DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/1129/21/VC
Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 of planning permission ref: ST/0955/20/FUL for a two storey extension to the existing school building. The amendment now sought is to suit the updated set-out/location of the Vitreous Enamel Panels to the North Elevation due to a requested client change.
Location: St Wilfrids Rc College
Temple Park Road
South Shields
NE34 0QA

Relevant policies/SPDs *

1 DM1 (A, B)

** in so far as this application has been made under section 73 of the Act, so policies only relevant to possible conditions are cited (for reasons explained further in the assessment section of this report).*

Description of the site and of the proposals, including relevant planning history

The application site is located within the existing St Wilfrid's RC College site. The majority of existing buildings at the school are two-storey, and are located to the southwest corner of the wider school site. External sports provision and pitches are located to the north and east of the existing school buildings. The site is bounded by residential properties to the south along Harton lane and by allotments to the west, with residential properties along Ashey Road positioned on the other side (to the west) of the allotments. The main vehicle access to the school is from Temple Park Road, which would remain, as would the existing service access off Brownlow Road.

Earlier this year, planning application ST/0955/20/FUL was granted (on 05/03/2021) subject to planning conditions; for the following proposal:-

> *Two storey extension to the existing school building, to provide 6 new teaching classrooms and additional dining space. Ancillary storage, plant, circulation and W.C.s to be provided internally. Externally the current covered walkway is to be removed and the current catering pod to be relocated to the edge of the Memorial Garden. Hard landscaping is to be provided, to enable external dining and existing paths to be widened and re-alignment of fence lines. Some existing soft landscaping is to be removed but re-provided in planters and borders.*

Condition 2 of ST/0955/20/FUL required the proposals to be carried out in accordance with the submitted plans.

Drawing No. ZZ-00-DR-A-010001 Rev P8 'General Arrangement Plan - Ground Floor' received 10/11/2020
Drawing No. ZZ-01-DR-A-010001 Rev P7 'General Arrangement Plan - First Floor' received 10/11/2020
Drawing No. ZZ-RF-DR-A-010001 Rev P1 'General Arrangement Plan - Roof Plan' received 10/11/2020
Drawing No. ZZ-00-DR-A-010002 Rev P3 'General 3D Views' received 10/11/2020
Drawing No. ZZ-XX-DR-A-020000 Rev P1 'Existing and Proposed Elevations' received 10/11/2020
Drawing No. ZZ-XX-DR-A-020001 Rev P5 'General Arrangement Elevations - Sheet 1' received 10/11/2020

Drawing No. ZZ-XX-DR-A-020011 Rev P2 'General Arrangement Elevations - Sheet 2' received 10/11/2020
Drawing No. ZZ-XX-DR-A-030001 Rev P5 'General Arrangement Sections - Sheet 1' received 10/11/2020
Drawing No. ZZ-XX-DR-A-030002 Rev P5 'General Arrangement Sections - Sheet 2' received 10/11/2020
Drawing No. ZZ-XX-DR-A-900001 Rev P3 'Proposed Landscape' received 13/01/2020

This planning application [i.e. ST/1129/21/VC] has been made under section 73 of the Act and it is seeking another planning permission for the proposed development, but with a change to the submitted plan Drawing No. ZZ-XX-DR-A-020011 Rev P2 'General Arrangement Elevations - Sheet 2' received 10/11/2020 to relocate the previously proposed Vitreous Enamel/Mosaic external treatment to the northern elevation from the lower half of the building to the upper half.

In addition to the application from and a site location plan, a revised plan Drawing No. ZZ-XX-DR-A-020011 Rev C3 'General Arrangement Elevations - Sheet 2' has been submitted showing the proposed location of the suggested material change.

The proposed plans are filed against the original application [i.e. ST/0955/20/FUL], as are the various reports listed below; and neither the plans nor those reports were required to be re-submitted with this section 73 planning application (for reasons explained further in the assessment section of this report).

- Design and Access Statement
- Flood Risk Assessment
- Geo-Environmental Investigation Report
- Transport Statement and Travel Plan

Publicity / Consultations (expiry 29/12/2021)

1) **Neighbour, site and/or press notice responses:**
   None received

2) **Other Consultee responses:**
   None received

Assessment

The principle of the proposed development has already been established (by virtue of the grant of ST/0955/20/FUL) and this is not open for re-examination or re-consideration in dealing with a planning application that has been made under section 73 of the Town and Country Planning Act 1990.

Instead, the local planning authorities assessment must only consider the question of the conditions subject to which planning permission should be granted, and —

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

Having regard to the information submitted with the application, it is considered that allowing the change to the location of the proposed Vitreous Enamel/Mosaic external treatment would not have a material impact on the appearance of the proposed development. This treatment was approved under the previous application (ST/0955/20/FUL) and was not considered to result in harm during this assessment.

This proposal seeks to change the positioning of the proposed material on the northern elevation from the lower half of the building to the upper half. There would be no greater harm to the character or appearance of the building or surrounding area as a result of this proposed change nor would there be any further impacts to the amenities of neighbouring occupiers. As such, the proposed change is considered to accord with LDF Policy DM1(A and B).

Given the above, it is suggested that condition 2 is worded to reflect the proposed change to the positioning of the material treatment by way of change to the preciously approved plan Drawing No. ZZ-XX-DR-A-020011 Rev P2 'General Arrangement Elevations - Sheet 2' received 10/11/2020 to the newly submitted plan. The other plans previously submitted will remain the same.

In terms of the other suggested conditions, these broadly follow those of the former planning permission (i.e. ST/0955/20/FUL), but:

- Condition 1 – worded to give a specific expiry date, which tallies with the expiry date of ST/0955/20/FUL; and as section 73 applications should not extend the time limit for implementation.
- Condition 3 – minor text additions, so that cross referencing between the proposed materials condition reflects what is approved under condition 2.
- Condition 7 – Details have been submitted under planning reference ST/0552/21/COND to discharge condition 7 which required an investigation and risk assessment be completed in accordance with a scheme to assess the nature and extent of any contamination on the site. The details of this condition were approved on 14/07/2021. As such condition 7 will be changed to reflect compliance with these details.
- Condition 8 – Details have been submitted under planning reference ST/0657/21/COND to discharge condition 8 which required submission of a Detailed Remediation Strategy for contamination of site. The details of this condition were approved on 17/08/2021. As such condition 8 will be changed to reflect compliance with these details.

Given the above, the proposal is acceptable.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 05 March 2024.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time, including having regard to the fact that this planning application was made under Section 73 of the Act.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below:

- Drawing No. ZZ-00-DR-A-010001 Rev P8 'General Arrangement Plan - Ground Floor' received 10/11/2020

- Drawing No. ZZ-01-DR-A-010001 Rev P7 'General Arrangement Plan - First Floor' received 10/11/2020
- Drawing No. ZZ-RF-DR-A-010001 Rev P1 'General Arrangement Plan - Roof Plan' received 10/11/2020
- Drawing No. ZZ-00-DR-A-010002 Rev P3 'General 3D Views' received 10/11/2020
- Drawing No. ZZ-XX-DR-A-020000 Rev P1 'Existing and Proposed Elevations' received 10/11/2020
- Drawing No. ZZ-XX-DR-A-020001 Rev P5 'General Arrangement Elevations - Sheet 1' received 10/11/2020
-Drawing No. ZZ-XX-DR-A-020011 Rev C3 'General Arrangement Elevations - Sheet 2' received 17/11/2021
- Drawing No. ZZ-XX-DR-A-030001 Rev P5 'General Arrangement Sections - Sheet 1' received 10/11/2020
- Drawing No. ZZ-XX-DR-A-030002 Rev P5 'General Arrangement Sections - Sheet 2' received 10/11/2020
- Drawing No. ZZ-XX-DR-A-900001 Rev P3 'Proposed Landscape' received 13/01/2020

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 The external materials of the development hereby permitted shall be as specified within / on the following:
- Section 7 of the planning application form received 10/11/2020;
- The Design and Access Statement Rev P1 (dated November 2020) received 10/11/2020;
- Drawing No. ZZ-00-DR-A-010001 Rev P8 'General Arrangement Plan - Ground Floor' received 10/11/2020;
- Drawing No. ZZ-RF-DR-A-010001 Rev P1 'General Arrangement Plan - Roof Plan' received 10/11/2020;
- Drawing No. ZZ-XX-DR-A-020001 Rev P5 'General Arrangement Elevations - Sheet 1' received 10/11/2020; and
- Drawing No. ZZ-XX-DR-A-020011 Rev C3 'General Arrangement Elevations - Sheet 2' received 17/11/2021.

Unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition. To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

4 No construction or associated works or deliveries of materials shall take place outside the hours of 8am - 6pm Monday to Friday and 9am - 1pm Saturdays and no such works or deliveries shall be carried out at any time on Sundays or Bank

Holidays, without the prior written agreement of the local planning authority.

To safeguard the amenity of the nearby residents, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

5 Prior to the first occupation of the development hereby permitted, the existing school travel plan dated May 2017 (approved under application Ref: ST/0645/17/COND which discharged Condition 7 attached to planning permission Ref: ST/0949/15/FUL) shall be updated to incorporate the development, and submitted for the approval in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall continue to be implemented, monitored and updated on an annual basis in accordance with approved details.

In the interests of securing sustainable travel patterns in accordance with adopted South Tyneside LDF Core Strategy Policy ST2.

6 Prior to the first occupation of the development hereby permitted, thirteen cycle parking spaces (Sheffield cycle stands as specified in an e-mail received 15/02/2021), in the position as shown on Drawing No. ZZ-XX-DR-A-910003 Rev P3 'Proposed Site Plan' received 09/02/2021, shall be constructed / installed and made available for use. The cycle parking spaces shall then be retained henceforth for their designated purpose.

To ensure a satisfactory standard of sustainable development in accordance with adopted South Tyneside LDF Core Strategy Policy A1.

7 The development hereby permitted shall be carried out in accordance with the details submitted and approved under application ST/0552/21/COND - Contamination investigation and risk assessment.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.

8 The development hereby permitted shall be carried out in accordance with the details submitted and approved under application ST/0657/21/COND - Detailed Remediation Strategy.

To ensure that risks from land contamination to the future users of the land are minimised, and to ensure that development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors, in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.

9 Following completion of measures identified in the approved remediation scheme

under Condition 8, 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 prior to the development hereby permitted being occupied / brought into use.

To ensure that risks from land contamination to the future users of the land are minimised, in accordance with adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.

10 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. Sufficient detail should be provided identifying how the unexpected contamination will be dealt with.

To ensure that risks from land contamination to the future users of the land and neighbouring land 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 adopted South Tyneside LDF Core Strategy Policy EA5 and adopted South Tyneside LDF Development Management Policy DM1.

11 Prior to the development hereby permitted being brought into use, the drainage strategy as shown on Drawing No. C0001 Rev T02 'Below Ground Drainage Layout' received 13/01/2021 shall be implemented. It shall then be maintained and retained henceforth, unless otherwise agreed in writing by the Local Planning Authority pursuant to this condition.

To prevent flooding by ensuring the satisfactory disposal of surface water from the site, in accordance with adopted South Tyneside LDF Development Management Policy DM1.

12 The soft landscape scheme shall be completed in accordance with the scheme shown on the Drawing No. ZZ-XX-DR-A-900001 Rev P3 'Proposed Landscape' received 13/01/2021 not later than 12 months after the first occupation of the development. Any new trees or shrubs which within a period of 5 years of planting die, are removed or become seriously damaged or diseased, shall be replaced with others of similar size and species not later than the next planting season after the loss or damage has occurred (unless otherwise agreed in writing by the Local Planning Authority).

In order to soften the visual appearance of the development, in the interests of visual amenity in accordance with adopted South Tyneside LDF Development Management Policy DM1.

Informatives

1. In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Case officer: Stephanie Milne
Signed: Stephanie Milne
Date: 10/01/2022

Authorised Signatory:
Date:

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