



Northumberland

County Council

STRATEGIC COMMITTEE: 7th January 2020

Application No:	19/01981/VARYCO		
Proposal:	Variation of Condition 25 to include the installation of a 1.5m to 2.1m high close boarded timber fence, Condition 36 reworded and Removal of Condition 34 pursuant to planning permission 18/03387/VARYCO		
Site Address	Former Fire And Rescue Workshop, Loansdean, Morpeth, Northumberland NE61 2AP		
Applicant:	Mr Mark Elliott County Hall, Morpeth, Northumberland, NE61 2EF England	Agent:	Mr Stephen Tudball Liddon House, Belmont Business Park, Durham City, Durham DH1 1TW England
Ward	Morpeth Kirkehill	Parish	Morpeth
Valid Date:	31 July 2019	Expiry Date:	30 October 2019
Case Officer Details:	Name:	Mrs Tamsin Wood	
	Job Title:	Senior Planning Officer	
	Tel No:	01670 625545	
	Email:	tamsin.wood@northumberland.gov.uk	

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 This application must be determined at committee as it is a County Council development involving land under the ownership of the Council.

2. Description of the Proposals

- 2.1 Planning permission was granted at Strategic Planning Committee on 5th June 2018 and the decision issued 29th June 2018, for the construction of a new two storey First School for children aged from nursery to 8 years old. To include external play areas, Multi Use Games Area (MUGA) and associated parking.
- 2.2 A variation to this permission was then approved under 18/03387/VARYCO. This allowed an amendment to the plans and as such Condition 2 on the decision notice, to allow for the removal of 4 trees and their replacement with 5 trees and for the construction of an electricity substation. This permission was granted with various conditions.
- 2.3 This current application now seeks a variation to Condition 25 to include the installation of a 1.5m high close boarded timber fence.

Condition 25 currently states:

Prior to the development being brought into use or continuing in use, the applicant shall provide full details of the acoustic barrier (which shall consist of a masonry wall or earthen mound), including location, specification, design and performance, to the local planning authority for written approval. The approved scheme shall be implemented in full and retained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

- 2.4 The applicant has now submitted details of a 1.5m to 2.1m high close boarded fence to be used as an acoustic barrier after further discussions with public protection. This barrier is in place already. As such the applicant now wishes to vary the condition to the following:

Prior to the development being brought into use or continuing in use, the applicant shall install an acoustic barrier in the form of a 1.5m to 2.1m high close-boarded timber fence in accordance with details contained in the Appendix to Cundall noise report 1014396-RPT-AS001 (Rev F). The scheme shall be implemented in full and retained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

- 2.5 As this application is retrospective and the school is in use the wording would actually need to be changed slightly to 'The applicant shall install an acoustic barrier in the form of a 1.5m to 2.1m high close-boarded timber fence in accordance with details contained in the Appendix to Cundall noise report 1014396-RPT-AS001 received 15th November 2019, within 3 months of the date of this permission...'
- 2.6 The applicant also requests that Condition 34 is removed as this is a repeat of Condition 35. In addition they have requested that Condition 36 is reworded so it refers to condition 35 instead of 135. Given a condition is proposed to be omitted this would in fact refer to condition 34.
- 2.6 The site is located within the settlement boundary of Morpeth as defined by the Morpeth Neighbourhood Plan (MNP) and castle Morpeth Local Plan. The land is allocated in the MNP for mixed-use employment generating purposes, and is not allocated for any use within the Local Plan.

3. Planning History

Reference Number: C/99/CC/82

Description: Change of use of existing stores block to provided office accommodation, laboratories and store for Trading Standards and the construction of additional car parking

Status: PER

Reference Number: 16/04292/FUL

Description: Development of retail floorspace (Use Classes A1 and/or A2 and/or A3 and/or A5 and/or D1), a foodstore (Use Class A1), a drive-thru restaurant (Use Class A3 and/or A5), a family pub/restaurant (Use Class A3 and/or A4) and associated car parking, cycle spaces, landscaping and access arrangements

Status: WDN

Reference Number: 18/00715/CCD

Description: Construction of a new two storey First School for children aged from nursery to 8 years old. To include external play areas, Multi Use Games Area (MUGA) and associated parking.

Status: PER

Reference Number: 18/02767/DISCON

Description: Discharge of Conditions 3 (facing materials and the roof covering) 6 (disposal of foul and surface water) 7 (landscape planting) 10 (Construction Method Statement) 11 (space for the parking) 17 (scooter parking) 32 (contamination of land), 37 (Trees) on approved Planning application 18/03387/VARYCO (as amended 24/05/2019)

Status: PER

Reference Number: 18/03387/VARYCO

<p>Description: Variation of conditions 2 (approved plans) and 8 (landscaping) pursuant to planning application 18/00715/CCD, in order to remove 4 trees and replace them with 5 trees and to include an electricity sub station on the site.(revised description)</p> <p>Status: PER</p>
<p>Reference Number: 18/04154/DISCON</p> <p>Description: Discharge of condition 12 (scheme for the improvement of the B1337 / County Hall Access Road Junction) pursuant to approved planning application 18/00715/CCD.</p> <p>Status: WDN</p>
<p>Reference Number: 19/00185/DISCON</p> <p>Description: Discharge of condition 25 (details of the acoustic barrier) on approved planning application 18/00715/CCD</p> <p>Status: WDN</p>
<p>Reference Number: 19/02719/DISCON</p> <p>Description: Discharge of conditions 4 (SUDS features), 16 (cycle parking), 21 (external lighting), 24 (noise emissions), 31 (odour treatment system), 35 (ground gasses) and 36 (verification report) on approved planning application 18/03387/VARYCO.</p> <p>Status: PCO</p>
<p>Reference Number: 19/02996/DISCON</p> <p>Description: Discharge of conditions - 13 (highways) and 18 (traffic management) related to planning approval 18/03387/VARYCO</p> <p>Status: PCO</p>
<p>Reference Number: 19/03015/DISCON</p> <p>Description: Discharge of conditions - 12 (highways) related to planning approval 18/03387/VARYCO</p> <p>Status: PCO</p>
<p>Reference Number: 19/03456/DISCON</p> <p>Description: Discharge of Conditions : 19 (Travel plan), 22 (Surface water drainage), 26 (Noise management scheme) and 38 (Landscape management scheme) related to planning approval 18/03387/VARYCO</p> <p>Status: PCO</p>

4. Consultee Responses

Morpeth Town Council	No response received.
Highways	No comments to make.
Public Protection	1)No objections. 2) No objections.

North Trees And Woodland Officer	No response received.
County Ecologist	To reattach ecology conditions from previous decision.
Lead Local Flood Authority (LLFA)	No objection.
West Tree And Woodland Officer	No response received.

5. **Public Responses**

Neighbour Notification

Number of Neighbours Notified	106
Number of Objections	0
Number of Support	0
Number of General Comments	0

Copies of all representations received are available in the Member's Lounge and will also be made available at the meeting of the Committee

Notices

General site notice, 16th August 2019

Morpeth Herald 15th August 2019

Summary of Responses:

None received.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=PTCSMLQSGRL00>

6. **Planning Policy**

6.1 Development Plan Policy Morpeth Neighbourhood Plan (2016):

Policy Sus1 - Sustainable Development Principles
 Policy Des1 - Design Principles
 Policy Set1 - Settlement Boundaries
 Policy Env1- Landscape and Wildlife Corridors
 Policy Env3 - Protected Open Space
 Policy Emp5 - Safeguarding of Employment Sites and Additional Employment Sites
 Policy Tra1 – Stobhill - Loansdean Link Road protection
 Policy Tra2 - Traffic congestion
 Policy Tra3 - Transport requirements for new developments
 Policy Tra4 - Development of footpath and cycleway networks
 Policy Inf1 - Flooding and sustainable drainage
 Policy Edu2 - New schools

Castle Morpeth District Local Plan (2003) (Saved Policies):

Policy C1 Settlement boundaries
 Policy MC1 Settlement boundary
 Policy C11 Protected species
 Policy C15 Trees in the countryside and urban areas
 Policy S1 Land Supply
 Policy S12 Protection of Services
 Policy T5 Public Transport Services
 Policy T6 Provision for Cyclists-cycle Routes
 Policy R2 Playing Fields and Dual Use of Educational Facilities and Youth Facilities

6.2 National Planning Policy

National Planning Policy Framework (2019)
 National Planning Practice Guidance (2018, as updated)

6.3 Emerging Planning Policy

Northumberland Local Plan Publication Draft Plan (Regulation 19)
 Policy STP 1 Spatial strategy (Strategic Policy)
 Policy STP 2 Presumption in favour of sustainable development (Strategic Policy)
 Policy STP 3 Principles of sustainable development (Strategic Policy)
 Policy QOP 1 Design principles (Strategic Policy)
 Policy QOP 2 Good design and amenity
 Policy QOP 4 Landscaping and trees
 Policy QOP 5 Sustainable design and construction
 Policy QOP 6 Delivering well-designed places
 Policy TRA 1 Promoting sustainable connections (Strategic Policy)
 Policy TRA 2 The effects of development on the transport network
 Policy TRA 4 Parking provision in new development
 Policy ENV 1 Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)

Policy ENV 2 Biodiversity and geodiversity 1
Policy WAT 1 Water quality
Policy WAT 2 Water supply and sewerage
Policy WAT 3 Flooding
Policy WAT 4 Sustainable Drainage Systems
Policy POL 1 Unstable and contaminated land
Policy POL 2 Pollution and air, soil and water quality

7. Appraisal

7.1 The main issues in the consideration of this application are:-

Principle of the development
Design
Residential amenity

Principle of development

- 7.2 The principle of development was accepted with the granting of planning permission reference 18/00715/CCD which is extant. This application is to make minor amendments in terms of the overall scheme and as there are no alterations to the proposal which would impact on the principle of the proposal, it is considered the principle of the proposal is still acceptable and in accordance with all the same relevant policies of the development plan, including Policy Edu2 of the MNP. Whilst the NPPF has been revised since the proposal is still in accordance with this in terms of the promotion and widening of choice in education. In addition the changes proposed under this application would only impact on design and residential amenity considerations.

Design

- 7.3 This application proposes a change from using a masonry wall or earthen mound as an acoustic barrier, to a 1.5m to 2.1m high close boarded fence. In terms of design and impact on the visual amenity of the area, this does not have any detrimental impact on the character and appearance of the site, and no more than the previously approved scheme. As such the proposal would still be considered to be in accordance with the NPPF in terms of design.

Residential amenity

- 7.4 The aim of the acoustic barrier is to reduce the impact of noise disturbance from the development on neighbouring residential properties. The application was discussed with the Public Protection team before submission and they have now been consulted on the application and commented that they do not object to the variations sought. As such they are satisfied on the basis that the proposed acoustic fence is built in accordance with the details set out in the application, that the proposal would not have an adverse impact on residential amenity in terms of noise disturbance. As such the development is considered to be in accordance with the aims of the NPPF and NPPG and Policies Sus1 and Des1 of the MNP in respect of impact upon residential amenity.

Other

- 7.5 The proposed amendments which include the deletion of one condition and change of wording of another so it refers to the correct condition are only minor amendments which do not impact on the scheme in any way. These amendments are considered to be acceptable.

Equality Duty

The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making

process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The principle of the proposal was established under the granting of application ref 18/00715/CCD. This proposal only has potential to impact on design and residential amenity. This proposal is considered to be acceptable these respects however and in accordance with the NPPF and Policies Sus1 and Des1 of the Morpeth Neighbourhood Plan. In addition the minor amendment to the wording of condition 36 and removal of condition 34 is acceptable.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of 29th June 2018.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended)

02. The development hereby permitted shall not be carried out other than in complete accordance with the following approved plans:

1000-Location Plan-S4-P03

1001-Existing Site Plan inc Topographic Survey-S4-P04

Proposed Changes (shows proposed site plan), 1048_SK14 Rev A

2015-Proposed Ground Floor GA (plan)-S4-P04

2016-Proposed First Floor GA (plan)-S4-P01

2018- Proposed Elevations-S4-P02

SK0021-Proposed Elevations, East & South Facades-S4-P03

SK0022-Proposed Elevations, West & North Facades-S4-P03

16T806-114 Proposed Drainage Details

16T806-112 Rev T10 - Proposed Drainage Layout

16T806-110 Rev T3 - Schematic External Works Layout

16T806-113 Rev T1 - Manhole Schedule

Goose Hill School External Lighting Rev 3

Morpeth School, Construction Site Logistics Rev 1 (12.02.18)

Cundall, Morpeth First School Planning Statement, Ref. 1014396 Rev A, 18th April 2018

Howarth Litchfield, Morpeth First School Design and Access Statement, Ref. 16107 Rev P01, 13th February 2018

Cundall, Environmental Noise Report, ref. 1014396 Rev D, 12th April 2018

Systra, Transport Assessment, Ref. SYS/18227/001/04, 17th May 2018

Systra, Framework Travel Plan, SYS/18227/002/03, 17th May 2018

Dunelm, Geoenvironmental Appraisal for land at Morpeth First School, Ref. D8515/02, 14th March 2018

1048.01 Rev K - Landscape Masterplan

Hard Landscape Proposals East, 1048.03 Rev D
 Hard Landscape Proposals West, 1048.02 Rev E
 Soft Landscape Proposals East, 1048.05 Rev D
 Soft Landscape Proposals West, 1048.04 Rev E
 GRP and Plinth Construction Details, P-0096328/DWG/020
 AIA Tree Protection Plan (TPP Rev C), AIA TPP Rev C
 All About Trees, Arboricultural Method Statement For Trees at The Proposed
 Morpeth First School, Goosehill, Loansdean - Rev C, 30th November 2018
 Billingham George & Partners, Preliminary Civil Engineering Report, 16T806
 Rev 004, 28th February 2018
 Billingham George & Partners, Flood Risk Assessment, 16T806 Rev 004,
 28th February 2018
 DP Landscape Architecture, Landscape Strategy, Ref.
 1048/R01D/DP/18.12.17, December 2017
 CAD 21 Ltd, Planning Stage Sustainability Statement, Ref 4181 Rev P01,
 January 2018
 Appendix to Cundall noise report 1014396-RPT-AS001received 15th
 November 2019.
 Lighting Layout External Services, 0417-C21-Z0-00-DR-E-6301-S3-C1
 Environmental noise report
 Proposed site plan, 1012, REV P15 - only be used to identify location of
 acoustic fence and height.

Reason: For the avoidance of doubt, and in the interests of proper planning

03. The facing materials and the roof covering to be used in the construction of the proposed development shall be constructed in accordance with the details approved under condition 3 of application 18/02767/discon, as approved on 28/5/19.

Reason: In the interests of the satisfactory appearance of the development upon completion.

04. Prior to first occupation details of the adoption and maintenance of all SuDS features shall be submitted to and agreed by the Local Planning Authority. A maintenance schedule and log, which includes details for all SuDS features for the lifetime of development shall be comprised within and be implemented forthwith in perpetuity.

Reason: To ensure that the scheme to disposal of surface water operates at its full potential throughout the development's lifetime.

05. The existing highway drain located south of the proposed school building shall be fully investigated and where necessary diverted, as so no buildings shall be constructed over or within 2 metres of the feature.

Reason: To ensure the adjacent highway can drain unimpeded as a result of this development.

06. The scheme for the disposal of foul and surface water from the development shall be constructed in accordance with the details approved under condition 6 application of 18/02767/discon, as approved on 28/5/19.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

07. The landscape planting scheme as approved under condition 7 of application 18/02767/discon, as approved on 28/5/19, shall be implemented in full during the first planting season (November - March inclusive) following the commencement of development'.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

08. All trees and hedgerows at the site that are to be retained shall be retained and protected in accordance with the Tree Protection Plan (TPP Rev C) and the report "Arboricultural Impact Assessment for Trees at The Proposal Morpeth First School, Goosehill, Loansdean, Rev C", by All AboutTrees, dated 30th November 2018

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

09. i)All trenches and excavations deeper than 0.30m left open overnight should have a ramp installed at an angle of no more than 45 degrees to allow the escape of entrapped mammals.

ii)Gaps shall be created and retained in all boundaries at intervals of 30m to allow the passage of small mammals such as hedgehog. Gaps shall measure no less than 13cm by 13cm.

Reason: to enhance the biodiversity of the site for a UK BAP priority species

10. The Construction Method Statement shall be implemented in accordance with the details approved under condition 10 of application 18/02767/discon, as approved on 28/5/19.

Reason: To prevent nuisance in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

11. The parking and manoeuvring details for 48 vehicles on the "Merley Croft" site, to the north of the application site, as submitted and approved under condition 11 application of 18/02767/discon, as approved on 28/5/19, shall be implemented in accordance with the approved scheme. Thereafter the facilities shall be retained available for the parking and manoeuvring of vehicles.

Reason: To prevent indiscriminate parking of vehicles on the highway network in the interests of residential amenity and highway safety, in accordance with the National Planning Policy Framework.

12. The development shall not be taken into use until a scheme for the improvement of the B1337 / County Hall Access Road Junction to mitigate the impacts of development related traffic, together with associated junction modelling data, has been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved scheme.

Reason: To ensure that the operation of the highway network is not prejudiced by the introduction of development related traffic, in accordance with the National Planning Policy Framework.

13. The development shall not be commenced until a scheme of highway works has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the submitted details the highway works shall provide for:-
- i. Layby to the east of the access to the school and consequential alterations to street lighting.
 - ii. Additional footway around the eastern radius of the vehicular access to the school together with dropped kerbs and tactile paving.
 - iii. The provision of a pedestrian link between the existing footpath on Queen Elizabeth Avenue and the south side of the access road between the B1337 and County Hall. The scheme shall include dropped kerbs and tactile paving at the crossing points of the access road.
- The development shall not be taken into use until the highway works have been implemented in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

14. Prior to first occupation of the approved development all access and junction works shall be implemented as shown on the approved plans, and shall thereafter be retained accordingly.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

15. The development shall not be occupied until the car parking, circulation and manoeuvring areas indicated on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. Thereafter, the car parking area shall be retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

16. The development shall not be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The approved cycle parking shall be implemented before the development is occupied. Thereafter, the cycle parking shall be retained in accordance with the approved details and shall be kept available for the parking of cycles at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

17. The scooter parking shall be constructed in accordance with the details approved under condition 17 of 18/02767/discon, as approved on 28/5/19. The facilities shall be implemented in accordance with the approved details and thereafter retained in accordance with the approved plans and kept available for the storage of scooters at all times.

Reason: In the interests of highway safety and sustainable development, in accordance with the National Planning Policy Framework.

18. The development shall not be occupied until a scheme for traffic management including waiting restrictions, speed restrictions, delivery vehicle restrictions and School Keep Clear carriageway markings have been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details.

Reason: In the interests of highway safety, in accordance with the National Planning Policy Framework.

19. The development shall not be occupied until details of a Framework School Travel Plan on the application site have been submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Framework Travel Plan shall be implemented in accordance with the approved details.
- This Framework Travel Plan must include:
- i. the contact details of a suitably qualified Travel Plan Co-ordinator; - ie Headteacher or member of senior management team
 - ii. an implementation programme;
 - iii. an on-site assessment including details of transport links to the site, on-site facilities and any transport issues and problems;
 - iv. clearly defined aims and objectives in relation to travel modes; and
 - v. clearly defined senior management and staff responsibilities and roles in the implementation of the Framework Travel Plan.
 - vi. Management of parking facilities.

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

20. Within six months of first occupation of the development details of a Full School Travel Plan including action plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full School Travel Plan shall be implemented in accordance with the approved details.

This Full School Travel Plan must include:

- i. details of and results from an initial travel to school survey;
- ii. clearly specified ongoing targets for pupils and staff travel mode shares

iii. a plan for monitoring and reviewing the effectiveness of the Full Travel Plan; and iv. a scheme providing for a biennial monitoring report to be submitted to the Local Planning Authority regarding the implementation of the Full Travel Plan

Reason: In the interests of Sustainable Development, in accordance with the National Planning Policy Framework.

21. The development shall not be occupied until details of the external lighting of the building(s) and external area(s) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is occupied and retained as such thereafter.

Reason: In the interests of amenity and highway safety, in accordance with the National Planning Policy Framework

22. Prior to occupation, details of surface water drainage to manage run off from private land have been submitted to and approved by the Local Planning Authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is occupied and thereafter maintained in accordance with the approved details.

Reason: To ensure no surface water run off onto the highway from the private space.

23. The noise rating level from the development shall not exceed the following values at the boundary of the nearest noise sensitive premises in lawful existence at the time of this planning permission, when measured using BS4142:2014

07:00 - 23:00 hours LA_{eq}T 50dB
23:00 - 07:00 hours LA_{eq}T 36 dB

T shall be assessed as one hour during daytime (07:00 - 23:00) and five minutes at night time (23:00 - 07:00)

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

24. During commissioning testing and before the scheme is brought into use, or continues in use, the Operator shall employ a competent acoustic consultant to assess the level of noise emissions from the development at the nearest noise sensitive properties.

The assessment shall be undertaken in accordance with the methodology described in BS4142:2014. The Operator shall submit a validation report based on the consultant's findings to the Local Planning Authority for written approval.

Where the noise levels from the development exceeds the levels stated in condition 23, at the nearest noise sensitive premises, appropriate mitigation measures shall be agreed and implemented in full within a timescale approved in writing by the Local Planning Authority.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

25. The applicant shall install an acoustic barrier in the form of a 1.5m to 2.1m high close-boarded timber fence in accordance with details contained in the Appendix to Cundall noise report 1014396-RPT-AS001 received 15th November 2019, within 3 months of the date of this permission. The scheme shall be implemented in full and retained for the lifetime of the development.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

26. Prior to the development being brought into use or continue in use, the applicant shall submit a noise management plan covering the operation of the MUGA and grass pitch to the local planning authority for its written approval, with the approved scheme implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

27. During the construction period, there should be no noisy activity, i.e. audible at the site boundary, on Sundays or Bank Holidays or outside the hours:

Monday to Friday - 0800 to 1800,
Saturday 0800 to 1300.

Reason: To protect residential amenity and provide a commensurate level of protection against noise

28. Deliveries to and collections from the demolition and/or construction phase of the development shall only be permitted between the hours:

Monday to Friday - 08:00 to 18:00
Saturday - 08:00 to 13:00

With no deliveries or collections on a Sunday or Bank Holiday, unless agreed in writing with the LPA.

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

29. The MUGA and grass pitch shall only be used between the hours of 09:00 to 21:00 hours Monday to Saturday, as specified in the Cundall Environmental Noise Report ref: 1014396 (21 May 2018).

Reason: To protect residential amenity and provide a commensurate level of protection against noise.

30. There shall be no flood lighting used on muga or grass pitch pitch.

Reason: To protect residential amenity and provide a commensurate level of protection against Light.

31. Prior to the installation of the extraction system, the system being brought into use or continue in use, the applicant shall provide full details of the odour treatment system to be installed into the development which shall provide a Very High level of odour control, as defined in the DEFRA document "Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems". The details shall be submitted to the LPA for its written approval with the approved scheme implemented in full.

Reason: To protect residential amenity and provide a commensurate level of protection against odour

32. The scheme to deal with any contamination of land shall be carried out in accordance with the details approved under condition 32 of application 18/02767/discon, as approved on 28/5/19.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future site users.

33. If during redevelopment contamination not previously considered is identified, then an additional written Method Statement regarding this material shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until a method statement has been submitted to and approved in writing by the Local Planning Authority, and measures proposed to deal with the contamination have been carried out. Should no contamination be found during development then the applicant shall submit a signed statement indicating this to discharge this condition.

Reason: To ensure that risks from land contamination to the future users of the land and dwellings are minimised and to ensure that the development can be carried out safely without unacceptable risks to any future site users.

34. No buildings shall be constructed until a report detailing the protective measures to prevent the ingress of ground gases, including depleted Oxygen (<19%), to the standards required in BS8485:2015 (Code of Practice for the design of protective measures for Methane and Carbon Dioxide ground gases for new buildings), have been submitted to and approved in writing by the Local Planning Authority. The report shall contain full details of the validation and verification assessment to be undertaken on the installed ground gas protection, as detailed in CIRIA C735 (Good practice on the testing and verification of protection systems for buildings against hazardous ground gases)

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the health & amenity of the occupants of the respective properties

35. No building shall not be brought into use or occupied until the applicant has submitted a validation and verification report to the approved methodology in Condition 34, which has been approved in writing by the LPA.

Reason: In order to prevent any accumulation of ground gas, which may potentially be prejudicial to the amenity of the occupants of the respective properties

36. Trees to be planted in mitigation for trees removed to facilitate the development shall be carried out in accordance with the details approved under condition 37 of application 18/02767/discon, as approved on 28/5/19.

Reason: To maintain and protect the landscape value of the area and to enhance the biodiversity value of the site.

37. Prior to first occupation, an inspection and maintenance plan should be produced for the future management of all planted and retained trees, groups and hedges, and shall be submitted for the written approval of the LPA. The trees and hedges shall then be managed and retained thereafter in accordance with the measure set out within this approved maintenance plan.

Reason: To maintain and protect the existing landscape and biodiversity value of the site.

38. The development shall not be taken into use until details of measures to prevent vehicular access to the substation have been submitted to and approved in writing by the Local Planning Authority, and implemented in accordance with the approved details. Thereafter the measures shall be retained accordingly unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of Highway safety. In accordance with the NPPF.

Background Papers: Planning application file(s) 19/01981/VARYCO