

## **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 2010

## **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 Office of the Chief Executive in the Civic Centre or via the internet at [www.sunderland.gov.uk/online-applications/](http://www.sunderland.gov.uk/online-applications/)

Janet Johnson  
Deputy Chief Executive

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**Reference No.:** 13/04024/FUL Full Application

**Proposal:** **Extensions to front, rear and sides of existing school comprising new classroom, nursery, office, administration and reception areas. Reconfiguration and extension of church car park including new tarmac hardstanding area to allow the provision of a total of 54 spaces incorporating pupil drop off area. Alterations to existing vehicular access to church car park and creation of new separate vehicular access to the presbytery from Station Road. (Amended Description)**

**Location:** Our Lady Queen Of Peace R C School, Church And Presbytery Station Road Penshaw Houghton-le-Spring DH4 7JZ

**Ward:** Shiney Row

**Applicant:** The Trustees Of RC Diocese Of Hexham And Newcastle

**Date Valid:** 13 December 2013

**Target Date:** 7 February 2014

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## **PROPOSAL:**

The application relates to Our Lady Queen of Peace School, Church and the Presbytery on Station Road in Penshaw.

Planning permission is sought for extensions to the front, rear and sides of the existing school comprising new classroom, nursery, office, administration and reception areas.

The extensions to the school building are in three distinct areas. The first of these is proposed a new extension to the side/rear (south-east and south-west) elevations. This would allow for the creation of a new class room for Year 3 and 4 pupils and the widening of an existing classroom used by Year 5 pupils. The extension would project 8.3 metres beyond the rear of the existing building at the point which it would adjoin and would be 10.4 metres wide. The element of the extension which wraps around the side of the existing Year 5 classroom to increase its width would be 1.4 metres wide. The extension would be erected with a monopitch roof, 3.2 metres high at its lowest point and 4.2 metres high at its highest point. The proposed extension would be set in from the rear boundary of the site, shared with residential properties in Redlands by approximately 8.4 metres.

The second extension is proposed to the front/side (north-west) elevation of the school. The new accommodation would allow the provision of a new Year 6 classroom, two new group work rooms, as well as office, administration and reception facilities. The proposed extension would also allow for the widening of

an existing classroom used by Year 5 and 6 pupils. The extension would project 17 metres forward of the existing building at the point it would adjoin and would have a cumulative width of 15 metres at its widest point. In common with the proposed extension to the rear of the school, this extension would have a monopitch roof which would be 3.6 metres high at its lowest point and 5 metres high at its highest.

The third area of the school to be extended is to the other side elevation adjacent to the north-east boundary of the site. The extension proposed here would allow the creation of a new Year 1 classroom and the extension of the existing nursery and reception classroom. The extension would be 25.6 metres long and 6.6 metres wide. It would replicate the monopitch design of the existing building which it would adjoin being 3.7 metres high at its lowest point and 5.5 metres high at its highest point. The extended building would be set in by approximately 6 metres from the eastern boundary of the site.

The proposal also comprises the reconfiguration and extension of church car park including new tarmac hardstanding area to allow the provision of a total of 54 spaces incorporating pupil drop off area.

Alterations are also proposed to the existing vehicular access to the church and the creation of new separate vehicular access to the presbytery from Station Road.

When initially submitted, the planning application also included a proposal to create a 25 space car park within the school grounds on part of the playing field. This element of the proposed development has now been omitted from the application.

This application would normally have been determined under the Council's Scheme of Delegation, but has been referred to the Sub-Committee for determination at the request of Councillor Speding. Members visited the site on 21 March 2014.

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

Site Notice Posted  
Neighbour Notifications

#### **CONSULTEES:**

Northumbrian Water  
Environmental Health  
Sport England  
Shiney Row - Ward Councillors Consultation  
Network Management

Final Date for Receipt of Representations: **14.04.2014**

## **REPRESENTATIONS:**

There have been two separate consultation periods in respect of this application. The first of these was in respect of the original planning application and the second upon receipt of amended plans omitting the originally proposed car park on the playing field and additional information in respect of highway and drainage matters.

### **Neighbours**

In response to the initial consultation period in connection with the application, a number of representations have been received from nearby residents raising objections to the proposals as follows:

- The proposal would detrimentally affect views from the rear of 9 Redlands.
- The documentation states that the existing soakaway will be used to disperse water. This soakaway is wholly inadequate in dispersing the water at present and as a result, properties in Frederick Gardens are experiencing flooding. The proposed development will exacerbate this issue through increased levels of hardsurfacing on the site. The matter has previously been communicated to the school, but to date remains unresolved.
- The drainage section of Sunderland Council and Northumbrian Water have previously advised residents of Frederick Gardens that the water is coming from the school grounds.
- The proposed extensions to the car parks will not solve the problem of parking on the main road. With the school intake increasing by 50%, the parking problem will get worse. Station Road is a busy road. Frequent buses and motorists travelling to Shiney Row are forced to overtake parked cars on a blind bend. Improved arrangements for entering and exiting the school and church grounds and also for drop off and pick up are essential.

Further to the second consultation period, a further letter has been received in objection to the proposal from residents of five properties in Frederick Gardens. The letter raises the following reasons for objecting:

- Over the last few years, the residents have all experienced problems with excess water draining into their properties from the adjoining school field. The residents have tried unsuccessfully to speak with the Chair of Governors and the Headteachers of the school since 2001 to the present date to resolve the issue.
- Using the existing, inadequate soakaway to disperse the surface water will exacerbate the problem of flooding which is currently seriously affecting the residents' properties which lie below the bottom of the soakaway.
- The extension of the car park will not solve the problem of parking on the main road.
- In addition, the Site Drainage Statement is extremely subjective without substantive fact.
- There are no dimensions of the current soakaway and the school claim not to know it existed and have no records of it.
- The agent states that there is no evidence that the soakaway is not being fit for purpose. This is not true and the residents have provided correspondence dating back to 2001 highlighting the problems they have

been experiencing. A factual statement cannot be made in respect of the downstream impact of the drainage system as the topography of the adjacent dwellings was not inspected when the soakaway was replaced in 2001 and the agent has not taken up residents' offers to see the problems in the intervening time.

- The drainage statement states that water is discharged deep underground close to the south-western boundary and also implies leakage from the soakaway which is 2 metres below ground level would become apparent below this level. The residents have evidence that this is happening, but the agent has chosen to ignore this.
- The exact location of the soakaway is unclear as the plans suggest it is further from the fence than it actually is.
- The existing soakaway was constructed in 2001 and the residents would like answers and evidence that the following were carried out by a drainage expert; percolation tests, testing on the soil type i.e. filtration rates, the clay cap and underlying geology, the water table, were tests carried out and if so were they shared with a qualified drainage expert, topography of the ground and consultation with neighbouring properties.
- In the drainage statement, the agent states that he has inspected the playing field regularly over the years and every couple of weeks over the past five months. Are there records of these purported inspections and more importantly, what inspections were made of the soakaway, the residents can see no evidence of this in the statement.
- The residents are not opposed to the growth and development of the school, however they do want to see that all drainage systems are not only fit for purpose for the school and neighbouring properties i.e. to stop the water leakage into neighbouring properties and to have the infrastructure and capacity not only for the proposed future developments in 2014 and 2019/20 but also to take into account changes in the climate and consequent water levels. Why can excess water not simply be directed into a main drain?

## Consultees

### Network Management

In commenting on the application as initially received, the Network Management Team advised as follows:

It is understood that pupil numbers will increase by 105 pupils from 210 to 315. This will take place over the next six years with classes increasing from 30 pupils to 45.

The application form states that an additional four full time staff are proposed (24 in total). It is noted that a 25 space staff/visitor car park is proposed within the school grounds.

It is noted that the proposal will generate a significant increase in vehicular movements.

A transport statement is required to provide the following:

- It is apparent that no parent parking is to take place within the grounds of the school. It is assumed that parent parking is proposed within the church car park and the adjacent club car park. Clarification of these

parking arrangements is required - a plan identifying the proposed 73 parking spaces as stated in the application form is required.

- There is a proposed drop off area within the church car park, however this area is likely to be used for parking and not just a drop off point.
- Clarification is required as to how the operation of the church services will be affected by parents using the church car park.

The creation of a new vehicular access to the Presbytery may be acceptable on the basis of a low level of use.

At present, there is no school crossing patrol operating at this school, however the increase in pupil numbers in the future would increase vehicular and pedestrian movements and a school crossing patrol may be required.

It is understood that the school has an existing school travel plan, a revised and updated travel plan and travel survey would be required for this proposal.

With reference to the amended plans in respect of the church car park layout, the Network Management Team advised that it is acknowledged that the applicant has provided parent parking and a drop off / pick up area within the church grounds with 27 new spaces proposed and 27 of the existing spaces retained on the new alignment giving a total of 54 spaces. The loss of the proposed additional staff parking within the school grounds would mean staff would have to share these proposed spaces within the church car park. Whilst this is not ideal, on balance, with appropriate soft mitigation measures in place, refusal on highway grounds alone would likely be un-sustainable in an appeal situation.

In terms of mitigation measures; it is strongly recommended that the applicant be required to submit and implement a robust School Travel Plan. The content, targets, incentives and penalties of this document shall be agreed in writing prior to occupation of the extension or increasing pupil numbers. The document shall be reviewed at least annually by an appropriately competent individual, the results of this review shall be submitted in writing.

#### Environmental Health

The Environmental Health Team has advised that the site has previously accommodated an industrial activity, which may have resulted in contamination of the land. As such, it is recommended that a comprehensive desktop study and site investigation should be carried out to ascertain the condition of the land and that if hazards are identified, site specific risk assessments should be undertaken.

Further comments received relate to recommended hours between which construction works should be carried out and also notes in respect of the use of machinery and measures to prevent dust generation, vibration and smoke.

#### Sport England

In response to consultation on the proposal as first submitted, Sport England advised that the location of the initially proposed extended north-westwards onto the playing field which aerial photos suggest has been used to accommodate a football pitch of differing dimensions over the years. It was not demonstrated that the car park extension would not conflict with the playing field's sporting use and as such this aspect of the proposal would be in conflict with Sport England's playing field policy. For this reason, Sport England objected to the proposal as

first submitted as it was not considered to accord with any of the exceptions in Sport England's playing fields policy.

Thus, in accordance with Circular 02/09, Sport England objected on the following grounds:

- There is a deficiency in the provision of playing fields in the area of the local authority concerned;
- The proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned.

Upon receipt of amended plans, it was evident that the car park which had been the reason for Sport England's initial objection to the scheme had been omitted. Sport England were re-consulted and have advised that the parking area which encroached onto the playing field land has been deleted with additional car parking instead located in the adjacent church. Sport England's statutory objection is therefore withdrawn and as such no further comments were offered.

#### Northumbrian Water

Northumbrian Water considered the development and assessed the impact of the proposed development on their assets and assessed the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. Having assessed the proposal development against the context outlined above, Northumbrian Water confirmed that there are no comments to be made in respect of the proposed development as the applicant intends to dispose of surface water via a soakaway.

#### Northern Powergrid

Northern Powergrid has confirmed that it has no objections to the proposal providing that its rights are not affected and that any such rights will continue to be enjoyed to allow access to their apparatus for maintenance, replacement or renewal works as necessary.

### **POLICIES:**

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

B2 Scale, massing layout and setting of new developments

CF4 Provision for Nursery Education

CF5 Provision for primary and secondary schools

EN10 Proposals for unallocated sites to be compatible with the neighbourhood

EN12 Conflicts between new development and flood risk / water resources

EN14 Development on unstable or contaminated land or land at risk from landfill/mine gas

L7 Protection of recreational and amenity land

T14 Accessibility of new developments, need to avoid congestion and safety problems arising

T22 Parking standards in new developments

## **COMMENTS:**

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

- 1) Principle of the Development.
- 2) Impact upon Residential Amenity.
- 3) Impact upon Visual Amenity.
- 4) Highway Issues.
- 5) Drainage Issues.
- 6) Environmental Issues.

- 1) Principle of the Development.

The site in question is not allocated for any specific land use within the Council's 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.

Policy CF4 states that provision for nursery education will be made, so far as possible, within surplus accommodation at existing schools, or in new premises on existing school sites where sufficient land is available. Policy CF5 of the UDP requires that where possible, the requirements for the provision of education shall be met on existing sites

The school playing fields are identified to be protected from development under UDP policy L7.

In light of the above, it is considered that, the proposed extensions and alterations accord with policies EN10, CF4 and CF5 of the Unitary Development Plan in providing additional teaching and ancillary facilities for the existing school. Furthermore, following the amendment to the proposal to omit the car parking provision which would have encroached onto the school playing field from the proposal, the playing field is unaffected by the development and as such, the proposal is considered to accord with policy L7.

The use of the existing church car park by parents of children attending the school as a pick up and drop off facility is a longstanding arrangement. The provision of drop off facilities along with improved car parking and site access arrangements is considered to be to the benefit of both the school and the church and serves to formalise and reinforce the existing shared use arrangement.

The impact of the proposed new access to the Presbytery is considered to be acceptable in principle in that it allows for the creation of a dedicated vehicular access to this residential property.

For the reasons set out above, as the proposal relates to the expansion of the school on its existing site with associated improvements to the adjacent church and presbytery, the proposed development is considered to be acceptable in principle with due regard to the UDP policies set out above.



## 2) Impact upon 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.

The proposed extensions are in various locations around the site as set out above. The proposed nursery and year 1 classroom extension would be offset from the closest dwellings on Dalton Way, which stand in an elevated position by approximately 22 metres. This distance, combined with the difference in levels, is considered to be such that the amenities of occupiers of these properties would not be compromised by the proposed extension.

The proposed new extension for the year 3 and 4 pupils is offset from the rear elevation of the closest property in Redlands by approximately 18 metres and the school is set down from the ground level of Redlands. The separation distance between the properties combined with the setting of the school at a lower level is such that the impact of the proposed extension upon occupiers of the dwellings in Redlands is acceptable. The impact of the proposed extension upon the amenities of occupiers of dwellings in Redlands is further reduced by the proposed roof design, which is a monopitch roof which is at its lowest height where it is closest to the boundary with Redlands.

Whilst it is noted that The Presbytery stands at a lower level than the school site, the separation distance of 22 metres between the nearest extension to the school and the rear elevation of The Presbytery is considered to be sufficient in order to avoid unacceptable harm to occupiers of The Presbytery.

The closest residential property in Frederick Gardens is offset from the closest part of the extended school by approximately 95 metres which is considered to be sufficient in order that the amenities of occupiers of these properties will not be compromised as a result of the proposed extensions. The concerns raised by residents of Frederick Gardens in respect of drainage are to be given separate consideration - see below.

The proposed new access to The Presbytery stands between the church and the boundary shared with 14 Station Road. It is considered that the proposed new access is set away from the shared boundary by a distance significant enough to avoid harm to the amenities of occupiers of this property as a result of its use.

For the reasons set out above, it is not considered that the works proposed by this application would be harmful to the amenities of any adjacent resident in order to warrant refusal of the planning application.

## 3) Impact upon Visual Amenity

As set out above, 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.

The school site is of limited visibility from Station Road, being set at the head of a long driveway with a good amount of screening in between. The extensions to the front would still be visible from vantage points along Station Road, but given that the extensions are designed to reflect the contemporary appearance of

the previous extensions to the original school, it is considered that the proposal adequately reflects the design and character of the street scene so as not to be detrimental to visual amenity. The same can be said in respect of views from the footpath of Dalton Way to the east of the site, where the extensions will be visible in the context of the previously erected extensions to the school, to which they appear similar.

The proposed expansion of the church car park to facilitate the additional parking and drop off facilities will result in the creation of a new tarmac hardstanding area on part of the existing grassland between the school access and the existing church car park. Whilst the loss of part of this grassed area is unfortunate, a strip of grassland 13 metres wide is shown as to be retained on the submitted site plan and on balance, it is considered that the benefit of extending the car park and improving the pick up and drop off arrangements at the school outweigh the loss of a small area of grassed open space, particularly given that a relatively large area of open space would remain after the works are carried out.

For the reasons set out above, the impact of the proposal on visual amenity and the street scene is considered to be acceptable.

#### 4) Highway Issues

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

With reference to the amended plans in respect of the church car park layout, the Network Management Team acknowledged that the applicant has provided parent parking and a drop off / pick up area within the church grounds with 27 new spaces proposed and 27 of the existing spaces retained on the new alignment giving a total of 54 spaces. The loss of the proposed additional staff parking within the school grounds would mean staff would have to share these proposed spaces within the church car park. Whilst this is not ideal, on balance, with appropriate soft mitigation measures in place, refusal on highway grounds alone would likely be un-sustainable in an appeal situation.

In terms of mitigation measures; the Network Management Team recommended that the applicant be required to submit and implement a robust School Travel Plan. The content, targets, incentives and penalties of this document shall be agreed in writing prior to occupation of the extension or increasing pupil numbers. The document shall be reviewed at least annually by an appropriately competent individual, the results of this review shall be submitted in writing.

Subject to the imposition of a condition requiring the School Travel Plan to be updated as specified above, it is considered that it can be ensured that the proposed development does not create highway safety problems sufficient to warrant a refusal of planning permission on that basis. The proposal is considered to accord satisfactorily with UDP policies T14 and T22.

#### 5) Drainage Issues

Policy EN12 of the UDP states that in assessing proposals for new development, the Council will seek to ensure that the proposal 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.

A number of concerns have been raised by residents of nearby dwellings in Frederick Gardens over drainage from the site. Residents have advised that they have suffered flooding problems and have been advised that the water which is causing these problems is by way of run off from the curtilage of the school. Primarily, concerns have been raised over a soakaway which is claimed by the agent to exist within the school fields. The residents of Frederick Gardens have queried the precise location of the soakaway, its capacity, functionality and any maintenance and inspection regimes as no records or details have been provided by the agent in support of this application. In the absence of such details, the residents have raised concern that the proposals, particularly the additional hardstanding may cause increased surface water run off towards their properties, exacerbating the flooding problems which they are experiencing. The residents queried in their representations why additional surface water run off could not be directed into a main drain.

The key consideration in assessing the implications of this proposed development for drainage infrastructure is to ensure that any existing drainage problems which may be being experienced by adjacent occupiers are not exacerbated by the development proposed by this application. Where existing problems are occurring, it is not considered reasonable to require an applicant to remedy these through the planning process associated with a new development, but it must be ensured that any new development does not worsen any existing concerns.

The drainage implications of the proposed development have been given detailed consideration during the course of the application. Initially, further information was requested in respect of the soakaway, but it seems that no detailed records of its precise position, nature and capacity exist.

In the absence of any details of the existing on site drainage infrastructure, there was concern that the development would likely increase surface water run off, there was no information which allowed the potential for the existing soakaway to accept additional flows to be assessed, infiltration may be unsuitable if inadequately designed and that poor performance of the soakaway could lead to localised flooding which would have the potential to affect properties on Frederick Gardens due to the sloping site topography. Further information as requested from the agent in respect of the drainage assets, details of any new drainage proposals, infiltration testing of the soakaway and suitable calculations to show that the soakaway could accommodate the additional surface water flow.

Subsequent to this, the agent has investigated alternatives to directing surface water run off to the existing soakaway. The chosen alternative has been arrived at following dialogue between the agent and Northumbrian Water (NWL), copies of which have been provided to the Council, along with a report prepared by a development consultant employed by the agent, detailing the final chosen solution.

The report advises that NWL's sewer record sheet confirms that there is a 225mm diameter combined public sewer approximately 2 metres deep in the public highway to the west of the site (Station Road). The agent submitted a pre-development enquiry to NWL in September 2014, requesting NWL's consent for a discharge into this sewer. NWL responded confirming that they would accept a maximum discharge of 5 litres per second into Manhole 1003 on Station Road.

Based on the architect's drawings, the impermeable area of the proposed car park extension has been calculated at approximately 1,025 square metres, which would result in a surface water run-off of 25 litres per second. Given that NWL has restricted discharge into the sewer to 5 litres per second, it will therefore be necessary to incorporate a flow attenuation tank into the design of the surface water drainage system serving the proposed car park. The tank will take the form of oversized pipes with a HydroBrake or similar approved flow control device installed in the outlet manhole controlling the discharge to a maximum of 5 litres per second. A topographical survey has confirmed that a gravity connection from the attenuation tank to the sewer can be achieved.

An appendix to the agent's report shows the proposed car park, the approximate location of the attenuation tank and the proposed offsite sewer up to its connection with the public sewer at Manhole 1003. Whilst a full and detailed design will be required using MicroDrainage software, it is estimated that approximately 25 cubic metres of storage will be required and that this can be achieved using approximately 39 metres of 900mm diameter pipe.

The conclusion of the report is that in order to ensure that all surface water from the proposed car park is piped to the existing sewer, it is recommended that :-

- 1) A suitable system of gullies and pipework is installed to deal with run-off from the proposed car park.
- 2) All flows are directed to a surface water flow attenuation tank.
- 3) Flows from the tank are restricted to a maximum of 5 litres per second as required by NWL.
- 4) Flows from the tank discharge to the existing sewer in Station Road at or downstream of Manhole 1003.

Given the context in which the application must be assessed with regard to drainage issues, i.e. ensuring that the proposed development does not result in surface water run off which would cause drainage issues and having reviewed the report provided by the agent, it is considered that the proposed solution of drainage from the car park could serve to perform adequately in this regard. Further detail would be required in respect of the precise detail of the scheme as the information which is presently available is indicative, however it is considered that this detail could be secured through the imposition of a suitably worded planning condition on any planning permission, should Members be minded to approve the application. Subject to the imposition of such a condition, it is considered that it can be ensured that the new development does not create drainage problems and that it accords satisfactorily with UDP policy EN12.

## 6) Environmental Issues

UDP policy EN14 dictates that where development is proposed on land which there is reason to believe is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

As set out above, the Environmental Health Team has advised that the site has previously accommodated an industrial use which may have resulted in contamination and as such, given that the responsibility for the safe development of the site rests with the developer, a desktop study and if necessary, site specific risk assessment should be undertaken to detect any such contamination.

In order to allow the application to proceed and to allow further dialogue to take place in respect of the contamination issues, it is recommended that should Members be minded to approve the application that the standard suite of planning conditions in respect of land contamination issues be imposed as set out below. Such conditions can ensure compliance with UDP policy EN14 and will allow continued consideration of the information submitted in respect of land contamination.

## Conclusion

In light of the above, through the imposition of appropriate planning conditions to any planning permission, the development is considered to be acceptable.

Members are recommended to approve the application subject to the conditions set out below.

## **RECOMMENDATION: Approve**

### **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:

The Ground Floor Plan - Existing - Drawing Number VE/09, received 6 December 2013;

The Existing Site Plan/Roof Plan - Drawing Number VE/15, received 6 December 2013;

The Existing Elevations - Drawing Number VE/16, received 6 December 2013;

The Proposed Site Plan (2) - Drawing Number VE/18A, received 14 April 2014;

The Ground Floor Plan Left - Proposed - Drawing Number VE/19, received 6 December 2013;

The Ground Floor Plan Right - Proposed - Drawing Number VE/20, received 6 December 2013;

The Proposed Elevations - Drawing Number VE/21, received 6 December 2013;

The Proposed Site Plan/Roof Plan - Drawing Number VE/22A, received 10 March 2014;

The Topographical Survey - Drawing Number P2/01, received 6 December 2013 and  
The Location Plan, received 8 May 2014.

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

- 3 Notwithstanding any indication of materials which may have been given in the application, no development shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including walls, roofs, doors and windows has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details; in the interests of visual amenity and to comply with policy B2 of the Unitary Development Plan.
- 4 No development shall commence until full details of the system proposed to be installed to direct surface water run-off from the car park extension hereby approved to the public sewer have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, such details shall include the design and position of gullies and pipework within the car park extension hereby approved, the design and position of any flow attenuation tank, including the positioning and nature of any below ground oversized pipes, the design and position of any flow control device and the final design and layout of the system of below ground pipework by which surface water run off will reach the public sewer. Once details have been approved, the development shall not proceed other than in complete accordance with the agreed details, unless any variation is first agreed in writing with the Local Planning Authority, in order to ensure that surface water run-off from the site can be adequately dispersed and to accord with policy EN12 of the Unitary Development Plan.
- 5 The school extension hereby approved shall not be occupied/brought into use until a robust School Travel Plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the travel plan shall set out targets, incentives and penalties for non-compliance. Once the submitted travel plan has been approved in writing by the Local Planning Authority, its contents and recommendations shall be implemented prior to the school extension hereby approved being occupied/brought into use and shall remain in place at all times thereafter unless the Local Planning Authority first agrees to any variation in writing. Thereafter, the document shall be reviewed on an annual basis by an appropriately competent individual, with the results of each review submitted in writing to the Local Planning Authority, in the interests of highway safety and to accord with policy T14 of the Unitary Development Plan.
- 6 No construction works required for the development hereby approved shall be carried out other than between the hours of 07.30 and 18.00 Monday to Friday and 07.30 and 13.00 on Saturdays with no works to be carried out on Sundays or Bank Holidays, unless first agreed in writing with the Local

Planning Authority, in the interests of residential amenity and to comply with policy B2 of the Unitary Development Plan.

- 7 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions number 8 to number 10 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until condition number 11 has been complied with in relation to that contamination. To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 8 Unless otherwise agreed in writing by the Local Planning Authority development must not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site (site characterisation), whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

(ii) an assessment of the potential risks to:

human health

property (existing or proposed) including building, crops, livestock, pets,  
woodland and service line pipes,

adjoining land,

groundwaters and surface waters,

ecological systems,

archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11.' To ensure that risks from land contamination to future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the

development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.

- 9 Unless otherwise agreed by the Local Planning Authority, development must not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environment Protection Act 1990 in relation to the intended use of the land after remediation. To ensure that the risks from land contaminated to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EN14 of the Unitary Development Plan.
- 10 The remediation scheme approved under Condition number 9 (Submission of Remediation Scheme) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

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

- 11 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition number 8 (Site Characterisation), and when remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition number 9 (Submission of Remediation Scheme), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared which is subject to the



approval in writing of the Local Planning Authority in accordance with condition number 10 (Implementation of Approved Remediation Scheme).

If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until this condition has been complied with in relation to that contamination.

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