

## **DEVELOPMENT PLAN**

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

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

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

## **STANDARD CONDITIONS**

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

## **SITE PLANS**

The site plans included in each report are illustrative only.

## **PUBLICITY/CONSULTATIONS**

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

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

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

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

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

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

Peter McIntyre

Executive Director City Development

**Reference No.:** 19/00925/FU4 Full Application (Reg 4)

**Proposal:** Application for the erection of shipping containers to create a two-storey mixed use temporary development, associated external decking, stairs and lift for a period of no more than 8 years. Potential uses to include retail (A1), restaurants/cafes (A3), assembly and leisure (D2), drinking establishments (A4), 87sqm bridal suite (C1) and sui generis uses. Sui generis uses may include cinema/sports screenings, markets, temporary games courts/play spaces.

**Location:** Site of Former Seaburn Centre, Whitburn Road, Sunderland, SR6 8AA

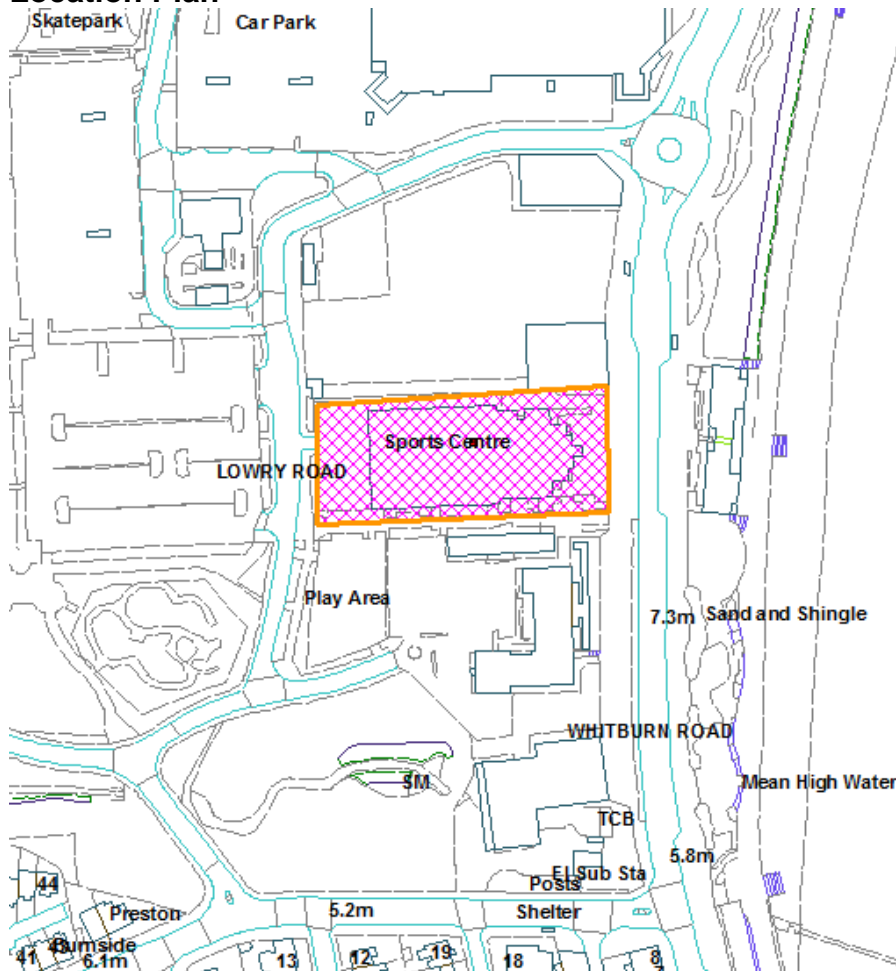
**Ward:** Fulwell

**Applicant:** Siglion

**Date Valid:** 11 June 2019

**Target Date:** 10 September 2019

### Location Plan



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## **PROPOSAL:**

### **Introduction**

Full application is sought for the erection of a number of shipping containers to create a two-storey mixed use temporary development, associated external decking, stairs and lift for a period of no more than 8 years. Potential uses to include retail (A1), restaurants/ cafes (A3), assembly and leisure (D2), drinking establishments (A4), 87sqm bridal suite (C1) and sui generis uses, which may include cinema/ sports screenings, markets, temporary games courts/ play spaces.

### **Site Description**

The application site is approximately 0.4ha and is situated on the site of the former Seaburn Leisure Centre. The site is bounded by the former funfair site and the Morrisons supermarket to the north, Lowry road and surface car parking to the west and Whitburn Road and the beach to the east, whilst to the south is the area formerly occupied by the Pullman Lodge, which was demolished and grassed over in 2017, with amusements and Martino's lying beyond.

### **Proposal**

The uses proposed fall within use classes D2 (assembly and leisure), A1 (retail), A3 (restaurants and cafe's), 87sqm C1 (bridal suite), A4 (drinking establishments) and Sui Generis (which could include markets, games and play spaces and open space). The total floor space created by the proposed development of the shipping containers is 2,933 sqm. It is anticipated that the maximum occupancy of the development will be 2,000 people and it will be subject to a health and safety and fire hazard assessment.

The proposed ground floor layout of the STACK will be accessed via the entrance on Whitburn Road with the proposed uses located within shipping containers. Within the central area of the site seating, fire pits and a ground floor stage area for music and other events are to be located. To the west of the site is where the bin store and deliveries area are proposed whilst a plant room and gas cylinder store are also proposed to the west of the site, on the southern part of the development. On the first floor of the development is a function room and terrace looking east towards the coast, with this area being accessed via a helical staircase and features a bar and toilets.

The containers are to be constructed of metal and whilst the visualisations indicate the exact external treatment of the development, details including precise colour are yet to be confirmed.

In terms of access, a temporary road connection to and from Lowry Road, coming in to the north of this application site is proposed to enable servicing and deliveries to the development. Members may wish to note that a discharge of condition 38 'replacement of public car parking spaces' submission from the Hybrid 16/02056/HY4 approval has recently been submitted, please see ref. 19/00926/DIS. It is via this temporary replacement public car parking area that access to the application proposal is proposed to be taken. However, it is also noted that a public car parking exists to the west of the site and by virtue of Condition 38 no development can occur on this area of the wider Seaburn site until alternative public car parking is made available.

The proposed opening hours of the development are from 07:00am to 1:00am Monday to Sunday.

The proposal is expected to generate 75 full-time and 25 part-time employees.

## **Relevant Planning History**

The following applications are considered relevant to the assessment of this application:

### **16/02056/HY4**

In October 2017 planning permission was granted for a hybrid application comprising detailed planning approval for a new car park off Dykelands Road and for up to 279 residential units, A1 (retail), A3 (restaurants and cafes), A4 (drinking establishment), D2 (leisure and assembly) and sui generis uses.

### **18/00100/FU4**

In May 2018 a temporary consent of 5 years was given for A1 (retail), A3 (restaurants and cafes), D2 (assembly and leisure), coastal gardens (Sui Generis), with other potential Sui Generis uses such as Outdoor Cinema(s), market(s), temporary games court(s)/ play space(s) with sand/turf; and the installation of shipping containers and other structures.

### **19/00926/DIS**

Discharge of Condition 38 (replacement public car parking spaces) attached to planning application 16/02056/HY4.

The above planning history demonstrates that not only has the application site been historically associated with public leisure but that it has also benefited from recent leisure use redevelopment proposals.

To summarise, the proposed application effectively relates to the phased implementation of the hybrid planning application and overall Seaburn masterplan through the provision of temporary uses whilst the development of the site is undertaken.

## **Environmental Impact Assessment (EIA)**

It is noted that the Schedule 2 of the 2017 EIA Regulations identifies at 10(b) that urban development projects, which includes leisure development, can be subject to a screening exercise where the application site includes 1 hectare, or includes more than 150 dwellings, or the overall area exceeds 5 hectares. Consequently, at 0.4 hectares of commercial and leisure use this brownfield site does not trigger a screening exercise.

It is also noted that the site is not within or adjacent to a sensitive site, such as a Site of Special Scientific Interest, whilst the wider 16/02056/HY4 development was also not considered to be EIA development, as there was no specific evidence to suggest that particularly complex and potentially hazardous environmental effects would arise from that development so as to require the submission of an Environmental Statement.

Consequently, given that the proposed application effectively relates to the phased implementation of that hybrid planning application and overall Seaburn masterplan, it is also considered that the proposal is not one that has such significance on the environment, whether individually or cumulatively, to warrant the submission of an EIA.

## **TYPE OF PUBLICITY:**

Press Notice Advertised

Site Notice Posted  
Neighbour Notifications

## **CONSULTEES:**

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

Final Date for Receipt of Representations: **18.07.2019**

## **REPRESENTATIONS:**

### **Consultations**

In accordance with Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 the application has been advertised by means of a press and site notice as a major application situated on land owned by the Council, while individual notification letters were sent out to neighbouring properties surrounding the site.

### **Seldons Leisureworld**

A letter of representation was received on behalf of Seldons. The letter stated that whilst Seldons support the principle of regenerating the site they have a few questions and concerns relating to the proposed development and the potential impact on their future business operations.

Concerns were expressed over the proposed A4 (Drinking Establishment) use, additional information was requested in terms of licensing and how disturbance and nuisance to neighbours will be managed. In response, the Agent, acting on behalf of the Applicant, drew attention to the fact that A4 is already an accepted use at the site given the Hybrid 16/02056/HY4 approval, whilst also drawing attention to the existing drinking establishments within the area, such as the Fat Buddha and the Promenade. In terms of licensing, which is a separate independent regulatory process, the Agent confirmed that the relevant licences have been applied for and obtained.

The Seldons letter also raised service access, taxi area and fire strategy issues and requested that they be consulted on the final layout of the car park and access arrangements prior to the approval of the application. They also requested confirmation over whether the car park will be public and whether Seldons would be entitled to use it.

The Agent, acting on behalf of the Applicant, responded by highlighting their expectation that if the application is approved a servicing condition will be imposed, whilst noting that the Local Highway Authority have no issues in terms of servicing and deliveries. In terms of the fire strategy issue the Agent, although believing this not to be a material planning consideration to

the determination of this application, confirmed that a fire strategy document has been produced in accordance with relevant legislation. Officers also note that fire safety will be considered as part of the Building Regulations regulatory process.

In terms of parking provision, the Applicant's Agent clarified that the car park to the immediate north of the site will be public pay and display and accessible to all visitors to Seaburn, please see ref. 19/00926/DIS. In respect to the discharge of condition submission it is also noted that the proposed car park provides for a "Seldon's Parking Space" on the amended plans. Officers also note that there is an existing public car park to the west of Lowry Road which will need to remain until alternative public car parking is provided.

Seldons expressed concern in respect of the proposed STACK being in-line with their premises, obscuring the visibility of Seldons and requested the building be set back from Whitburn Road. By way of a response, the Agent, acting on behalf the Applicant, highlights that the application proposal is not only in-line with Seldons and reflects other Whitburn Road fronted buildings in the locality but it reflects the approved Hybrid 16/02056/HY4 development.

Seldons also queried the boundary treatments between the existing fun fair site and the application proposal, citing concerns over security risk, impact on fire strategy signage and visibility of Seldons' premises. By way of response, the Agent, acting on behalf of the Applicant, confirmed that the existing brick wall will remain with openings created for service access whilst also taking the opportunity to encourage Seldons to liaise directly with the Applicant should they have any specific security concerns.

Seldons also requested that they be consulted on the programme and construction of the proposal, as well as being made aware of any disruptions, with mitigation measures being put in place, including, and not limited to, signage, temporary traffic lights and traffic management to ensure minimum disruption to their operations.

Again, by way of response, the Agent, acting on behalf the Applicant, highlighted that the Construction Management Plan contains references to measures to prevent excessive dust, dirt and noise impact upon site operatives and the public to ensure there are no adverse impacts arising because of the construction. The Agent considers the phasing and programme of works to not be material to the consideration of this application, while also highlighting that the programme of construction is not currently finalised and that it will be the appointed contractor who will be responsible for engagement with local stakeholders prior to works commencing and throughout the construction period.

Officers also understand that at the time of writing this report a meeting was to be convened between Seldons, their representatives and the Applicant and the Council.

### **Sunderland Civic Society**

A letter of representation has been received from the Sunderland Civic Society. The Society consider the proposed design to be attractive and that the bright blue finish will sit well at the seafront, and the marquee style roofs add interest. The Society queried the proposed length of the requested 8-year permission and wondered why this is being sought, drawing reference to the previous 5-year permission approved via 18/00100/FU4. Lastly, comments were made about the proposed car parking area to the north of the site and as there is no indication of what is proposed for the former Pullman Lodge site and if any meanwhile uses are proposed in this area, it is hoped that it could be satisfactorily integrated with the STACK.

By way of a response, the comments regarding the appearance of the development are noted. The comments made in terms of the duration of the permission, it is not considered that a proposal which is now seeking 3 additional years relative to the earlier 5-year permission, is particularly material or that it will hinder the longer-term regeneration ambition of the wider Seaburn site. Indeed, it is exactly this type of leisure use that the masterplan envisaged. Regarding the former Pullman Lodge site, any future development proposal will need to satisfactorily engage with existing and proposed uses that exist at the appropriate time.

**Local Ward Members** were consulted upon the application. No responses have been received.

The Local Planning Authority's (LPA) **Regeneration Service** were consulted and have no objections.

**Lead Local Flood Authority** (LLFA) were consulted and requested further information and clarification. The Agent, acting on behalf of the Applicant, submitted additional information via an updated Drainage Statement. This will be discussed in more detail in the subsequent Drainage considerations section of the report.

**Northumbrian Water** (NWL) were consulted and have no issues to raise if it is approved and carried out in strict accordance with the submitted Drainage Statement. This document states that foul flows will discharge to the combined sewer network at manhole 5301, whilst a restricted surface water discharge of 2.9l/s will discharge to the surface water sewer at manhole 5307.

**Northumbria Police** were consulted and no response has been received.

**Public Protection and Regulatory Services** (PPRS) have considered the planning submission and considers the development to be acceptable subject to the inclusion of conditions in respect of land contamination, noise and odour.

**Natural Heritage** were consulted and have no objections.

The Council's **Highway Engineers** were consulted and have no objections.

## **POLICIES:**

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

EN\_10\_Proposals for unallocated sites to be compatible with the neighbourhood  
L\_12\_Promotion of the recreational and tourist potential of the coast and riverside  
NA\_26\_Development / enhancement of Coastal & Seafront Zone for leisure and tourism;  
retention of open space.

EN\_13\_Requirements for development within the defined coastal zone

EC\_9\_Locations for Hotels and Conference centres.

S\_1\_Provision of enhanced shopping service, including local provision, based on existing centres.

S\_2\_Encouraging proposals which will enhance / regenerate defined existing centres.

L\_1\_General provision of recreational and leisure facilities

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

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

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

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\_14\_Development on unstable or contaminated land or land at risk from landfill/mine gas  
CN\_19\_Development affecting designated / proposed SAC's, SPAs and RAMSAR Sites

## **COMMENTS:**

### **Legislation, Planning Policy and Guidance**

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 and The Planning (Listed Buildings and Conservation Areas) Act 1990 are relevant in the consideration of this application.

### **Planning policy background**

At the national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

All planning applications in Sunderland are assessed against the saved policies of the Unitary Development Plan (1998).

The Core Strategy and Development Plan (CSDP) is emerging planning policy and as it progresses through the adoption process it will gain further weight in the assessment of applications.

### **National Planning Policy Framework**

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. To achieve this, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and decisions should play an active role in guiding development toward sustainable locations, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development, or where there are no relevant development plan policies or where the policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- I. the application of policies in this Framework that protects areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application



conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

## **Considerations**

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

1. Land use and policy considerations
2. Highway engineering considerations
3. Design and heritage considerations
4. Drainage considerations
5. Ground Conditions considerations
6. Amenity considerations
7. Habitat Regulations Assessment

### **1. Land use and policy considerations**

- Land use and open space considerations

The site is allocated as white land and as such, falls under policy EN10 of the Unitary Development Plan (UDP). This policy requires new development to accord with strategic and City-wide planning policies and to be compatible with the principal land use of the surrounding area.

Given its coastal tourist location and adjacency to amusements, the former fun fair site and other bars and restaurants, it is considered that the application proposal is compatible in terms of the surrounding land uses, whilst the subsequent considerations sections of this report cover the relevant local planning policies relative to what are considered to be the key material considerations.

The Ocean Park site at Seaburn is identified in the Sunderland Seafront Regeneration Strategy as a key character area. The Regeneration Strategy promotes this location for family friendly indoor and outdoor leisure-led uses, complementary to the seafront, which would enable its enjoyment all year round.

The Seaburn Masterplan and Design Code Supplementary Planning Document provides additional detailed planning and development guidance for the area

Council-led investment linked to the Regeneration Strategy and Masterplan has delivered promenade and highway infrastructure upgrades in the vicinity, which has encouraged some initial redevelopment and investment by the private sector - including at the former Seaburn Shelter (now Fat Buddha restaurant) directly opposite the site.

- Coast and tourism

The UDP has a policy, L12, for the "Coast and Riverside". The policy states that the "...Council will promote the recreational and tourist potential of the coast...by encouraging development which provides for the needs of visitors".

The UDP has a policy, NA26, for the "Coastal and Seafront Zone". The policy specifically identifies new commercial and leisure development within the vicinity of the Seaburn Centre.

The UDP has a policy, EN13, for "The Coast". The policy states that "...a coastal zone is defined which the City Council will seek to ensure any development proposal makes a positive contribution to the appearance of the zone".

The UDP has a policy, EC9, which recognises that tourism and leisure activities are valuable contributors to the local economy and tourist-related activities are particularly notable around the seafront area.

Officers consider that the application proposal for the proposed uses accords with the general aims of the above policies.

- A1 Retail and D2 Leisure

There is a deficiency in the relevant saved Shopping Policies in the UDP, namely Policies S1 and S2. These are strategic and aspirational policies and do not address the up-to-date development management impact tests for retail development located outside town centres, as set out in Paragraphs 86 and 89 of the NPPF. Similarly, it is considered that the UDP's strategic leisure Policy L1 does not satisfactorily reflect the sequential and impact tests which apply to leisure uses, under the provisions of Paragraphs 86 and 89 of the NPPF.

In so far as it relates to the proposed retail and leisure uses it is considered that relevant policies in the existing development plan are not fully up-to-date, so for decision-taking, the second part of Paragraph 11 of the NPPF comes into force, which is the application proposal benefits from the presumption in favour of sustainable development.

As with planning approval 16/02056/HY4, given the application proposal involves A1 Retail and D2 Leisure uses, which are main town centre uses, a sequential test to the development should be applied. Moreover, given that the total floor space of the proposal is over 2,500 square metres the Agent, acting on behalf of the Applicant, has submitted an Impact Assessment.

In overarching terms, it is noted that the permission being sought is for a period of no more than 8 years and has been brought forward to enliven the space whilst the redevelopment of Seaburn is brought forward. It is therefore considered that this application proposal is an integral element of the redevelopment of the wider site, which itself was considered acceptable in respect of its impact on local centres and involves the same town centre uses that are being proposed.

As with the approved Hybrid 16/02056/HY4 development this application's sequential assessment has focused on the designated City Centre boundary, as the nearest centre that could accommodate the application proposal. The two sites considered are the former Crowtree Leisure Centre and Vaux sites.

Regarding the former Crowtree Leisure Centre site, the Assessment notes the recent A1 Retail permission made under ref. 16/00892/FU4. As a result, this site is not considered suitable given the approved and proposed uses; nor is it considered available due to the Council's ambition to attract a flagship retail offer via the permanent redevelopment of the site. The Assessment concludes this site to be unsuitable.

In terms of the Vaux site the Assessment highlights the recent Hybrid approval for mixed-use development (ref. 15/02557/HY4), with the recently completed Beam building being the first plot of this 19 Plot site. It also notes the recent approval for what is effectively the second phase of development at the site which involves Plots 13 and 14 from the wider site (ref 19/00188/FU4). The Assessment considers that even though the application proposal involves uses in-line with

planning policy, a development such as that proposed could undermine or preclude the wider regeneration of this key City Centre office-led site.

The overall conclusion therefore is that the application submission has satisfied the requirements of the sequential approach and passes the sequential test set out in Paragraph 86 of the NPPF. There are no sites or premises that are currently available and suitable for meeting the scale and form of the leisure and retail uses incorporated in the application. It is also considered that there is a site-specific regeneration need in Seaburn in seeking to reverse the decline in this seaside resort.

Paragraph 89 of the NPPF sets out the impact tests for applications for retail and leisure development, which are not in accordance with an up-to-date plan. Local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 square metres of gross floorspace). This should include assessment of:

- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal;
- b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

a) Existing, committed and planned public and private investment

The Assessment highlights the active investment the Council is undertaking in the City Centre via the Sunderland Heritage Action Zone, which is aiming to regenerate the historic buildings within the Centre and provide heritage-led regeneration. The Assessment also highlights the redevelopment of the Vaux site, which, as stated above, has approval for mixed use office-led development.

In terms of the Vaux site, again the Assessment draws attention to the fact that the first building has been completed with a second building recently being given permission and the anticipation that construction will commence towards the end of 2019. The Council has recently completed public realm improvements around Keel Square with improvements to the treatments of paths and pavements to enhance the Bishopwearmouth Conservation Area.

In terms of private investment within the City Centre the Assessment highlights that there has been notable investment by local, independent businesses. Table 1 of the Assessment provides the planning history of relevant planning applications which have been granted to permit new A1, A3 or A4 uses e.g. the redevelopment of the former Fire Station. The Assessment concludes by highlighting that private investment in the City Centre is taking place, which will assist in bringing new uses into the area.

b) Vitality and Viability

The Assessment confirms that the application proposal will incorporate a maximum of 500 square metres of retail floorspace, which, in contrast to the hybrid 16/02056/HY4 planning approval, is well below the approved 2,000 square metres of A1 retail permitted across the whole Seaburn site. Moreover, the location of the proposed STACK is to the east of Lowry Road, which is within the approved A1 (Retail), D2 (Assembly and Leisure) and related Sui Generis uses zone and as such, it is not considered unreasonable to consider that the proposed STACK will effectively displace part of the already approved retail and leisure use.

The Assessment anticipates that the retail offer at STACK would be comprised of local businesses selling goods that would not be typically found on the high street. Given the temporary nature of the development it is also not anticipated that the application proposal will attract national chains, nor larger scale retail stores. It is the Applicant's intention to attract a diverse range of smaller local businesses to create a localised retail offer.

During the consideration of the 16/02056/HY4 application and drawing reference to the Council's contemporary 2016 Sunderland Retail Needs Assessment Report, it was noted that Sea Road is a healthy centre, with few vacancies, with the convenience sector being particularly strong. It is also noted that Sea Road enjoys excellent accessibility by bus and is well served by Seaburn Metro Station. It is considered unlikely that this centre would experience a 'significant adverse' impact on its vitality and viability from the application proposal.

In terms of leisure the Assessment asserts that, traditionally, such uses comprised swimming pools, cinemas, sports facilities and bowling alleys whereas nowadays there exists a more fluid interpretation of leisure as a sector. It is now common to see Town and City Centre Regeneration strategies combining both retail and leisure uses to create a more dynamic experience, appealing to a wider demographic.

With the above in mind, the Assessment notes that historically the City Centre boasted a thriving night-time economy, but since the recession it has resulted in decline due to a combination of reduced disposable income and on-line retail. However, with recent culture-led investment, which will continue with the auditorium extension to the Fire Station, the Centre is becoming recognised for its independent music scene and rich cultural identity. This is being translated into the establishment of an array of new independent retail, food and drink businesses.

The Assessment considers the viability of the City Centre is improving following the recent public and private focus on delivering new development underpinned by culture-led regeneration initiatives and it is anticipated that this growth will continue at a steady rate, over the next Local Plan period.

In conclusion and in so far as the 'main town centre uses' are concerned there are not considered to be grounds on which a refusal of permission could be sustained, either in relation to the sequential test, as per Paragraph 86 of the NPPF, or in relation to the two impact tests set out in Paragraph 89.

## **2. Highway engineering considerations**

The NPPF states that all decisions should take account of the opportunities for sustainable transport and ensure development is safe and suitable, while applications should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

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

The application submission has been supported by a Transport Statement and Travel Plan. The Council's highway engineers in Network Management have considered the planning submission and consider that no further survey work is required and there are no objections to the proposal on highway grounds.

The Transport Statement highlights that the site is located adjacent to and within a comprehensive pedestrian network. Lowry Road is located to the immediate west of the site, with lit footways ranging from approximately 2 to 3m in width that benefit from several uncontrolled pedestrian crossing points with dropped kerbs and tactile paving.

The site is well connected in terms of cycling with a number of on and off-road routes operating within the vicinity of the site. A number of on-road cycle routes are located within proximity to the site which provide access to routes towards the City Centre to the south-west of the site, Cleadon to the north-west and Roker to the south. There are also a few traffic-free routes located to the north-west of the site which connect to Cleadon and Whitburn. The site also benefits from excellent access to public transport in the form of regular bus and Metro services.

It is expected that the car parking provision, either the existing car park or the proposed replacement car park (please see ref. 19/00926/DIS), will be available for use by the visitors to the proposed facility. Indeed, this has been confirmed by the Agent, acting on behalf of the Applicant, who have stated that the proposed car parking to the north will be public pay and display.

The Transport Assessment asserts that the traffic generated by these temporary uses will be within the normal seasonal variations in traffic flows for Seaburn and Roker as seafront locations. The development proposals will comprise of up to 2,713sqm of leisure use within an area of the City that is said to have previously accommodated circa 13,000 sqm of leisure use (e.g. the former fun fair site, Seaburn Centre and Pullman Lodge and hotel), whilst the Hybrid 16/02056/HY4 consent also provides scope for up to 9,268 sqm of commercial/ leisure use across the wider Seaburn regeneration site, which this application proposal will displace part thereof.

An application to stop up the highway to the front of the former Seaburn Centre has been submitted and granted pending the outcome of the planning application. For Member information, site notices of the proposed stopping up were erected on site on 21 May 2019 with an objection period of 28 days. No objections were received and on the 21 June the Department for Transport confirmed that following the grant of planning permission the highway will be stopped up and highway rights removed.

In the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy T14.

### **3. Design and heritage considerations**

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

The NPPF states at paragraph 127 that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy B2 of the UDP requires that the scale, massing, layout or setting of new developments should respect and enhance the best qualities of nearby properties and the locality, relating harmoniously to adjoining areas.

The proposed development is to be constructed using shipping containers of a variety of sizes. The use of shipping containers signifies the temporary nature of the development and the impermanence on the coastline, whilst the scale and use of activities on the site are in-keeping with this coastal, tourist destination.

The submitted Planning Statement highlights similar types of development that have been popular and successfully located in other areas, such as Shoreditch in London, Newcastle City Centre and Gateshead Quayside, the latter of which are both surrounded by listed buildings. The premise of such forms of development is that they allow local businesses to occupy land temporarily on brownfield sites whilst development proposals for permanent uses are developed for the longer term.

The main facing front section of the development comprises of a series of shipping containers at ground floor level, which step back towards a centrally located main entrance and create external but sheltered seating areas. Over the main entrance is an office area, with a bridal suite and an external private rooftop terrace overlooking the sea. The application proposal will therefore provide for a strong and active frontage onto Whitburn Road.

Once inside the STACK the large central 'plaza' seating area will be surrounded on four sides by street food vendors and bars. A lift and stairs will also take people up to a first-floor decked area where further seating areas are to be located, including bars with panoramic views towards the coast.

The development will be constructed of circa 40 shipping containers with timber decking at first floor level and tarmac ground floor plaza area. The scheme will generally be two containers high (each being 2.98m) and, along with a parapet design to conceal the central roofed area, will give a height 7.3m with an overall maximum height of just under 10m.

The site does not contain any nationally or locally designated heritage assets and is not located within a Conservation Area. The nearest conservation area to the site is the Whitburn Bents Conservation Area which is 700m from the site. The nearest listed building is the Grade II East Lodge and Gates to Mere Knolls Cemetery, which is 400m from the site and separated by areas of open space, road infrastructure and existing built development. The proposed development is not considered to be within the setting of the heritage assets and it is not considered that it will impact on their character or appearance.

The temporary uses are appropriate to the seafront location and compatible with the aspirations of the Seafront Regeneration Strategy and Seaburn Masterplan. The scheme will offer a much-needed addition to the current leisure and event offer in the interim, promising increased visitor numbers and vibrancy at a currently underused section of the seafront. The shipping container design theme of the STACK is inherent to its offer and has potential to introduce a distinctive and characterful feature at the seafront. The design is considered acceptable subject to agreement of the colour and detail finishes to the containers.

In terms of archaeology the planning submission has been supported by an Archaeological Evaluation report undertaken by Archaeological Services Durham University. The report presents the results of an archaeological evaluation conducted in advance of a development at the Seaburn Centre. The works comprised the excavation of one trench within site of the former Seaburn Centre building. The results of which confirmed that there were no archaeological deposits identified or artefacts recovered. Consequently, no further scheme of archaeological works was recommended on this part of the site.

It is considered that this temporary proposal will provide for a contemporary form of development and will complement and enhance the retail and leisure offer within the area, adding further vibrancy to the sea front.

To conclude, Officers have no objections to the proposal and in the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy B2.

#### **4. Drainage considerations**

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Policy EN12 of the UDP seeks to ensure that proposals would not be likely to impede materially the flow of flood water, or increase the risk of flooding elsewhere, or increase the number of people or properties at risk from flooding (including coastal flooding).

The site is located within Flood Zone 1 and is on land having a less than 1 in 1,000 annual probability of river or sea flooding.

The application submission has been supported by an amended Drainage Statement following the Lead Local Flood Authority's initial consultation response requesting additional information.

The amended Drainage Strategy sets out the principles for the proposed foul water and surface water drainage disposal from the new development and makes recommendations for the use of Sustainable Urban Drainage (SUDS) and potential locations within the confines of the development. The statement also provides details of the proposed attenuation requirements and surface water flow restrictions.

In terms of surface water, the application proposal is seeking to discharge flows to the existing public surface water drainage system via manhole 5307, which is in Whitburn Road to the east of the site. It is proposed to restrict surface water flows from the development into NWL's surface water drainage to a maximum of 2.9 l/s, which is below a flow rate of 70 l/s, as mooted by NWL in their pre-planning enquiry correspondence to the Applicant (please see Appendix B of the Drainage Statement), but higher than the calculated 0.6 l/s greenfield run-off rate. The

Drainage Statement explains that 2.9 l/s is the lowest rate achievable given the proposed 75mm orifice hydrobrake, which is the minimum considered possible as anything smaller would be prone to blockages, as noted by the LLFA in their initial consultation response.

The amended Drainage Statement is presently being considered by the LLFA and it is anticipated that a response on the updated assessment will be received prior to and thus to Members at the meeting.

SUDS and surface water attenuation will be required within the site due to the above surface water restriction. Roof water will pass through filter drains and the bin store and delivery areas will incorporate rainclean channels and filter drains, whilst cellular crates positioned under the filter drains will provide attenuation.

In terms of foul flows, discharge into the existing public combined water drainage system via manhole 5301 is proposed, which again is in Whitburn Road to the east of the site.

Northumbrian Water (NWL) have responded to the consultation response and confirmed that they have no issues to raise subject to the application being carried out in strict accordance with the Drainage Statement. For the avoidance of doubt that foul flows will discharge to the combined sewer network at manhole 5301 with a restricted surface water discharge of 2.9l/s to the surface water sewer at manhole 5307.

To conclude, subject to the satisfactory response from the LLFA to the amended Drainage Statement, and in the absence of any material considerations to the contrary, Officers consider the proposal to accord with UDP policy EN12.

## **5. Ground Conditions, noise and amenity, and pollution**

The NPPF requires authorities to ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining. The NPPF also confirms that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/ or landowner.

Planning decisions should also ensure new development is appropriate for its location taking account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) 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.
- b) Identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

UDP policies EN5 and EN6 aim to ensure that likely noise and vibration problems are investigated, including any necessary mitigation measures, before development is undertaken. Policy EN9 considers potential implications of air pollution, dust etc. arising from development proposals, whilst policy EN14 requires the consideration of ground conditions and to ensure contamination issues are considered.



## Ground conditions

A Phase I and II Geotechnical and Geoenvironmental Assessments were submitted in support of the application proposal. Overall the Phase I is considered sufficient for the proposed temporary land use. The planning submission has been considered by PPRS and has been accepted subject to the inclusion of remediation and verification strategy conditions.

## Noise

The application submission has considered noise impact both internally and externally at the nearest existing residential receptors and, in the absence of specific guidelines for this type of leisure development, has been conducted to current best practice.

The Applicant has provided a noise impact assessment dated 30 May 2019 (Rev B) in support of the application. The assessment considers the provision of live and amplified music events within the central Plaza of the development, and the impact of this both internally and externally at the nearest existing residential receptors.

In the absence of any national guidance specifically for entertainment noise, the consultant has used The Institute of Acoustics (IOA) draft guide 'Good Practice Guide on the control of noise from pubs and clubs'.

As part of the Hybrid 16/02056/HY4 development noise monitoring has previously been undertaken during Jan 2016. This has been used to determine the noise conditions at nearby noise sensitive receptors and the lowest measured levels at the 2 most representative locations have been used in the assessment.

Noise data has been used from STACK's similar operation in Newcastle. The primary noise source considered is music and other noise sources, such as patrons or mechanical services, are insignificant in comparison to the music noise and have not been considered further.

The data collected has then been used to create a 3D noise model of the development using noise modelling software. The model has been used to predict noise levels at 4.5m above ground level to be representative of a 1st floor receptor level (i.e. bedroom), although this has been modified for identified single story dwellings.

The results were then compared to the measured existing levels and the target criteria. This was a worst-case scenario exercise as the existing background levels were measured later in the evening after the proposed venue opening times. Moreover, it is anticipated that residual noise levels will also be higher during the operation of the venue which will further reduce noise impact.

In the worse-case scenario the results typically demonstrate that the target criteria (identified from IOA guide) were achievable at all receptors except for at Princess Avenue where there is a calculated 1dB exceedance of the night time criteria. All criteria are met during the daytime. It is therefore concluded that the noise impact of the development is not significant at existing receptor locations.

In view of the wider 16/02056/HY4 approved development, any noise sensitive receptors located in closer proximity to the development site than those considered in the noise impact assessment will experience higher noise levels than those predicted and are likely to require consideration of noise mitigation measures at the design stage of any emerging development proposal.

To confirm, PPRS have considered the submitted noise assessment and are satisfied with its conclusions.

It is considered that should Members be so minded a prior to first occupation condition be imposed to agree the operational management plan. The operational management plan, which will have the benefit of being informed by the physical presence of the development on site, will assist in managing noise from patrons and noise breakout from the premises.

## Odour

PPRS have requested that the details of the proposed extraction/ ventilation system should be submitted to and agreed in writing prior to installation and operation of the proposed development. Consequently, should Members be minded, it is recommended that a suitably worded condition be included on any approval certificate.

## CEMP

To ensure the environmental impact of the construction of the development is adequately managed and mitigated and in the interests of the amenity of residents/occupiers near the site, PPRS have recommended that a condition be attached to any granted consent which requires the provision of a Construction Environmental Management Plan (CEMP).

It is noted that the CEMP has been submitted and Officers are considering whether this would satisfy PPRS requirements. As consequence, subject to the resolution of this aspect of the submission, it is recommended that either a condition requiring the submission of a CEMP to be agreed by the Local Planning Authority is imposed or that the development shall be constructed in accordance with the agreed submitted CEMP details.

Taking the above into account is it considered that the development is in accordance with the NPPF and policies EN5, EN6, EN9 and EN14 of the UDP.

## **6. Amenity considerations**

The NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

The UDP has a policy, B2, which seeks to ensure levels of privacy are maintained and developments are respectful and enhance the best qualities of nearby properties.

As discussed in the noise considerations section the noise impact of the development is not considered to be significant, whilst an operational management plan will also assist in managing noise from patrons and noise breakout from the premises.

In terms of the scale, massing and layout of development and as discussed in the above design considerations section the application proposal will deliver a contemporary form of development with a uniformity of design and will complement and enhance the leisure offer within the area, adding further vibrancy to this tourist, coastal location.

The application site is located far away from existing residential properties so that impacts on residential and visual amenity are limited. The application site is also surrounded by other types

of leisure buildings, which further negates impact on visual amenity of the surrounding existing residential development.

Similar to the noise considerations section of this report it is noted that the Hybrid 16/02056/HY4 development has consented residential development within the wider Seaburn site and as such, residential development proposals may be forthcoming in the future near to the location of the proposed STACK. However, and as has been reported throughout this report, the proposed STACK, particularly in terms of its proposed uses, is type of leisure offer envisaged by that Hybrid mixed-use leisure led development. It was always envisaged that residential was to be located next to or nearby to leisure development.

Taking the above into account it is considered that the development is in accordance with the NPPF and policy B2 of UDP.

## **7. Habitat Regulations Assessment**

The application was supported by a Habitats Regulations Assessment (HRA) that concluded that there would be no likely significant effect of the project (application proposal) on the qualifying features of the European site.

The submitted Extended Phase 1 Habitat Survey has not identified any important ecological features within the application site, or within the proposed car park area to the north. The surveys have not identified any features requiring ecological mitigation. It is noted that there will be a need to breach the brick boundary wall to gain access from the proposed car park to the north, which will result in some loss of shrubs such as the non-native Buddleia and sycamore coppice. The survey report highlights that this is not significant in ecological terms, but it is recommended that a further check is made for presence of nesting birds if clearance works are undertaken within the bird breeding season (principally April - July / August for the species likely to occur).

Officers in Natural Heritage have considered the submitted Habitat Survey and Habitat Regulations Assessment and are satisfied with their findings. A condition requiring landscaping clearance works to be undertaken outside the bird breeding season, as stated above, is recommended.

## **8. Public Benefits**

The temporary implementation of the proposed development will assist in achieving regeneration within Seaburn. Since the clearance of the former Pullman Lodge building and the Seaburn centre, the site provides an opportunity for the provision of public use until the fully developed proposals for Seaburn are built out.

The creation of retail, food and drink uses will encourage a variety of people to visit the proposed development. The proposed uses are suitable for families and those visiting Seaburn for other purposes as well as contributing to the evening economy.

It is proposed that 75 full time and 25 part-time jobs will be generated by the proposed development, assisting in the creation of new employment opportunities in the local area. The addition of new employment opportunities will contribute to the local economy and provide leisure and tourism uses in the local area which will temporarily substitute those recently lost.

The success of Stack within Newcastle City Centre and the location of a new Stack on the Seaburn site will attract more visitors to Sunderland's sea front and will provide a new offer for entertainment in Seaburn.

## **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.

## **Conclusion**

The principle of the development accords with UDP policies EN10, NA26, L12, EC9, S1, S2, L1, S1, and S2. The detailed considerations, as discussed above and which comprise the key ecology, highway, design and conservation, drainage, ground conditions and amenity matters, are considered to accord with relevant local and national planning policies.

In the absence of any material considerations to the contrary, and subject to the LLFA being satisfied with the amended Drainage Statement, Officers consider the application proposal to be acceptable subject to the following draft conditions.

If Members are minded to agree with the proposed recommendation, the application will then be referred to the Secretary of State in accordance with the provisions of The Town and Country Planning (Consultation) (England) Direction 2009, given that the total floor space of the application proposal, when considered together with the wider Seaburn 16/02056/HY4 approved development, exceeds 5,000 square metres of town centre uses.

## **RECOMMENDATION**

Members are therefore recommended to be minded to Approve subject to the application being referred to the Secretary of State in accordance with the provisions of the Town and Country Planning (Consultation) (England) Direction 2009.

## **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 This permission shall be for a limited period of eight years only from the date of this consent when (unless a further application has been submitted to and approved in writing by the Local Planning Authority) the use hereby approved shall be discontinued and the building shall be removed from the site and the site left in a safe and satisfactory condition in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason:

The land is situated within an area to be redeveloped and is acceptable on a temporary basis in the interests of the regeneration plans of Seaburn.

3 The development to which this permission relates shall be carried out in accordance with the approved plans:

- Location Plan, titled 'Ownership Plan', drawing EW-00-900 Rev PL01;
- Existing Site Plan, drawing EW-00-910 Rev PL01;
- Proposed Site Plan, drawing EW-00-920 Rev PL01;
- Proposed Ground Floor Plan, drawing P0-00-100 Rev PL01;
- Proposed First & Second Floor Plans, drawing P1-00-101 Rev PL01;
- Proposed Elevations & Sections, drawing EL-00-200 Rev PL01;
- Proposed Roof Plan, drawing P3-27-110 Rev P01.

Reason:

For the avoidance of doubt and in the interests of proper planning, and to achieve a satisfactory form of development in accordance with the National Planning Policy Framework.

4 The total development hereby approved shall not exceed 2,933 square metres of gross internal floor area. Within this total, the maximum amount of commercial floorspace and hotel uses shall not exceed the following:

- A3 (Food & Drink), A4 (Drinking Establishments) & D2 (Assembly & Leisure) = 2,846 square metres;
- A1 (Shops) = 500 square metres;
- C1 (Hotels) = 87 square metres.

Reason:

To define the consent and to control the total amount of floorspace within the development, to safeguard the vitality and viability of the nearby centres, in accordance with the National Planning Policy Framework and policies S1 and S2 of the UDP.

5 The development hereby approved shall be implemented in accordance with the following sections of the Drainage Statement, doc ref. P19-127-3E-00-XX-RP-C-9000;

- Section 4.9, 4.12 and 4.13 Surface Water Drainage;
- Section 4.20 Foul Water Drainage;
- Section 5 Proposed SUDS Components;
- Appendix C, Preliminary Proposed Drainage Layout, Calculations and Details;
- Appendix D, Preliminary Proposed Drainage Maintenance Requirements & Manufacturers Product Information.

Reason:

To ensure that sufficient capacity is made available to cope with the new development, to reduce the likelihood of flooding on the site and to ensure the development is sustainable.

6 The development hereby approved shall be implemented in accordance with Section 5.0 Measures, Section 6.0 Monitoring and Review and Section 7.0 Action Plan of the submitted Travel Plan, Doc Ref: RPT-TC-002 dated 20 May 2019.

Reason:

To minimise the environmental impact and encourage a sustainable form of development.

7 The premises hereby approved shall not be used for retail, or for the preparation or sale of food and drink or for events outside the hours of 07.00 and 01.00 and shall be cleared, with all ancillary activity completed, within 45 minutes of closing time. No deliveries to, or collections from, the premises shall take place before 07.00 am.

Reason:

To protect the amenities of the area and in the interests of highway safety, in accordance with the National Planning Policy Framework and policies.

8 Emptying of glass bottles into any recycling storage area shall not take place between the hours of 22:00 - 08:00.

Reason

To safeguard the amenities of nearby noise sensitive receptors and in accordance with policy EN1 of the UDP.

10 Prior to the commencement of above ground works on the development hereby approved, details of the materials, colours and finishes to be used on all external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall also include details of the external maintenance and cleaning regime of the storage containers. The scheme shall then be implemented in accordance with the agreed details and maintained as such thereafter for the lifetime of the development.

Reason:

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse impact upon this prominent, tourist location.

11 The development hereby approved shall not be brought into use until details of the delivery and refuse strategy have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved strategy shall operate in accordance with the approved details for the lifetime of the development.

Reason:

In the interests of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and policies.

12 The development hereby approved shall not be brought into use until the approved refuse storage area has been formed in accordance with the approved plans and shall operate as such thereafter for the lifetime of development.

Reason:

In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and policies.

13 Full details of any external lighting, including the external lighting fixtures and a light contour plan for the land surrounding the building, shall be submitted to and approved in writing by the Local Planning Authority, prior to its installation. This shall include details of the luminance levels, details of any automatic timers or sensors and details of measures to control light pollution. The approved details shall be implemented in full prior to the commencement of the use hereby approved and the lights shall not be installed or operated other than in accordance with the approved details.

Reason:

In the interests of safety, sustainability and the amenities of neighbouring residential occupiers.

14 The development shall not be brought into use until schemes for the extraction of fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The submitted extraction schemes shall provide details of the termination points, filtration systems, and details of the acoustic qualities of the systems including any noise and/or vibration attenuation measures. The approved schemes shall be implemented before the development is brought into use and retained as such thereafter. All equipment installed as part of the schemes shall be operated and maintained in accordance with the manufacturer's instructions.

Reason:

In the interests of the amenity of the occupiers of neighbouring premises, in accordance with the National Planning Policy Framework.

15 Before first occupation an Operational Management Plan to include noise management plan and servicing arrangements of the site shall be submitted to and approved in writing by the Local Planning Authority. The approved Operational Management Plan shall operate in accordance with the approved details.

Reason:

To prevent nuisance from noise in the interests of the amenity of the occupiers of neighbouring premises, in accordance with the National Planning Policy Framework.

16 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, contractor parking, and measures to ameliorate noise, dust, vibration and other effects, and so implemented.

Reason:

In the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and to comply with policy B2 and T14 of the saved adopted Unitary Development Plan.

17 No development shall commence until a detailed Remediation Strategy to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved, in writing, by the Local Planning Authority. The strategy shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures and must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990.

Reason:

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

18 The development hereby approved shall not be occupied until the approved remediation works have been completed in accordance with the approved Remediation Strategy and a verification report that demonstrates the effectiveness of the remediation works and accords



with the terms of the approved Verification Plan has been submitted to and approved, in writing, by the Local Planning Authority.

Reason:

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

19 If, during development, contamination not previously identified is found to be present at the site, the Local Planning Authority shall be notified and appropriate actions submitted to and agreed in writing by the Local Planning Authority prior to development recommencing on that part of the site. The appropriate actions shall include an amendment to the approved remediation strategy detailing how the unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason:

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

20 All vegetation clearance works shall be undertaken outside of the bird nesting season of April 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 nests are found works will have to cease and an acceptable method statement put in place that will safe guard the birds affected.

Reason:

To ensure a satisfactory form of development and to comply with policy CN18 of the saved adopted Unitary Development Plan.