

## **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/](http://www.sunderland.gov.uk/online-applications/)

Peter McIntyre

Executive Director Economy and Place

**Reference No.:** 18/00494/FUL Full Application

**Proposal:** **Change of use from storage (B8) to vehicle repair garage (B2) (retrospective).**

**Location:** 18 Warwick Terrace West Sunderland SR3 1AZ

**Ward:** Silksworth  
**Applicant:** Mr Jasbir Singh Khaira  
**Date Valid:** 11 April 2018  
**Target Date:** 6 June 2018

### Location Plan



## **PROPOSAL:**

### **SITE DESCRIPTION**

The retrospective application for a car repair garage affects the former storage building, no.18 Warwick Terrace West, associated with the convenience store at no.20 Lincoln Avenue. The site is located at the junction of Warwick Terrace and Lincoln Avenue, and is within a predominantly residential area, with semi-detached properties to the west of the site and terraced properties directly opposite.

### **PROPOSAL**

The application relates to the car repair garage within the former storage building, which has been operational since 09.02.13.

The information submitted with the application indicates that the business operates between the hours of 09:00 and 17:00 Monday to Friday and has 2.no full-time members of staff. There is currently room for one vehicle to be worked on within the building and one on the forecourt in front of the building.

The application has been accompanied by a noise assessment, produced by Noise Survey Ltd, the purpose of which is to consider the likelihood of noise from the proposed use of the site causing harm to the amenity of the area.

## **TYPE OF PUBLICITY:**

Neighbour Notifications

## **CONSULTEES:**

Environmental Health  
Network Management  
Silksworth - Ward Councillor Consultation

Final Date for Receipt of Representations: **12.09.2018**

## **REPRESENTATIONS:**

### **REPRESENTATIONS**

3 letters of representation have been received from the occupiers of 16 and 17 Somerset Street and 17 Warwick Terrace West. A representation has also been submitted by Councillor Patricia Smith. The following concerns have been raised by objectors:

- Work is being carried out on cars that are parked in side streets and at the junction of Warwick Terrace, causing a blind spot and blocking the path for pedestrians.
- Increased traffic generation at a busy junction.

The email from the Councillor Smith raised similar concerns to the residents, concluding that the use of the site for garage repairs is unsuitable and unfair to the residents living nearby.

## Council's Environmental Health team

The Council's Environmental Health officers have advised that the noise assessment undertaken by Noise Survey Ltd on the 23.07.18 identifies a significant adverse effect on the living conditions of nearby residential properties. They advise that a scheme of mitigation should be submitted detailing proposed measures to protect the amenity of nearby noise sensitive receptors.  
Council's Highways Team

No objections have been provided, but observations have been made in respect of the impact of parking associated with the development on the visibility at the junction of Warwick Terrace West and Lincoln Avenue.

The Council's Highway Team has, however, gone on to point out that of the accidents that have been reported at the junction, none have been associated with parked vehicles.

## **COMMENTS:**

### CONSIDERATION OF APPLICATION

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). 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 (GO-NE). Confirmation of the saved policies and the direction provided by the SoS was received on the 4th 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 Revised National Planning Policy Framework (NPPF) July 2018, particularly paragraph 213, dictates that due weight should be given to existing policies according to their degree of consistency with the framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The NPPF requires the planning system to contribute to the achievement of sustainable development. To this end Paragraph 127 requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users.

Paragraph 180 goes on to state that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life. Finally paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

The relevant guidance of the NPPF detailed above feeds into policies EN10, B2, EN5, T14 of the City Council's adopted Unitary Development Plan (1998), which are consequently considered to be pertinent to the determination of this application.

With regard to the abovementioned policy framework, it is considered that the main issues to address in the determination of this application are as follows:

1. principle of proposed development;
2. impact of development on the amenity and character of the locality;
3. impact of development on highway and pedestrian safety

#### 1. Principle of development

The development site is not allocated for a specific land use on the proposals map of the adopted UDP and as such, policy EN10 therein is applicable. This advises that all proposals for new development will be judged in accordance with the policies and proposals of the Plan. Where there is no specific land use allocation, the existing pattern of land use is intended to remain; new development proposals must be compatible with the principal use of the neighbourhood.

With regard to policy EN10's objectives, concern exists that the proposed use of the property as a car repair garage will not be compatible with the predominantly residential character of the area. Nevertheless, and notwithstanding any conflict with policy EN10's objectives, consideration must be given to all other relevant material considerations in order to determine the acceptability of the proposal. To this end, the merits of this particular use at the site will be considered below.

#### 2. Impact of development on residential and visual amenity

Policy B2 of the UDP sets out 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. Also relevant is policy EN5, which states that where development is likely to generate noise sufficient to increase significantly the existing ambient sound or vibration levels in noise-sensitive areas, the Council will require the applicant to carry out an assessment of the nature and extent of likely problems and incorporate suitable mitigation measures into the design of the development.

As stated earlier Paragraph 127 of the NPPF requires that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, and should offer a high standard of amenity for existing and future users.

Paragraph 180 goes on to state that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life.

As described previously, the application site essentially occupies a predominantly residential area. In fact the premises in question shares a boundary with the residential property of 17 Warwick Terrace West, the front corner of which is positioned only 3.5 metres from the north-west wall of the garage block.

Given the proximity between the two buildings, it is considered that the proposed use will cause significant harm to the amenity of residents of that property and other neighbouring dwellings by virtue of the creation of noise, disturbance and smells associated with vehicle repairs/servicing and the comings and goings of customers.

Furthermore, it is considered that the type and levels of activity generated by the proposed use would be significantly more intrusive than that associated with the previous storage area. To this end, the noise assessment undertaken by Noise Survey Ltd on the 23.07.18 has assessed the noise generated from equipment used on site including ramps, hand power tools, air compressors and hammering, and calculates a rating of +20 dB above background level. The

survey concluded that a rating level of 20dB over the background level represents a low likelihood of adverse impact in the context of the noise environment.

The Council's Environmental Health team have reviewed the findings of the survey and contrary to the conclusion provided by the author they consider that this level of noise would have a significant adverse effect on the nearest noise sensitive receptors (i.e. the nearest residential dwellings). It has been suggested that the applicant proposes a scheme of mitigation measures designed to limit the negative impact on the amenity of the nearest residential properties. It is envisioned that any mitigation measures would require the doors of the garage to be closed and no works to be carried out on the forecourt.

However, It is considered that these measures would not provide a workable or practical solution, for example requiring that the doors be closed at all times would not be feasible or reasonable to require in practice, and would in fact be difficult to enforce from a planning perspective. Given the absence any workable mitigation measures it is considered that the use of the property for garage repairs would have a significant adverse impact with regard to noise and so would unacceptably harm the amenity of neighbouring dwellings.

With regard to visual amenity the site is surrounded by residential properties and it is considered that the use of the former storage area for car repairs will result in significant visual intrusion in the form of vehicles parked upon the forecourt of the site whilst being repaired.

Given the concerns detailed above, it is considered that the proposed development would lead to conditions prejudicial to visual amenity and residential amenity. The development would therefore not accord with the objectives of paragraph 180 of the NPPF and policies B2 and EN5 of the Council's UDP.

### 3. Impact of development on highway and pedestrian safety

Policy T14 of the UDP states that new development proposals must not result in conditions which are prejudicial to highway and pedestrian safety. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

The Council's Highway team have provided comment in respect of the impact of parking associated with the development, on visibility at the junction of Warwick Terrace West and Lincoln Avenue. However they have provided no formal objection to the proposal and have gone on to point out that of the accidents that have been reported at the junction, none have been associated with parked vehicles.

With regard to the above comments, it is considered that the proposed development does not raise any significant concerns in relation to parking and highway safety, in accordance with the objectives of policies T14 and T22 of the UDP.

## CONCLUSION

With reference to the above, it is considered that the proposed use of the site does not give rise to any significant concerns regarding highway and pedestrian safety. The proposals do, however, give rise to significant concerns in relation to the character and amenity of the locality and in this regard, it is concluded that the visual intrusion and level and nature of activity associated with the proposed use would mean it is wholly incompatible with and harmful to the application site's

surroundings and the primarily residential context of the site. To this end, the proposal gives rise to outstanding concerns regarding noise generated by working on vehicles within the building and its forecourt.

With regard to the above, it is concluded that the proposal fails to comply with the requirements of policies EN10, B2 and EN5 of the Council's adopted UDP and the relevant paragraphs of the NPPF as referenced above. Consequently, it is recommended that the application is refused.

## **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 are recommended that the application be **REFUSED** for the following reasons:-

**Reasons:**

1 The proposed development is considered to be incompatible with the surrounding residential area as it would result in the creation of a level of noise and disturbance, through the comings and goings of vehicles and operations on the site, which would be of significant detriment to the living conditions of nearby residential properties. The proposal is therefore considered to be harmful to the residential amenity of the area and contrary to policies, EN10, B2 and EN5 of the UDP and Paragraphs 127 and 180 of the NPPF.

2 The use of the former storage area for car repairs will result in significant visual intrusion within the surrounding residential area, in the form of vehicles parked upon the forecourt of the site whilst being repaired. The proposed use would not, therefore, relate satisfactorily to its primarily residential surroundings and would appear uncharacteristic and incongruous within the streetscene, to the detriment of the visual amenity of the local area. The proposal is therefore contrary to policy B2 of the adopted Unitary Development Plan and paragraph 127 of the NPPF.



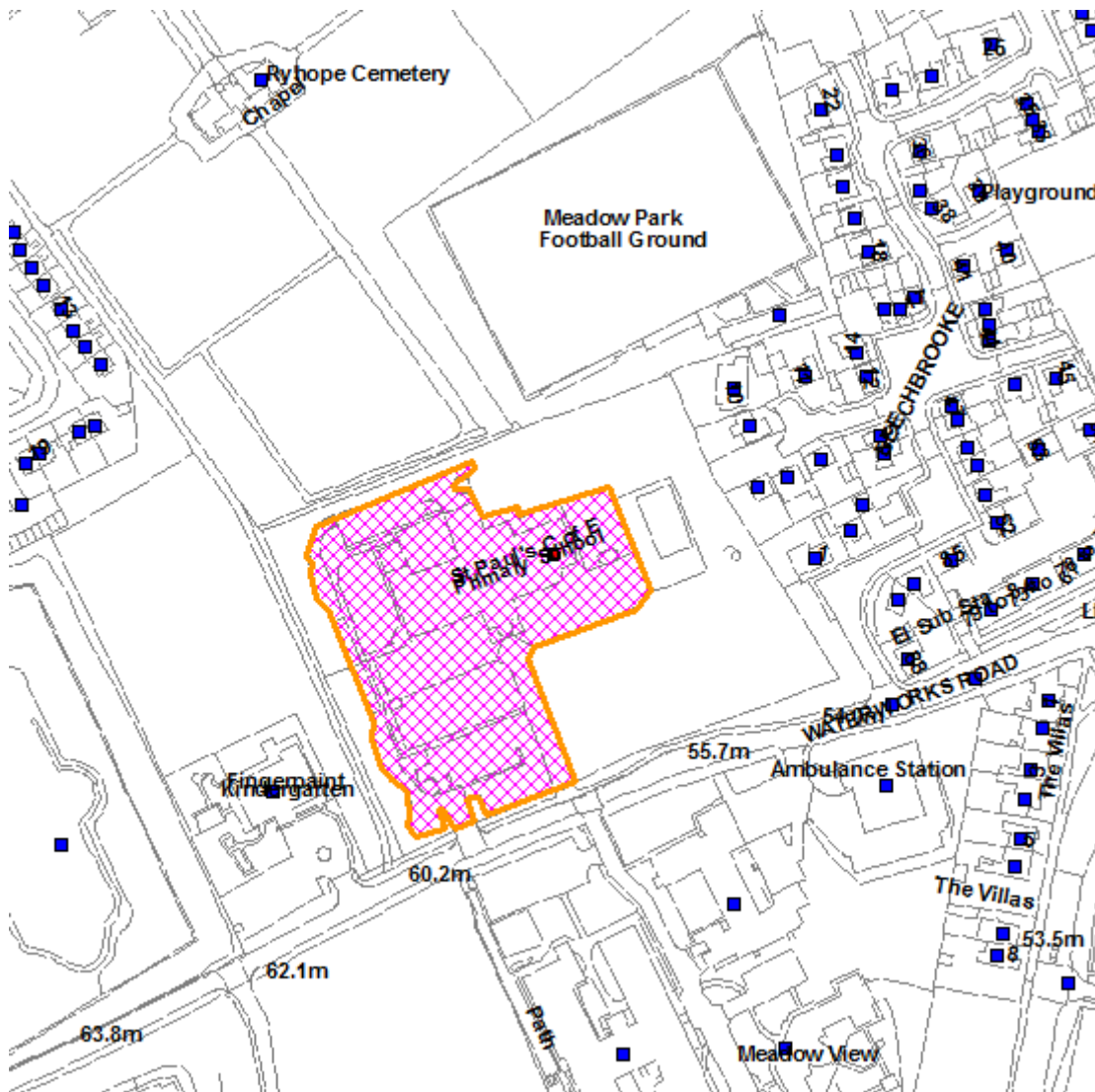
**Reference No.:** 18/00940/LP3 Local Authority (Reg 3 )

**Proposal:** **Erection of a single storey extension to the east elevation to provide 4 no. classrooms and associated toilets.**

**Location:** Saint Pauls C E Primary School Waterworks Road Ryhope Sunderland SR2 0LW

**Ward:** Ryhope  
**Applicant:** Sunderland City Council  
**Date Valid:** 30 May 2018  
**Target Date:** 25 July 2018

### Location Plan



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## **PROPOSAL:**

### **SITE DESCRIPTION**

The site to which this application relates is Saint Pauls C E Primary School on Waterworks Road within Ryhope. The host school is set within a substantial curtilage and is accessed from Waterworks Road to the south. In-curtilage parking is provided adjacent to the entrance and to the rear of the property. The wider school site is bordered by residential streets to the east, a cemetery to the north and hospital and museum to the south and west respectively.

### **PROPOSAL**

Planning permission is sought to erect a single-storey extension to the east elevation of the host school building to provide 4no. classrooms with associated toilets. The proposal would result in 9 additional members of staff and it will accommodate an additional 120 pupils.

The proposed extension has a gross internal floor area of 360.8sq.m and would be sited on the eastern facing elevation of the school. The extension would have a pitched roof to a height of 6.3m from ground level, and there would be windows incorporated within the north and south facing elevations, with doorways within all three elevations. The applicant notes that the design of the proposed extension and the materials to be used will replicate that of the main building. The extension is to be sited on an area of hard surfacing which incorporates a seating area to the south and an area of soft landscaping to the east, which is currently situated between the school and a multi-use games area (MUGA), located further to the east.

### **TYPE OF PUBLICITY:**

Site Notice Posted  
Neighbour Notifications

### **CONSULTEES:**

Sport England  
Ryhope - Ward Councillor Consultation

Network Management

Final Date for Receipt of Representations: **13.07.2018**

### **REPRESENTATIONS:**

No representations have been received from neighbouring occupants.

The Council's Network Management section confirmed that, with regard to the Council's normal parking standards, ample parking is provided on site for a school of this size and with its staff numbers. Nevertheless, it was asked that consideration be given to providing some additional parking to cater for visits to the school during the busiest periods of the day (particularly drop-off and pick-up times). There is, however, no objection to the proposals in their submitted form. Sport England provided no objection to the proposal as it would not fall within their statutory or non-statutory remit.

## COMMENTS:

### CONSIDERATION

The main issues to be considered in assessing the application are:

- the principle of the proposed development;
- the design and external appearance of the proposal;
- and any highway implications

#### Principle of Development

The site was originally allocated for new outdoor sports facilities under policy SA24 of the UDP however, this has been superseded by way of the planning permission granted for the erection of the school provided by application 00/00499/LAP on the 24.05.00. As the proposal relates to an extension to the existing school building, it is considered that the proposal is acceptable in principle.

The site is also governed by UDP Policy L7 which dictates that 'land allocated for open space or outdoor recreation...will be retained in its existing use. This includes playing fields attached to schools or other educational establishments. Permission for other uses on these sites will only be granted if:

- (i) alternative provision, of an equivalent scale, quality and accessibility is made...or,
- (ii) the development is for educational purposes; and,
- (iii) there would be no significant effect on the amenity, recreational and wildlife habitat value of the site.

The proposed extension would not affect land forming a (or part of a) playing pitch and would not compromise the usability of any existing pitch or any other sporting/ancillary facilities on site, as is confirmed by Sport England's consultation response. Furthermore, the site is not situated within a wildlife corridor, so it is not considered that the proposal would compromise the wildlife habitat value of the site. As such, the proposal also accords with UDP policy L7 in this instance.

#### Design and External Appearance

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

The proposed extension would not be prominently visible from any public vantage point and, although it could be viewed from the rear of the properties within Beechbrooke to the east, the extension would be located a minimum of 35m from the site boundary. Notwithstanding its limited visual impact, the pitched-roofed design of the proposed extension would also be in-keeping with that of the host main school building and the extension would be constructed using the same external materials as, the section of the existing building to which it would adjoin.

Consequently, it is considered that the proposal will not result in any significant harm to the visual or residential amenity of the locality, in compliance with the requirements of policy B2 of the UDP.

## Highway Issues

Policies T14 and T22 of the UDP specify that development should not cause traffic congestion or highways safety problems on existing roads whilst adequate provision shall be made for the parking of vehicles. Paragraph 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

The Councils UDP Supplementary Planning Guidance provides advice with regard to the number of parking spaces that should be available within schools and other educational establishments, it states that 1 parking space per member of staff should be made available on site.

With reference to the abovementioned parking standards, the Councils Network Management section confirmed that given that the proposed development will result in an additional 9 members of staff and 35 members of staff overall, the existing 51 spaces would allow ample parking on site. They did however, observe that at drop off and pick up times the car park gets full quickly, and they noted cars parked illegally along Waterworks Road and within the hospital's car park entrance.

Given the increase in staff and pupil numbers they suggested that it would be beneficial if the car park to the rear could be increased, or that additional lay-by spaces be installed on the access road leading to the rear of the school. These alterations would allow all staff parking to take place to the rear providing more parking to the front of the property for dropping off and picking up of pupils.

The applicant declined to provide these amendments as they believe sufficient spaces are currently available on site and that in comparison to more recent school constructions the site actually has a greater number of spaces available.

The Councils Network Management section confirmed that they have no objection to the proposal as it stands. Although they consider that the suggested amendments would be beneficial to operations at the school, they have confirmed that a refusal of permission on grounds relating to parking is not warranted, particularly given the limited periods of time during each school day when picking up and dropping off occurs.

With regard to the above comments, it is considered that the proposed development does not raise any significant concerns in relation to parking and highway safety, in accordance with the objectives of policies T14 and T22 of the UDP and paragraph 180 of the NPPF.

## Conclusion

For the reasons given above, the development is considered to be acceptable, in principle, and it is not considered that the subject extension would be detrimental to visual or residential amenity or highway and pedestrian safety, in accordance with policies B2, L7, T14 and T22 of the UDP and the relevant paragraphs of the NPPF as referenced above. Consequently, it is recommended that the application be approved.

## 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:**

Minded to **GRANT CONSENT** under Regulation 3 of the Town and Country Planning (General Regulations) 1992, 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 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Location plan, drawing number 0517015/ARCH/001, received 30.05.18
- Site plan as existing, drawing number 0517015/ARCH/010, received 30.05.18
- Site plan as proposed, drawing number 0517015/ARCH/011, received 30.05.18
- Site drainage as existing, drawing number 0517015/ARCH/020, received 30.05.18
- Site drainage as proposed, drawing number 0517015/ARCH/021, received 30.05.18
- GA floor plan as existing, drawing number 0517015/ARCH/200, received 30.05.18
- GA floor plan as proposed, drawing number 0517015/ARCH/201, received 30.05.18
- Roof plan as existing and proposed, drawing number 0517015/ARCH/202, received 30.05.18
- Extension building drainage as proposed, drawing number 0517015/ARCH/220, received 30.05.18
- Building elevations as existing, drawing number 0517015/ARCH/300, received 30.05.18
- Building elevations as proposed, drawing number 0517015/ARCH/301, received 30.05.18
- Extension elevations as proposed, drawing number 0517015/ARCH/310, received 30.05.18

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

3 Notwithstanding any indication of materials which may have been given in the application; the external materials to be used, including walls, roofs, doors and windows shall be of the same colour, type and texture as those used in the existing building, unless the Local Planning Authority first agrees any variation in writing; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

**Reference No.:** 18/01068/FUL Full Application

**Proposal:** **Erection of acoustic bund and associated landscaping.**

**Location:** Chapelgarth South Of Weymouth Road Sunderland

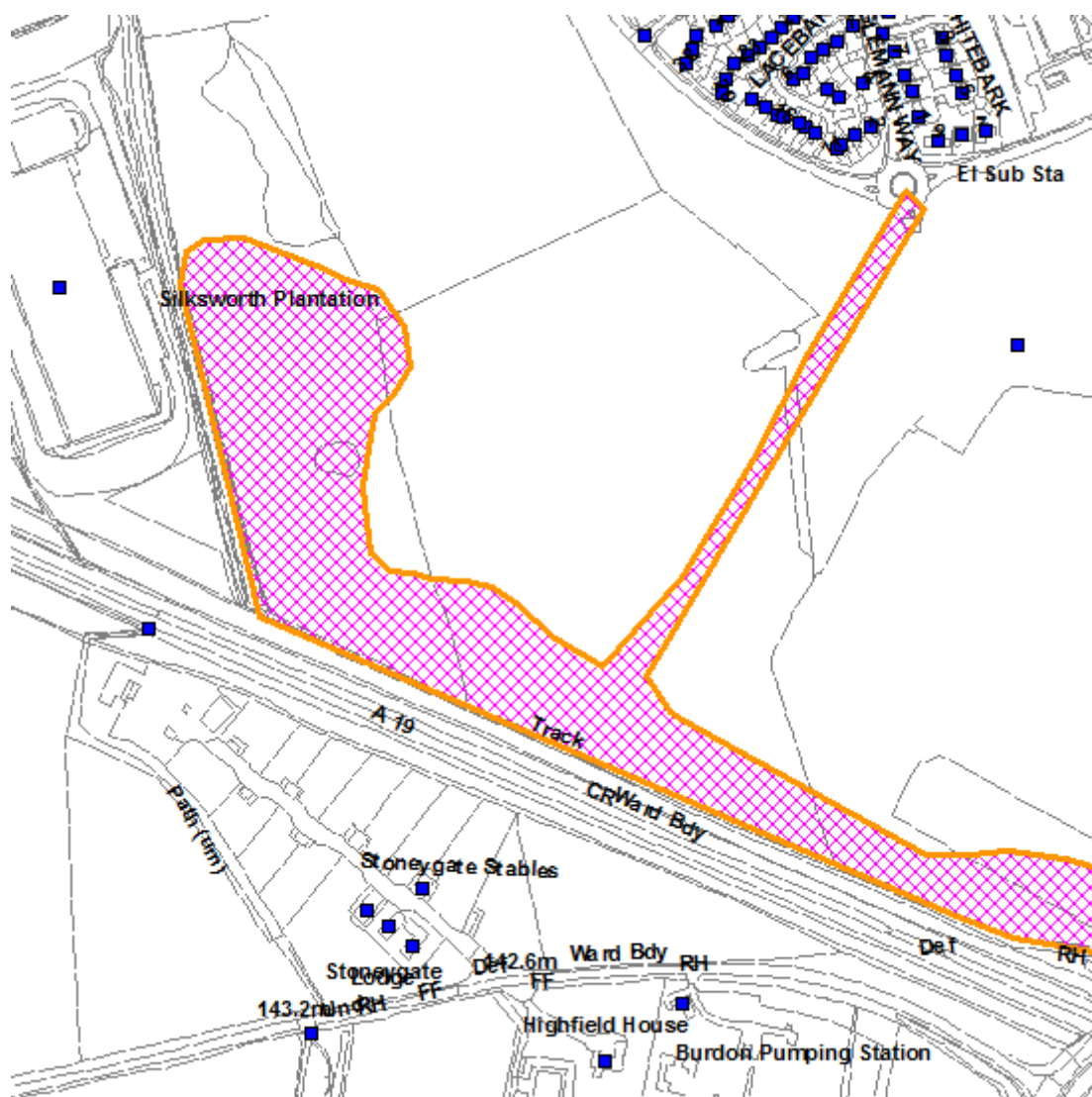
**Ward:** Doxford

**Applicant:** Siglion

**Date Valid:** 10 July 2018

**Target Date:** 9 October 2018

### Location Plan



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## PROPOSAL:

The proposal relates to the erection of an acoustic bund along the south-west boundary of the Chapelgarth site, Sunderland.

Members may recall that a hybrid planning application reference 16/00388/HY4 was approved by South Sunderland Development Control Sub-Committee and the decision notice issued 21.12.2016. The hybrid consent granted the following:

"Outline planning consent for up to 750no. residential units, public open space and internal road network along with up to 1000 square metres of ancillary commercial uses including retail (A1), financial and professional services (A2), restaurant and cafes (A3), Offices (B1) non residential (D1) and Assembly and Leisure (D2), together with associated landscaping and car parking. All matters apart from access to be reserved in relation to the outline elements of the proposals. The development also seeks detailed consent for a first phase of infrastructure which shall include the creation of a new protected right turn junction into the site off, Weymouth Road, landscaping and creation of attenuation ponds. All matters apart from access to be reserved in reserved to the outline elements of the proposals."

Condition 20 of the above hybrid planning permission stated that:

"Each application for reserved matters shall be accompanied by a compliance statement which explains how the reserved matters application meets the principles, parameters and rules provided in the Chapelgarth, Sunderland Design Code dated July 2016."

The current proposal represents a departure from the Design Code in terms of the acoustic fence design and specifically the removal of the trickle irrigation system, all other requirements of the design code are met. With this in mind, the current application is not a reserved matter but a full planning application.

The Eco Soundblock sustainable noise barrier is proposed to consist of a 2.5 metre high "living" green barrier planted into a 1.5 metres high raised earth bund. The proposed barrier features a green fleece fibre coating to support a natural living screen, attached to a framework comprised of trellis profiles, outer mats and vertical supports. The individual components are assembled on site without bolts or welding. The installed width of the barrier is 1200mm tapering as it reaches full height.

The proposed acoustic bund has been designed to protect the residential development at Chapelgarth from the acoustic effects of the A19 dual carriageway and is to be constructed in phases in line with the residential developments coming forward.

The development proposals have been assessed against the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and the screening opinion ref: 17/01443/SCR confirmed that the proposal did not constitute EIA development.

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

- Planning and Design Code Compliance Statement.
- Ecological Walkover Survey.



## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted

## **CONSULTEES:**

Environmental Health  
Network Management  
Flood And Coastal Group Engineer  
Tyne And Wear Archaeology Officer  
Southern Area Command - Police  
Sustrans  
Durham Wildlife Trust  
North Gas Networks  
Natural England  
Environment Agency

Final Date for Receipt of Representations: **14.08.2018**

## **REPRESENTATIONS:**

Environment Agency  
No objections to the proposal.

Natural England  
No comments.

County Archaeologist

The archaeological work on the development site is not yet finished, and it must be finished before the acoustic bund is created and the landscaping is carried out.

There are two preliminary archaeological trenches to dig in what the appointed archaeologists call area 3, six trenches to dig in area 6 and one trench on the site of Silksworth Moor Farm. If archaeological remains are found in these preliminary trenches, further archaeological excavation will be required.

In addition, there is an archaeological excavation required of prehistoric remains (a gully has been radiocarbon dated to the Iron Age between 696 and 397 BC) to further investigate the remains found in trench 5 in area 1.

With the above in mind, the County Archaeologist has recommended that should Members be minded to approve the application conditions be attached covering the following:

1. Archaeological Excavation and Recording.
2. Archaeological Post Excavation.
3. Archaeological Publication.

Northern Gas Network  
No objections to the proposal.  
Lead Local Planning Authority

No objections to the proposed bund in terms of flood risk, however additional information is sought with regards to drainage of the cycle lane. This information has been obtained and the findings summarised in a report for circulation.

#### Transportation Development Section

No objection.

The formation of the acoustic bund will be of benefit as the proposal will reduce the volume of material to be removed from site by HGV. This information should be reflected in the Construction Environment Management Plan.

#### Third Party Representations

No letters of representation were received.

### **POLICIES:**

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

B\_2\_Scale, massing layout and setting of new developments  
B\_11\_Measures to protect the archaeological heritage of Sunderland (general)  
B\_13\_Sites and monuments of local importance affected by development  
B\_14\_Development in areas of potential archaeological importance  
EN\_1\_Improvement of the environment  
EN\_5\_Protecting sensitive areas from new noise/vibration generating developments  
EN\_6\_Limit exposure of new noise/vibration sensitive developments to existing sources  
EN\_9\_Conflicts between proposed sensitive developments and existing non compatible uses  
EN\_12\_Conflicts between new development and flood risk / water resources  
CN\_17\_Tree Preservation Orders and replacement of trees  
CN\_18\_Promotion of nature conservation (general)  
T\_10\_Protect footpaths; identify new ones & adapt some as multi-user routes  
T\_14\_Accessibility of new developments, need to avoid congestion and safety problems arising

### **COMMENTS:**

The main issues to consider in the assessment of the current proposal are:

1. The principle of the development.
2. Appearance, landscaping, layout and scale.
3. Phasing and delivery.

#### The Principle of the Development.

The development site currently benefits from outline planning approval as part of the hybrid planning application (16/00388/HY4) subject to conditions, one of which included the requirement for any reserved matters application to submit a compliance statement aligning the development proposal along with the principles, regulatory plans, parameters and rules of the Chapelgarth Design Code. As previously mentioned the current proposal represents a departure from the Design Code in terms of the fence design and specifically the removal of the trickle irrigation system, all other requirements of the design code are met. With this in mind, the current application is not a reserved matter but a full planning application.

Notwithstanding the above, the application which has been submitted on behalf of Siglion has provided an updated compliance statement that has had regard to the requirements of the existing Hybrid consent and where necessary provided up-to-date supporting reports. Sections relating to noise, biodiversity, trees and hedgerows, landscape and visual, water resources and construction management have all been incorporated and are considered to be aligned to the requisite principles, plans, parameters and rules for the site.

Noise - In accordance with the mitigation measures highlighted in the Environmental Statement (ES) of the hybrid consent, the current proposal seeks to provide the requisite 4 metres high noise barrier along a section of the A19 to protect the southern-most proposed dwellings from excessive road traffic noise. Updated noise modelling dated 07.08.2018 by Cundall concludes that the current barrier design is likely to perform similarly to, or better than the previous version and as such it is considered that the current barrier solution is aligned with the ES mitigation requirements.

Biodiversity - The hybrid approval was supported by a raft of surveys. The surveys undertaken were:

- Phase 1 Habitat Survey;
- Bat Emergence and transect survey;
- Automated monitoring survey of bats;
- Brown Hare transect survey;
- Great Crested Newt survey;
- Badger, Otter and Water Vole survey;
- Breeding Birds survey; and
- Updated Breeding Birds and site walkover survey.

Given the above surveys were undertaken in 2015 the current proposal has been supported by an Ecological Walkover Survey that concludes the following:

"The proposed works do not pose any risk to protected species, provided they are undertaken outside the bird breeding season, which is coming to an end at the time of writing. Any works involving clearance of vegetation, including grassland, should be completed before mid-march at the latest. The proposed works do not require the felling or works in close proximity to any trees identified as having a risk of supporting a bat roost."

Trees and Hedgerows - The biodiversity chapter of the ES identified a total of 97 individual trees and 14 tree groups across the wider site. There are no trees within this planning application area. Landscape and Visual - As part of the landscape and visual impact assessment (LVIA) a number of mitigation measures were identified with the aim of influencing the design development. Mitigation of impacts on the site's tranquillity by the way of an acoustic bund and buffer is proposed as part of the hybrid approval. The bund proposed is therefore aligned with the conclusions of the LVIA.

Water Resources - Although there are no attenuation basins proposed as part of this phase of the site, the red line boundary associated with this application covers the area in which the basins are located as well as a corridor connecting the two parts of the site. This enables construction traffic to move material between the two areas in order to construct the acoustic bund.

Construction Management - The proposal has been developed to align with the construction environment management plan for the larger hybrid approval, therefore allowing the movement of earth from the area of the attenuation pond construction to the proposed location of the earth bund.

Turning to the matter of the departure from the approved design code, the removal of the trickle irrigation system has been subject to considerable discussion to ensure the proposal would stand the test of time and maintain a healthy appearance.

In summary the proposed acoustic barrier option is considered to provide significant benefits and advantages over and above the original hybrid consent:

**Sustainability:** The Eco Soundblock Sustainable Noise Barrier requires less irrigation equipment to be installed, and therefore from a phasing and implementation perspective, allows the bund to be constructed in phases as the housing sites come on stream.

**Maintenance:** The Eco Soundblock Sustainable Noise Barrier requires a more straightforward maintenance regime and does not require a fully engineered and constructed system of piped water to the site.

**Design:** The Eco Soundblock Sustainable Noise Barrier requires no foundations, is graffiti resistant, and provides a living wall on both sides, and across its entire surface area. In light of the general conformity of the compliance statement, it is considered that the current proposal is in accordance with the design code and as such the principle of locating residential development on the site is established.

Appearance, Landscaping, Layout and Scale.

The National and Planning Policy Framework (NPPF) published in July 2018 sets out the Government's planning policies and how these are expected to be applied. The NPPF advocates a presumption in favour of sustainable development and seeks to boost the supply of housing. Section 12 of the NPPF relates to achieving well designed places. Paragraph 124 states in part that:

"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy B2 of the saved adopted Unitary Development Plan (UDP) requires that:

"The scale, massing, layout and setting of new developments and extensions to existing to buildings should respect and enhance the best qualities of nearby properties and locality and retain acceptable levels of privacy, large scale schemes creating their own individual character should relate to adjoining areas."

Policy B2 is therefore relevant to the consideration of this application. In addition to the above, Sunderland's Residential Design Guide is a Supplementary Planning Document (SPD) which provides a set of guidelines that seek to ensure a high standard of residential development within Sunderland. The current proposal has been master planned, and underpinned by a comprehensive design code and design and access statement at the hybrid stage. The current submission provides a comprehensive compliance statement for the development of the acoustic bund.

The Eco Soundblock Sustainable Noise Barrier acoustic barrier is proposed to consist of a 2.5 metres high "living" green barrier planted into a 1.5 metre high earth bund. The proposed barrier features a green fleece fibre coating to support natural living screen that is anticipated to blend in to the natural environment as the planting grows and matures.

The bund accords with the design code and has been designed to provide the required acoustic mitigation and provide a visual interest to the southern boundary of the site.

With regards to the landscaping, a significant proportion of the 3.2 hectares site consists of public open space and landscaping which accommodates the residential element of the Chapelgarth scheme's Suitable Alternative Natural Greenspace (SANG). Green infrastructure will be provided including Sustainable Urban Drainage System (SUDS) and tree planting to comply with the Design Code requirements.

The proposed layout has been informed by the masterplan and the route of the bund defined by the supporting noise surveys that have modelled to ensure maximum protection from the acoustic impacts of the A19 dual carriageway, whilst improving existing pedestrian and cycle connectivity. Access to the site's multi-user path is to be controlled via an A-Frame for cycle access, a Double Buggy Hoop for pushchairs, a Bridle Gate for equestrian access, and a vehicle gate for temporary field access. Each element complies with the design code for the larger residential development. The scale of the acoustic barrier proposal has been defined by the technical studies which were undertaken in the form of acoustic modelling. The modelling informing the design of the barrier and the proposed final design has been tested by way of the Noise Modelling Noise Bund Update. The barrier is proposed to be four metres in overall height, and is proposed to extend for an overall length of approximately 580 metres. Comments are awaited from the Public Protection and Regulatory Services Section confirming the findings of the modelling and it is anticipated that this will be provided in a report for circulation to this report.

In conclusion, the matters relating to appearance, landscaping, layout and scale are all in accordance with the previously approved design code and whilst a technical engineering process of installing an irrigation system throughout the site has been removed, the aesthetics and visual appearance of the landscape are to be retained as originally designed.

The proposal is considered to comply with relevant NPPF and UDP policies.

## Phasing and Delivery

This particular phase of the wider Chapelgarth development, is inherently linked with the approved hybrid planning application and has been submitted to ensure that once development commences on the phase 1 infrastructure works, namely the landscaping and attenuation ponds, any earth that needs to be redistributed around the site can form the basis for the 1.5 metre high earth bund.

The implementation of the acoustic barrier bund and the attenuation basins on site at the same time, significantly reduces the impact of the development site on the local residential population, whilst ensuring the local highway network is not subject to the removal/delivery of top soils and machinery.

In terms of delivery, it is anticipated that the earth bund will be constructed and then when the appropriate phase of the housing development comes on stream the relevant section of the living barrier will be installed.

Ensuring delivery of the fundamental pieces of infrastructure within the site, whilst minimising the impact of the development on surrounding communities is key to achieving a well-designed place. Paragraph 124 of the NPPF states in part:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential to achieving this."

## **Conclusion**

The principle of the proposal has been previously approved via hybrid consent ref:16/00388/HY4 and as such is considered to be acceptable.

The proposed scale, layout, appearance and landscaping relating to the current planning submission are considered to be acceptable, in accordance and generally compliant with the hybrid consent and accompanying design code parameters, rules and regulatory plans and therefore aligned with the relevant policies contained within the UDP and Residential Design Guide SPD.

Whilst the current proposal is seeking full planning consent and in the interest of proper planning, it is recommended that the relevant conditions imposed upon the hybrid approval shall be transposed to this proposal should Members be minded to grant consent in the interest of continuity and to ensure a satisfactory form of development.

Notwithstanding the comments to be reported by the Public Protection and Regulatory Services Section relating to the noise modelling of the proposal in a report for circulation, it is considered that the acoustic barrier proposal has clearly demonstrated alignment with the hybrid approval and the provision of a good quality design, tailored in compliance with the Chapelgarth, Sunderland Design Code.

## **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 be **Minded to Approve** subject to satisfactory comments being received from Public Protection and Regulatory Services and subject to the following draft conditions:-

#### **Conditions:**

1 The development of the acoustic bund and associated landscaping hereby permitted shall begin no later than three years from the date of this permission and shall be fully operational for each individual phase of the development prior to the occupation of any residential properties sited within each phase.

#### **Reason:**

To comply with the requirements of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure the development is carried out within a reasonable period of time.

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

- Drawing No. L-1515-EXP-001 Rev 05, received 10.07.2018, Location Plan.
- Drawing No. L-1515-GAS-004 Rev 06, received 10.07.2018, Sections illustrating landform change.
- Drawing No. L-1515-ASP-006 Rev 06, received 10.07.2018, Detailed Landscape Plan, Western.
- Drawing No. L-1515-ASP-007 Rev 05, received 10.07.2018, Detailed Landscape Plan, Central.
- Drawing No. L-1515-ASP-008 Rev 05, received 10.07.2018, Detailed landscape Plan, Eastern.

- Drawing No. L-1515-PPP-010 Rev 05, received 10.07.2018, Detail Planting Design.
- Drawing No. L-1515-DES-012 Rev 05, received 10.07.2018, Acoustic Bund Works, Typical Details.
- Drawing No. L-1515-DES-013 Rev 04, received 10.07.2018, Acoustic Bund Works, Typical Details, Multi-user path.
- Drawing No. L-1515-GAP-013 Rev 04, received 10.07.2018, Acoustic Bund and Multi-user way access control.
- Drawing No. L-1515-DES-014 Rev 03, received 10.07.2018, Acoustic Bund Works, Stepped access to multi user path.
- Drawing No. L-1515-GAP-014 Rev 03, received 10.07.2018, Acoustic Bund, SANG Circulatory Route.
- Drawing No. L-1515-DES-015 Rev 03, received 10.07.2018, Acoustic Bund Works, Typical Details.
- Drawing No. L-1515-DES-016 Rev 04, received 10.07.2018, Acoustic Bund Works, Typical Soft Details.
- Drawing No. L-1515-DES-017 Rev 03, received 10.07.2018, Acoustic Bund Railing Detail.
- Drawing No. L-1515-DES-019 Rev 03, received 10.07.2018, Typical Parkland Tree Protection.
- Drawing No. L-1515-DES-020 Rev 03, received 10.07.2018, Typical Bench with Tegula Paving detail.

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 The development hereby approved shall be carried out in full accordance with the Flood Risk Assessment for Siglion Developments LLP dated 01.03.2016 - Cundall, unless otherwise first agreed in writing by the Local Planning Authority.

Reason:

In order to prevent the increased risk of flooding from any source in accordance with paragraph 163 of the NPPF dated July 2018 and Policy EN12 of the saved Unitary Development Plan.

4 The development hereby approved shall be carried out in complete accordance with all recommendations set out by the submitted Arboricultural Impact Assessment, Tree Protection Plan Acoustic Bunding dated 31.07.2017 and the Arboricultural Method Statement, Tree Protection Plan, Acoustic Bunding dated 31.07.2017. No development shall commence within this phase of the development until all tree protection measures required for that phase of development as set out by this assessment have been fully installed and all tree protection measures shall remain in place until the development is complete.

Reason:

In order to ensure that no damage is caused to trees during construction work and to comply with policy CN17 of the saved adopted Unitary Development Plan

5 All vegetation clearance works shall be undertaken outside of the bird nesting season of mid March to August inclusive. If it is considered necessary to undertake the works during the bird nesting season, the site will require an inspection by a suitable qualified ecologist immediately prior to works commencing on site. If active sites are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected.

Reason:

In order to ensure a satisfactory form of development and to comply with policy Cn18 of the saved adopted Unitary Development Plan.



6 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 199 of the NPPF dated July 2018 and saved adopted Unitary Development Plan policies B11, B13 and B14.

7 The buildings within each Reserved Matters area shall not be occupied/brought into use, until the final report of the results of the archaeological fieldwork undertaken in pursuance of condition 6 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 199 of the NPPF dated July 2018 and saved adopted Unitary Development Plan policies B11, B13 and B14

8 The buildings within each Reserved Matters area 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 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 199 of the NPPF dated July 2018, and saved adopted Unitary Development Plan policies B11, B13 and B14.

9 No construction work shall take place on the acoustic bund development including any remediation works or civil engineering works, until a site specific Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting.

The plan should include, but not be limited to:

1. Procedures for maintaining good public relations including complaint management, public consultation and liaison;
2. Arrangements for liaison with the Council's Public Protection and Regulatory Services Section.
3. Mitigation measures as defined in BS 5528: Parts 1 and 2 : Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
4. Hours of construction, including deliveries;
5. Control measures for dust and other air-borne pollutants;
6. Siting and set up/establishment of site compound area;
7. Measures for controlling the use of the site lighting whether required for safe working or for security purposes;
8. Erection and maintenance of security hoarding
9. Operation, loading and unloading of plant and materials;
10. Storage of plant and materials used in constructing the development;

11. Wheel washing facilities;
12. Parking of vehicles of site operatives, delivery vehicles and visitors;
13. Location and containment of redistributed earth mounds.

Reason:

In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved UDP policies EN1, EN5, EN6, EN9, B2 and T14.

10 Notwithstanding the submitted plans, no above ground construction shall take place until a management and maintenance plan has been submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt the management plan should cover the following.

- (a) details of how the footways will be maintained and repaired at all times;
- (b) details of general bin emptying;
- (c) fly tipping or excess waste removal;
- (d) snow clearing and gritting;
- (e) maintenance and repair of hard landscaping areas;
- (f) maintenance and repair of footway lighting;
- (g) details of how pedestrian/cycle routes through the development will be kept safe for pedestrian/cycle use and how they will be maintained;
- (h) weed control;
- (i) maintenance of soft landscaping areas including weeding, watering, fertilizing, replacement of failures, trimming and pruning of trees and shrubs, grass cutting, removal and replacement of seriously damaged, diseased or dead trees and maintenance of water features;
- (j) provision and maintenance of signage for both pedestrian/cycle routes and the SANG;
- (k) seasonal maintenance (e.g. leaf clearance);
- (l) provision and maintenance of street furniture, seats, litter bins and bollards;
- (m) any other information in relation to the management, maintenance and/or repair of the privately maintained areas as may be required by the Council (acting reasonably)

Reason:

In the interest of the visual amenity and highway safety and to comply with policies B2 and T10 of the saved adopted Unitary Development Plan.

11 No construction work shall take place in any phase of the development, including any remediation works or civil engineering works, until details of the routing of the construction traffic vehicles arriving and leaving the site have been submitted to and approved in writing by the Local Planning Authority and implemented as such thereafter.

Reason:

In the interest of residential amenity and highway safety and to comply with policies B2 and T14 of the saved adopted Unitary Development Plan

12 No development shall be undertaken until a detailed noise and vibration assessment has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the assessment shall identify construction methodology likely to generate the highest level of vibration.

Reason: In order to protect the amenities of the area and ensure a satisfactory form of development and to comply with saved adopted Unitary Development Plan policies EN1, EN5 and EN6.

**Reference No.:** 18/00485/FDC Full PP and DEM in a Conservation Area

**Proposal:** Conversion and change of use of existing school building to provide 15no. apartments with associated parking, includes demolition of existing outbuildings and alterations to front boundary wall.

**Location:** Sunderland Church High School Mowbray Road Sunderland SR2 8HY

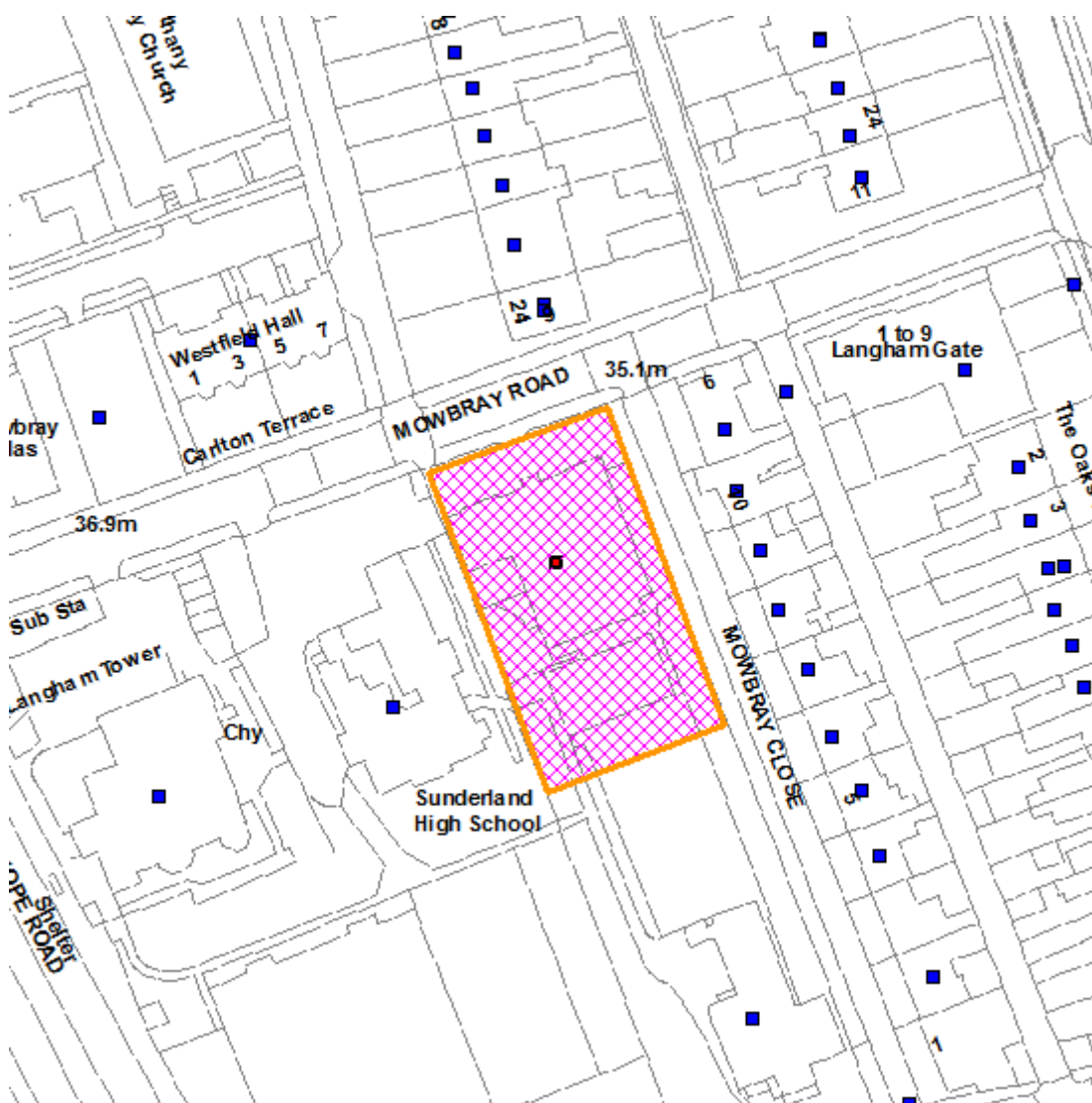
**Ward:** Hendon

**Applicant:** Clearwater Developments

**Date Valid:** 19 April 2018

**Target Date:** 19 July 2018

### Location Plan



## **PROPOSAL:**

The application being considered is for the conversion of the former original school building of Sunderland Church High School, St Cuthbert's Hall into 15 no. apartments. The apartments themselves comprise of 2 no. 1 bedroom apartments and 13 no. 2 bedroomed apartments, 6 of which are of a duplex format, which is achievable due to the very large existing room sizes and ceiling heights. To the rear some unattractive flat-roofed extensions and pre-fabricated structures are to be demolished in order to facilitate on-site parking for residents, together with landscaped grounds for which to them to enjoy.

The building was constructed in 1887 and is located within the Ashbrooke Conservation Area. It is of particularly high heritage significance and sensitivity, being located within a very distinctive and characteristic part of this Conservation Area, and within the settings of 2 listed buildings. The most significant of these is the architecturally flamboyant and visually prominent Langham Tower, the Arts and Crafts style of which is clearly influenced by Norman Shaw's Cragside. Carlton House is the other listed building directly adjacent the application site, built in a more restrained domestic Jacobethan style but unusual in its local historic context its style and appearance quite unlike any other building in the Conservation Area.

Whilst St Cuthbert's Hall itself is unlisted, it is nonetheless an attractive building in its own right that makes a positive contribution to the conservation area. St Cuthbert Hall, Langham Tower and Carlton House together with their large grounds formed what was the Sunderland High School site until its recent closure in 2016 and the individual plots sold to private developers. Members may recall an application for the land to the rear, 17/01761/FUL for the construction of a 57 no. unit Extra Care Facility which was approved at the meeting on 04 June 2018.

The application has been advertised accordingly by way of site and press notice and neighbour notifications.

## **TYPE OF PUBLICITY:**

Press Notice Advertised  
Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

Hendon - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Flood And Coastal Group Engineer  
Fire Prevention Officer  
Southern Area Command - Police  
Tyne And Wear Archaeology Officer  
Hendon - Ward Councillor Consultation  
Network Management  
Environmental Health  
Northumbrian Water  
Flood And Coastal Group Engineer

Fire Prevention Officer  
Southern Area Command - Police  
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **22.05.2018**

## **REPRESENTATIONS:**

### Public Consultation

One letter was received as a result of the neighbour notification exercise expressing concern at the number of apartments that already exist in the city.

### Consultees

With regards Statutory consultees, the following comments / observations were received:-

### Northumbrian Water

No comments to make

### County Archaeologist

Having read the Historic Building Recording Report, which accompanies the application, the County Archaeologist is satisfied that this provides a thorough archive record of the property as-is and as such, no further archaeological work is required.

## **POLICIES:**

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

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

B\_4\_Development within conservation areas

B\_6\_Measures to preserve and enhance conservation areas

EN\_1\_Improvement of the environment

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood

EN\_12\_Conflicts between new development and flood risk / water resources

H\_18\_Proposals for provision/ conversion of dwellings for multiple occupation

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

T\_22\_Parking standards in new developments

## **COMMENTS:**

In determining this application, the key issues to consider are:-

- Habitat Regulations Assessment (HRA) / Ecology
- Principle of Development
- Design / Impact upon Listed Buildings and Conservation Area
- Residential amenity.
- Highways and car parking.
- Flood Risk and Surface Water Drainage
- Land Contamination.
- Planning Obligations.

## Habitat Regulations Assessment (HRA) / Ecology.

The United Kingdom is bound by the terms of the Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation regulations which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SAC's) designated under the Habitats Directive, and Special Protection Areas (SPA's) designated under the Birds Directive. Collectively, these are termed European sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated. A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The LPA, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site. Policy CN19 of the UDP requires the protection of designated and proposed European and Ramsar sites and accordingly, a HRA Screening Opinion accompanies the application. The information submitted concludes that the proposals would not impact upon species or habitats in common with those listed for the Ramsar, SAC and SPA sites and on this basis, the scheme can be screened out from proceeding to full Appropriate Assessment under the Habitats Regulations.

In wider ecological terms, the Ecological Impact Assessment and emergence survey that has been undertaken consider the site to be of a low risk for use by roosting bats or breeding birds. The Council's Ecologists have accordingly advised that the proposals to provide a commensurate range of mitigation and enhancement measures are acceptable, provided appropriately worded conditions are imposed in respect of the following, should Members be minded to approve the application:-

- Tree protection measures during construction to be agreed
- Protection measures for breeding birds during construction to be agreed
- A landscape and management plan to be agreed
- A lighting design strategy for biodiversity, in light of the installation of bird, bat and mammal boxes to be agreed

## Principle of Development

On a national level, the NPPF sets out the Government's planning policies for England and how these should be applied. Paragraph 7 explains that the purpose of the planning system is to contribute to the achievement of sustainable development; i.e. meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 38 then advises that Local Planning Authorities should approach decision making in a positive and creative way and should seek to approve applications for sustainable development where possible. Chapter 12 relates to achieving well designed places and advises that planning should always seek to ensure that developments "will function well and add to the overall quality of the area" and "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" "with a high standard of amenity for existing and future users" Paragraph 130, meanwhile, states that "planning 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".

Chapter 16 of the NPPF is also particularly relevant in the consideration of the merits of the proposals, as this relates to conserving and enhancing the historic environment. Paragraph 192 therein states that in determining planning applications, local planning authorities should take account of:

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

NPPF paragraph 200 (opportunities for new developments in conservation areas and within the settings of listed buildings to enhance or better reveal their significance) is also relevant.

From a local perspective, the site of the High School is not allocated for any specific land use in the Unitary Development Plan (UDP) and as such, is subject to policy EN10. This policy dictates that where the UDP does not indicate any proposals for change, the existing pattern of land use is intended to remain. Therefore, proposals for development in such areas must be compatible with the principle use of the neighbourhood. Also, from a housing-specific perspective, local policies H1 and H4 are of particular relevance. These seek to secure the re-use of vacant and derelict land wherever possible by permitting developments which reflect the density and character of the area. . To conclude in very general terms therefore, the re-use of the land for residential purposes in a predominantly residential area is indeed acceptable in principle.

The Ashbrooke Conservation Area Character Study SPG is a further key guidance document that is a material consideration in the appraisal of the proposals, which are considered in more detail below:-

#### Design/ Impact upon Listed Buildings and Conservation Area

On the whole the scheme demonstrates a sensitive approach to the conservation and adaptation of the historic building. Externally the appearance of the building will be improved somewhat, by the removal of the unattractive modern rear outbuildings. These currently detract from the character of this part of the conservation area and the settings of the adjacent listed buildings of Carlton House and Langham Tower. Once removed, the proposals show the resultant land being set out to facilitate on-site parking for residents, together with landscaped grounds for which to them to enjoy. As such, the opening up of this space in this manner is considered to be appropriate and more akin to the open appearance that the land would have had originally, when it would have served as a garden area to the premises.

Following site meetings and discussions with the applicants, clarification has also been sought over the retention of the existing timber sliding sash windows, which were originally identified as to be removed. Officers were concerned over this as many of the windows are in good condition and are capable of being retained and refurbished and, if so desired, upgraded, via the introduction of secondary glazing which could improve energy efficiency and comfort levels. The applicant has now agreed to retain these original timber sliding sashes wherever possible, which are a highly significant feature of the building and wider conservation area. Details of any repair or refurbishment of these windows will have to be agreed in advance with officers, which can be achieved via the imposition of an appropriately worded condition, should Members be minded to approve the application. Externally the only other additions proposed are limited to the addition of conservation rooflights to the front roof plane, and glazed balconies to the modern dormers to the rear, which are only considered to have a negligible impact upon the historic building.

Initially, the scheme did also propose the addition of a railing to the front boundary wall, which would have only been considered as being acceptable if the traditional method of fixing each rail into the coping were to be used, as per how railings would have been originally fixed. However, following a reappraisal of the scheme by the applicants, this feature has now decided to be omitted, which whilst regrettable, is not something specifically that would prevent the scheme from going ahead.

Internally, many important features survive most notably the grand staircase, several fireplaces, decorative stained glass windows, and cornices and skirtings throughout much of the building. The most impressive room in the building is the large hall to the first floor, which features an impressive timber panelled roof. Whilst it is disappointing for this space to be subdivided, the proposed mezzanine arrangement of the apartments will at least retain some views of the ceiling so that its spatial qualities can still be appreciated. Elsewhere, on the whole the conversion of the interior into apartments respects the historic floorplan as far as practically possible.

Overall, the proposals are considered to enhance the character and appearance of Ashbrooke Conservation Area and the settings of nearby listed buildings through the conservation and sustainable re-use of a key and attractive historic building and the removal of unattractive later additions to better reveal its significance. The proposals therefore accord with NPPF paragraphs 192 and 200 and are thus acceptable, subject to clarification and full details of the chosen approach towards the timber sliding-sash windows as explained earlier.

#### Residential amenity.

Policy B2 of the UDP dictates that 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. As an expansion of the requirements of UDP policy B2, the Council has produced the Residential Design Guide Supplementary Planning Document (SPD), which sets out the relevant spacing standards and design criteria. In terms of the inter-relationship between the site and surrounding properties, the proposed use of the building as residential apartments will not result in any reduction of the separation standards that already exist as no new-build is proposed. Furthermore, as explained earlier in the report, the prevailing character of the area is residential and as such, it is not considered that the amenities of existing residents will be adversely affected. With regards the amenities of the proposed occupiers, these too are considered to be acceptable with the apartments all being of a good size, and their also being outdoor amenity space provided.

It is noted that an objector has raised concern that they consider there to be too many apartments already in the city and that no more should be allowed, particularly in this area, where certain types of accommodation has been restricted by virtue of an Article 4 Direction. These restrictions however only restrict the change of use of residential dwellings (C3) to houses in multiple occupation (C4) and as such is not relevant in the determination of this application. The proposal is considered to bring many benefits, most importantly, securing the sustainable future of an impressive building within the Conservation Area and also providing much-needed additional accommodation within an attractive setting. Furthermore, following discussions with the applicants, Officers have visited another development that they have recently completed nearby at the Centenary Building (17/00360/FDC) which has been finished to a high specification and quickly sold on the open market. The applicants see the current proposal as providing an even better offer and will be a desirable proposition for home owners once complete.

As such, it is not considered that the conversion of the building into apartments will give rise to any harm to the amenities of existing residents nor the potential occupiers and is considered to be in accordance with the relevant UDP Policies and guidelines in this regard.



## Highways and car parking.

The amended layout provides 24 no. parking spaces for this development, however only 20 no. spaces are actually required. This is considered acceptable in this instance as due to the proposed high quality of accommodation to be offered, it is likely that some units may own more than one vehicle. This provision is also considered to provide sufficient allowance for visitor parking. Outwith the car parking area, the existing vehicular access is shown as being widened for two way traffic, to a minimum of 4.2 metres wide. This will also require a sign & pole to be re-located in the footway and possibly alterations to the street lighting layout. Such works are also considered as being acceptable and would be undertaken under Section 278 Agreement with the Council, in its capacity as highways authority. With the above in mind, the proposal is considered as being acceptable and in accordance with UDP Policy T14.

## Flood Risk and Surface Water Drainage

Paragraph 163 of the NPPF states that when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere and should only consider development to be appropriate in flood-risk areas where certain criteria are satisfied.

Policies EN11 and EN12 of the UDP require appropriate protection measures to be incorporated in development proposals within areas at risk of flooding and require the LPA, in conjunction with the EA, to ensure that proposals would not impede the flow of flood water, increase the risk of flooding or adversely affect the quality or availability of ground or surface water.

Accordingly, the application is accompanied by a flood risk assessment and drainage strategy, which has been reviewed by the Lead Local Flood Authority. The proposals include permeable paving with sufficient underground water storage to the car park area to the rear. As such, the proposal is considered to be acceptable from a drainage perspective and in accordance with UDP Policies EN11 and 12.

## Land Contamination.

Policy EN14 of the UDP relates to the ground conditions and states in part that:

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

- (ii) contaminated or potentially at risk from migrating contaminants;
- (iii) potentially at risk from migrating landfill gas or mine gas

The Council will require the applicant to carry out adequate investigations"

Accordingly, Environmental Health has requested a Phase 1 Preliminary Risk Assessment be undertaken in order to assess the previous land use. The report advises that prior to development the site was part of the Nicholson House grounds and the only industrial development of note is the railway line c.175m southeast of the site. The area was largely developed for housing and associated infrastructure by 1897.

The proposal for building and associated driveways and hard paving does not have a direct pathway between site soils and future residents. It is anticipated that made ground may be variable in depth and extent and could potentially comprise a mixture of disturbed natural materials (clay, sand and gravel) with fragments of ash, brick, clinker, coal, etc. Given use of the site as a school no gross contamination is expected that would give rise to toxic vapours or ground gases, or pollution of groundwater.

As the only change to the site is the demolition of the small annex structures to create an area of car parking for the future residents it may be prudent for the applicant to incorporate a watching brief undertaken by a suitably qualified engineer to determine of any unforeseen contamination that may be present. Should any unidentified contamination be found, this will have to be reported to the Council so that Environmental Health can advise accordingly. Such requirements can be controlled via the imposition of an appropriately worded condition, should Members be minded to approve the application.

#### Planning Obligations.

- Children's Play and Open Space Provision

Policy H21 of the adopted UDP requires that new residential development makes appropriate provision of open space and provision for children's play. If provision is not to be made on site then it may be appropriate to make a financial contribution under s106 of the 1990 Town and Country Planning Act, towards provision nearby off-site.

In this instance it is not considered to be appropriate to provide children's play equipment on site and as such a financial contribution of £9113:00 should be secured towards the upgrade and maintenance of play equipment in the Hendon Ward, via an agreement under s106 of the 1990 Town and Country Planning Act.

- Affordable Housing Provision

Following the completion of the city's Strategic Housing Market Assessment the council has sought to achieve 10% of units on new residential developments on affordable tenures (social rented, equity sharing etc.) in line with the requirements of policy H16 in order to meet local needs. This would equate to 2 affordable units on the site.

However, due to the increased cost associated with converting a historic building, the applicants have submitted scheme viability information to demonstrate that the provision / contribution towards both of the above would not be possible in this instance. Having reviewed this information, Officers are of the view that the majority of the assumed cost and value projections are acceptable on a hypothetical basis and as such it is accepted that the development cannot sustain any additional 'desirable' costs in the form of S.106 contributions beyond the sum of £9,113 for playspace, to which they have already agreed.

Having fully considered the above position, Officers are of the view that on balance, any funding that can be secured from the development would be best allocated towards empty housing initiatives in the Hendon area, as opposed to playspace, due to the fact that the site is in the locality of several well equipped local play areas, such as Mowbray Park and Back House Park. The applicant has also confirmed that they would be agreeable to such and therefore the £9113:00 they have agreed to pay will contribute towards the aforementioned empty property initiatives in Hendon, as opposed to Playspace, subject to a re-assessment of the viability if the scheme has not materially commenced within 12 months of date of consent.

## CONCLUSION

Having fully considered the proposals, the Local Planning Authority considers the proposals will enhance the character and appearance of Ashbrooke Conservation Area and the settings of nearby listed buildings through the conservation and sustainable re-use of a key and attractive historic building and the removal of unattractive later additions to better reveal its significance. The proposals accord with NPPF paragraphs 192 and 200 and are thus acceptable.

As such, it is therefore recommended that the application should be delegated to the Executive Director of Economy and Place for approval, subject to the completion of an appropriate agreement under s106 of the 1990 Town and Country Planning Act to contribute towards the forthcoming area renewal and regeneration scheme in Hendon and the imposition of the draft conditions as set out below.

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

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

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

- 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:**

DELEGATE to the Executive Director Economy and Place for APPROVAL subject to the draft conditions listed below and the signing of a section 106 agreement.

**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:

- AL(90) 1000 Location Plan
- AL(90) 0100 Existing Site Plan
- AL(90) 0200 Proposed Site Plan Rev C
- AL(90) 0500 Proposed Level 00 Plan
- AL(90) 0600 Proposed Level 01 Plan Rev A
- AL(90) 0700 Proposed Level 02 Plan
- AL(90) 0800 Proposed Level -01 Plan (basement)
- AL(27) 0100 Existing Roof Plan
- AL(27) 0200 Proposed Roof Plan
- AL(00) 0030 Proposed Elevations (1) Rev A
- AL(00) 0040 Proposed Elevations (2) Rev A
- AL(00) 0050 Wall Elevations Rev A
- 17278 D200 Drainage Layout Rev A

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 works shall take place until a full schedule and samples of the materials and finishes to be used in all external surfaces, including, bricks, stone, artstone, slates, render, windows and doors, rainwater goods, and hard and soft landscaping materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, these details shall include precise details of the windows and doors in the form of 1:10 scale drawings including cross-section details and window sample where to be replaced or method statements for window repair / refurbishment for approval. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.

4 CEMP Construction Environmental Management Plan  
No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan

must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison;
- Arrangements for liaison with the Council's Pollution Control Team;
- Mitigation measures as defined in BS 5528: Parts 1 and 2: 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works;
- Hours of construction, including deliveries;
- Control measures for dust and other air-borne pollutants;
- Measures for controlling the use of site lighting whether required for safe working or for security purposes;
- Erection and maintenance of security hoarding;
- Operation, loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development.

Once approved, the plan shall be fully adhered to thereafter, in the interests of the satisfactory management of the site and to comply with policies B2, EN1 and T14 of the Unitary Development Plan

5 Notwithstanding any indication of materials which may have been given in the application, no works shall take place until a drawing showing full elevational and sectional details of all boundary walls / railings throughout the site together with a method statement for these works have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this Method Statement shall include full details of mortar mixes and lime pointing to walls. Thereafter, the development shall not be carried out other than in accordance with these approved details; in the interests in the interests of achieving a satisfactory form of development and to comply with policies B2 and B4 of the Unitary Development Plan.

6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported, in writing, immediately to the Local Planning Authority and all works shall cease on site until an investigation and risk assessment and, when remediation is necessary, a remediation scheme has been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details, in order 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 and paragraphs 178 to 181 of the National Planning Policy Framework.

7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces. For the avoidance of doubt, this shall include;

- indications of all existing trees and hedgerows on the land;
- details for their protection during the course of development,
- details of the ongoing landscape management of the site.

Once the scheme is implemented in the interests of visual amenity and to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

8 No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

9 No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with a scheme to be agreed in writing with the Local Planning Authority. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details in order to ensure a satisfactory form of development is achieved in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

10 If any tree identified as being retained tree is removed, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority, in the interests of visual amenity and to comply with policy CN17 of the Unitary Development Plan.

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

12 Prior to occupation, a "lighting design strategy for biodiversity" in light of the installation of bird, bat and mammal boxes shall be submitted to and approved in writing by the Local Planning Authority, in order to ensure a satisfactory form of development is achieved and in order to accord with Policy CN17 of the Unitary Development Plan.

13 The development shall not commence until final details of the foul and surface water drainage have been submitted to and approved by the Local Planning Authority. For the avoidance of doubt, these details shall include cross and long sections of the proposed permeable paving to confirm sufficient interception storage can be provided within the sub base to match detailed modelling, in accordance with the approved details to ensure satisfactory drainage to the site and to comply with policy B24 of the Unitary Development Plan.

14 No apartment shall be occupied until all car parking spaces and access arrangements have been demarked on site and the bin storage has been provided in accordance with drawing no AL (90) 0200 Rev C Proposed Site Plan, which shall be retained and made available for each specified purpose thereafter, in order to ensure that adequate and satisfactory provision is made for the parking of vehicles, accessibility of pedestrians and storage of refuse containers, in the interest of visual amenity, the character and appearance of the Conservation Area, highway safety and the free passage of traffic and to comply with policies B2, B4, B6, T14 and T22 of the adopted Unitary Development Plan and paragraphs 108 and 110 of the National Planning Policy Framework.

15 Notwithstanding the provisions of the current Town and Country Planning (General Permitted Development) Order, or in any statutory instrument revoking or re-enacting that Order, no satellite antenna shall be installed on the buildings or within the curtilage of the site without the prior written consent of the Local Planning Authority, in order that the Local Planning Authority may retain control over the development and to comply with Policy B4 of the Unitary Development Plan.