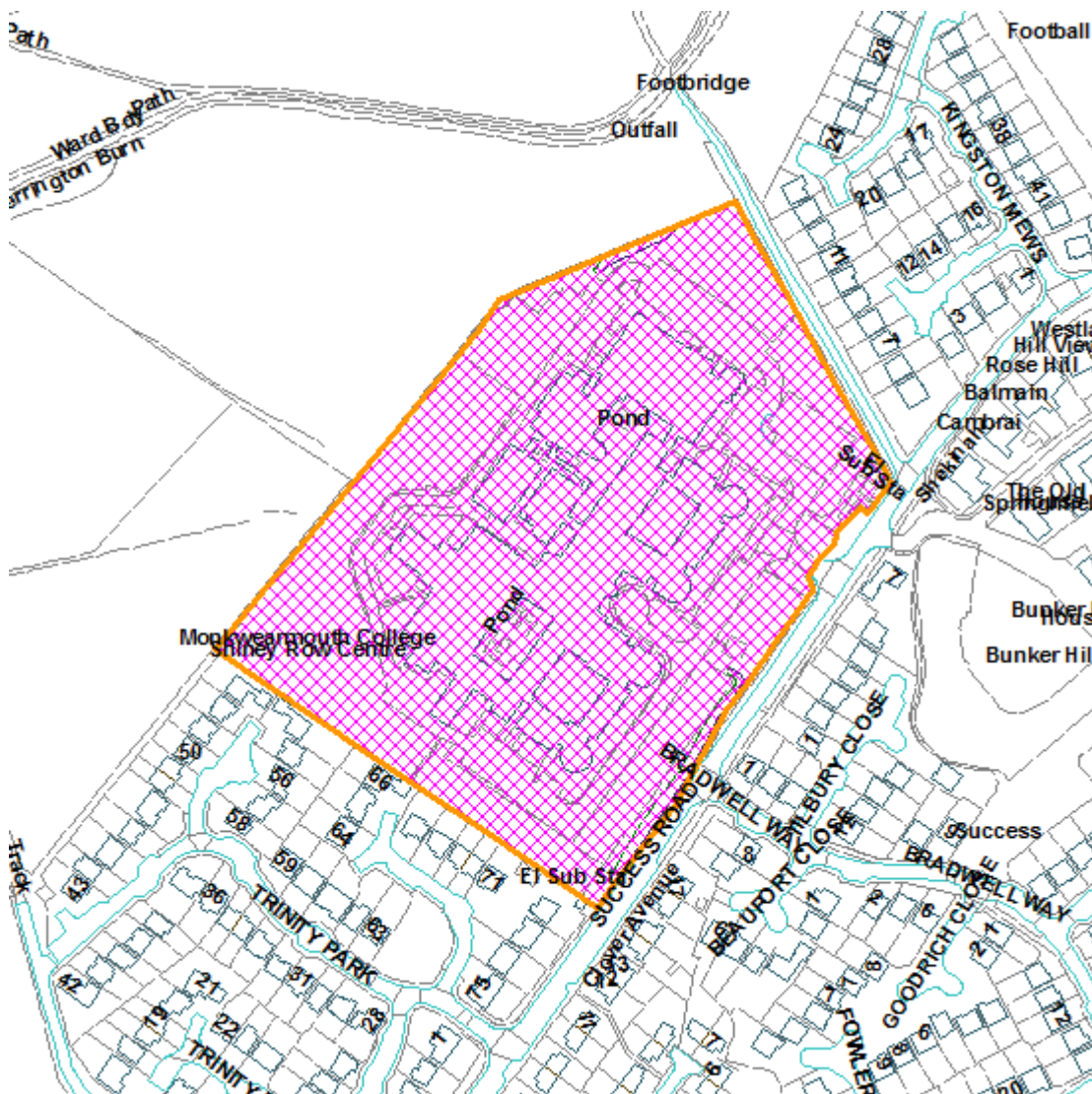
Reference No.: 16/01679/VAR Variation of Condition

Proposal: **Variation of condition 9 on approved planning application 14/00671/OUT to allow additional trees to be felled.**

Location: Shiny Row Centre Success Road Houghton-le-Spring DH4 4TL

Ward: Copt Hill
Applicant: Mr Neil Amour
Date Valid: 2 September 2016
Target Date: 2 December 2016

Location Plan



PROPOSAL:

The application under consideration in this report seeks permission for a variation of condition 9 of outline planning approval 14/00671/OUT in connection with the demolition of existing buildings and structures and the redevelopment for up to 144 dwellings and associated landscaping, access and other engineering works, at The Shiney Row Centre, Success Road, Houghton-le-Spring.

Members may recall that the outline application was approved at the Development Control (Houghton, Hetton and Washington) Sub-Committee dated 12.08.2014 subject to conditions and the sealing of a Section 106 Agreement.

Condition 9 of the outline approval states:

"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."

Information relating to the above was contained within the All About Trees Arboricultural Impact Assessment dated January 2013.

The subsequent Reserved Matters application was approved by Development Control (Houghton, Hetton, Washington) Sub-Committee dated 01.10.2015 for the erection of 128 dwellings and the developers Miller Homes) are currently on site.

The reduction in numbers from the original outline consent has seen a less dense form of development, however since commencing development on site it is noted that a request was made to undertake works to trees, previously identified for retention at the outline state, hence the current planning application.

The current proposal seeks to vary the previously agreed plan indicating works to existing trees by seeking the following:

- Felling of trees identified T40 and T41 all sited by the sub station.
- Remove west limb and crown lift T45.
- Central group T53, T57 and T59 to be felled.
- Crown lift and prune T61.
- Minor Alder group T66 and T67 to be felled.
- Top Leyland hedge G6.
- General husbandry to remaining trees to include lifting and balancing crowns.
- Replace tree next to T41.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Tyne And Wear Archaeology Officer
Environmental Health
Northumbrian Water
Network Management
Copt Hill - Ward Councillor Consultation

Final Date for Receipt of Representations: **19.10.2016**

REPRESENTATIONS:

Northumbrian Water Limited - No comment.

Network Management Section - No comment.

Third Party Representations - Two letters of objection were received from local residents of the Kingston Mews estate. Issues raised included the potential loss of privacy and needless loss of trees that could remain if trimmed.

With reference to the loss of privacy, following a site visit it is not considered that the trees identified for removal would lead to a significant reduction in privacy, with the trees identified being sited inside the existing tree screening running parallel with the eastern boundary enclosure. Furthermore, whilst it is acknowledged that the trees could be cut back and maintained in the future by potential occupiers, the overall appearance and condition of the trees are such that their retention is not considered to be essential in terms of amenity and ecological value.

POLICIES:

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

B2 Scale, massing layout and setting of new developments
CN17 Tree Preservation Orders and replacement of trees
CN22 Developments affecting protected wildlife species and habitats

COMMENTS:

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

- The principle of the development.
- The impact of the proposed variation upon the visual and residential amenity of neighbouring residential properties.
- Arboricultural and ecological implications.

The principle of the development.

The principle of developing the site to provide residential dwellings has already been established through the approval of application ref. 14/00671/OUT at the Development Control (Hetton, Houghton, Washington) Sub-Committee meeting on 12th August 2014. In determining the initial application, consideration was given to the principle of the development.

In assessing the merits of the proposed variation to the approved scheme, regards must be given to the guidance provided by the National Planning Policy Framework (NPPF). It sets out current Government planning policy and planning applications must be determined with regard to it. The NPPF outlines a series of 12 "core planning principles" which underpin plan-making and decision taking and are considered to contribute to the over-arching aim of delivering sustainable development. Particularly relevant in this case are the principles that the planning system should also seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

The relevant guidance of the NPPF as detailed above feeds into policy B2 of the City Council's saved adopted Unitary Development Plan (UDP) which are considered to be pertinent to the determination of this application.

The impact of the proposed variation upon the visual and residential amenity of neighbouring residential properties.

Policy B2 of the UDP 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 original outline consent provided the following remarks in terms of the trees on the site.

There are a number of trees located within the site boundary many of which are around the perimeter predominantly to the eastern boundaries. There are some trees that encroach further into the site and some located within two courtyard areas central to the school building. There are some level changes within the site (northern and southern boundaries in particular).

It will be necessary to remove some of the existing trees to facilitate the proposed development and to establish a higher level of arboricultural management for the site.

- o Trees 1-5, 9-12, 32-37, 39, 46-49, 54, 71, 77-80, 83-84, 86-90, 94-99, 101-102, 105-108, groups 1-3, 6-8 and 10.

- o Trees 14-17, 43, 76 and 104 should be removed due to structural defects and a limited safe useful life expectancy.

To mitigate the above removals new planting should take place throughout the site. Careful consideration should be given to all new planting positions to ensure the trees can grow fully into maturity without requiring major or regular pruning works. New specimens should not be positioned in close proximity to buildings, windows or utility services.

It will necessary to design two separate tree protection plans to cater for the differing requirements between construction and demolition. It will be necessary to realign the protective barriers at the intermittent stage of the development between demolition and construction

As with any construction exercise near trees, there are potential areas of conflict where damage could be caused to retained trees. By using the protective elements dictated by British Standard 5837, no significant damage should take place during the demolition or construction phase and the tree cover should flourish in the longer term.

It is anticipated that all of the retained trees can be incorporated into the site design; however, it is vital that the ultimate size and spread of the trees should be considered when retaining trees near to the building and that shading and light penetration should also be considered when positioning the windows in the building. All tree works must conform rigorously to BS 3998 (2010) 'Recommendations for Tree Work'.

Following the granting of the above consent and the subsequent reserved matters application which reduced the overall quantum on the site, it has been evidenced that the approved layout which can be delivered, will require constant maintenance to seven trees located in the rear/side gardens of plots 119, 122, 123 and 126. Further to a site visit with the site engineer and arboriculturist the seven trees earmarked for removal were assessed to establish the likely effects of their removal upon the neighbouring properties to the east on Kingston Mews and the visual amenity of the site.

In undertaken the assessment on site, it is notable that none of the identified trees provide the main screen planting along the eastern boundary of the site and that their potential removal would not lead to conditions prejudicial to residential amenity. Furthermore, with reference to the visual impact of the proposal, the trees are considered to be of low/moderate quality and as such would not warrant being covered by a Tree Preservation Order.

For the avoidance of doubt, the trees identified for removal are:

T40 Horse Chestnut - Moderate Quality.

T41 Beech - Low Quality.

T53 Norweigan Maple - Moderate Quality.

T57 Ash - Moderate Quality.

T59 Sycamore - Low Quality.

T66& T67 Alder - Moderate Quality.

In summary, the loss of the trees identified is not considered to lead to conditions prejudicial to either visual or residential amenity and their removal is considered to increase levels of amenity afforded to potential residents of the future properties in accordance with both national and local planning policy.

Arboricultural and Ecological Impacts.

Policy CN17 of the UDP relates specifically to the retention of trees and seeks to encourage their retention where they make a valuable contribution to an area by the making of tree preservation orders. Whilst Policy CN22 aims to protect animal or plant species afforded special protection by law.

With both policies in mind, the trees subject to this proposal have been assessed in terms of the visual quality with the five trees identified for removal ranging from low to moderate in terms of their visual quality. In light of this assessment, it is not considered that the trees either alone or as part of a group would warrant protection by placing a tree preservation order upon them. Furthermore, in assessing the individual species, each of the five trees identified for removal showed no evidence of bat roosts.

In light of the above, it is considered that the loss of trees would neither put at risk the safety of any protected species or habitats and also would not lead to a significant reduction in visual amenity.

The proposal is considered to be fully compliant with policies CN17 and CN22 of the UDP.

In conclusion, it is recommended that the removal of an additional seven trees to facilitate the development of plots 119, 122, 123 and 126 would not lead to a reduction in either visual or residential amenity of existing occupiers, furthermore in removing the identified trees prior to the occupation of the aforementioned plots, issues pertaining to future overshadowing, loss of light and structural damage will be mitigated, therefore providing an increased standard of amenity for future occupiers.

In assessing the individual species, it is recommended that the trees are not worthy of protection by imposing a Tree Preservation Order and none of the existing trees are seen as providing habitats to bats.

The proposal is therefore considered to be compliant with relevant UDP policies B2, CN17 and CN22 and Members are recommended to approve the application subject to the conditions listed.

Equality Act 2010 - 149 Public Sector Equality Duty

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

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

- 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 This sectionnoteType=Explanatory Notes has no associated discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

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

RECOMMENDATION: Approve subject to the conditions listed below:-

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which the original permission was granted (19th December 2014) to ensure that the development is carried out within a reasonable period of time.
- 2 Site Characterisation Unless otherwise agreed in writing by the Local Planning Authority development must not commence other than demolition works until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments.
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 3 Remediation Scheme: Unless otherwise agreed by the Local Planning Authority, development must not commence other than demolition works until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the

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

- 4 Implementation Remediation Scheme : The remediation scheme approved under Condition number 3 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimise, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 5 Unexpected Contamination : In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 3 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 4 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the approval in writing of the Local Planning Authority in accordance with condition number 5 (Implementation of Approved Remediation Scheme). If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks and in accordance with policy EN14 of the Unitary Development Plan.