
Appeal Decision

Site visit made on 3 April 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29th June 2017

Appeal Ref: APP/M4510/W/16/3166008

Norris House, Crawhall Road, Newcastle upon Tyne NE1 2BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Ben Hall, Calmont Ventures against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2016/0352/01/DET, dated 29 February 2016, was refused by notice dated 22 September 2016.
 - The development proposed is the demolition of vacant commercial and industrial buildings and the development of 138 PRS residential apartments with communal spaces, landscaped courtyard and below ground level car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of vacant commercial and industrial buildings and the development of 138 PRS residential apartments with communal spaces, landscaped courtyard and below ground level car parking at Norris House, Crawhall Road, Newcastle upon Tyne NE1 2BB in accordance with the terms of the application, Ref 2016/0352/01/DET, dated 29 February 2016, subject to the conditions set out in the Schedule to this decision.

Procedural Matters

2. The proposal was amended following submission to the Council but prior to its determination. Additional information was also submitted. I am satisfied that all relevant parties would be aware of the amendments and additional information and would not therefore be prejudiced. I have therefore determined the appeal on the basis of the plans and details before the Council when it made its decision.
3. The proposal would fall within the description of development at paragraph 10(b) of Schedule 2 to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A Screening Direction by the Secretary of State concluded that the proposal would not constitute EIA development. I have dealt with the appeal on this basis and I am satisfied that there is sufficient submitted information to determine the proposal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and,
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- whether the proposal would provide satisfactory living conditions for future and neighbouring residents with particular regard to outlook and privacy.

Reasons

Character and Appearance

5. The appeal site lies on the western edge of the Ouseburn Valley, close to the boundary of the Ouseburn Conservation Area (OCA). The significance of the OCA largely derives from the topography of the area, its historic industrialisation and the resulting structures including bridges and tunnels. Limited significance is drawn from the aesthetic quality of the buildings. The area largely retains its historic street pattern and layout.
6. Bound by Stepney Bank to the north, Coquet Street to the south, Crawhall Road to the west and a service lane to the east, the site comprises around 0.26ha and is dominated by a two storey industrial and commercial structure. Of brick construction with a largely corrugated metal roof, the building contains an attractively designed curved frontage on its north-western corner with an arched Georgian doorway, sash windows and stained glass windows. These features are visible from the key thoroughfare of New Bridge Street. The site also contains a two storey Georgian townhouse element on its south-western corner. There is a fall of around 2.5m in the site's topography, following the north-west to south-east slope in the contours of the Ouseburn Valley.
7. The wider area is characterised by groups of traditional buildings which are largely products of historic, industrial uses. Whilst several buildings retain commercial and industrial uses, the area has seen an increase in residential and leisure uses in recent years. As a result, it has a mixed and vibrant, urban character.
8. The Council argues that buildings are generally two and three storey in height. That appears to be the case in some locations, such as the buildings opposite on Stepney Bank and Crawhall Road. Nevertheless, whilst I recognise the scale and massing of several of the area's buildings take into account the unique topography, I was able to see from my site visit that there is a significant degree of variation in building heights. For example, adjacent to the site are the buildings of the recently constructed 'The Glassworks' student accommodation. At five storeys in height, this grouping of buildings, with a brick and profiled metal clad finish, are a prominent feature in the street scene.
9. The residential development of St Anne's Close also lies opposite the appeal site to the south and comprises of predominately four storey blocks of flats set around courtyards with a brick and concrete finish. Buildings beyond the site to the north and west vary between two and four storey in height with an inconsistent palette of materials.
10. The proposed development would be significantly greater in scale and massing than the existing building. It would be around 10m above the buildings fronting onto New Bridge Street and higher than other surrounding buildings. Its visual impact would be reduced to a degree as the building would be broken up into three distinct blocks with a variation in their height. The building would step up in its massing and height as it slopes down in order to respond to The Glassworks buildings.

11. Nevertheless, I agree with the Council that the proposal would undoubtedly be a prominent addition to both the immediate street scene and the wider skyline of the Ouseburn Valley, particularly from several key vantage points, including key views from New Bridge Street, Byker Bridge and Stoddart Street.
12. However, such prominence need not necessarily equate to harm. Indeed, buildings of such scale can often provide distinctive features in locations such as this. Moreover, whilst there is a prevalent use of pitched roofs and red brick in the area, the proposal would introduce a contemporary response to the industrial heritage of the neighbourhood. The use of dark brick, exposed steel, metal cladding and large expanses of glazing would provide an appropriate and distinctive response to the urban aesthetic of the surroundings. In my view, the palette of materials, the use of flat roofs, upper floor setbacks and balconies would, rather than appear monolithic, provide a strong sense of identity. When combined with the prominence of the building, I find the development would assist in creating a strong sense of presence and, in keeping with its gateway location. As such, the development would be a positive feature within the setting of the OCA.
13. Though the loss of the existing building did not form part of the Council's reasons for refusal, it nevertheless considers it to be a high quality, historic building which positively contributes to the character of the area and ought to be retained.
14. Norris House is neither a listed building nor has it been locally listed on the Council's Local List of Sites of Historic Interest. Paragraph 135 of the National Planning Policy Framework (the Framework) is clear that the effect of development on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to state that, in weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset.
15. First developed in the 19th century but subsequently redeveloped in the 20th century, Norris House does express a modest degree of architectural interest. Nevertheless, whilst clearly a building of its time, the architectural detailing is not especially distinctive with numerous other examples of such building types surviving nationally. Nor indeed is there any substantive evidence that the building exhibits any particular historical interest or importance in its relationship to the wider Ouseburn Valley. Consequently, I find the significance of the building as a non-designated heritage asset to be limited. Thus, whilst the proposals would result in the total loss of the building this is not of sufficient weight in itself to significantly determine the outcome of the appeal in the planning balance.
16. Indeed, the appellant submits that, whilst the majority of the building is currently stable, its condition is deteriorating. It is also indicated that, in the details provided by the appellant, that the internal space has proven difficult for occupation and that it has suffered from water ingress. Thus, the appellant argues that retention and refurbishment of the building is not financially viable. In the absence of any substantive, contradictory evidence, I have no reason to come to an alternative view. Furthermore, in the absence of any statutory restriction over its demolition, I find there is a reasonable likelihood that the building could be demolished regardless of the outcome of this appeal. As a

fallback position, I afford this moderate weight. As a result, I find the balance required by paragraph 135 of the Framework falls in favour of the scheme.

17. I conclude, therefore, that the proposal would not have a harmful effect on the character and appearance of the area. As such, it would accord with Policies CS15 and UC12 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030, 2015 (CS) which state that development will contribute to good place making through the delivery of high quality design and deliver higher quality local distinctive places. It would also accord with saved Policies EN1.1, EN2 and EN2.3 of the Newcastle upon Tyne Unitary Development Plan 1998 (UDP) which seek to ensure that all development meets high standards of design and that the appearance of the city from main approaches, including from the A193, will be enhanced.
18. Finally, it would adhere to paragraphs 58 and 64 of the Framework which state that developments should, inter alia, be visually attractive as a result of good architecture and that permission should be refused for development of poor design.

Living Conditions

19. The Council has raised concerns in respect of the standard of outlook and privacy for future residents within the ground floor flats in the northern block of the development facing onto Stepney Bank. Those flats would have a single aspect onto Stepney Bank and would have bedroom and living room windows directly adjacent to the street.
20. However, the ground floor apartments would be duplex accommodation, spread over the ground and first floors. They would have full height glazing extending over both floors. The windows would also contain obscure glazing panels on the lower half of the windows which would prevent direct overlooking from pedestrians whilst retaining sufficient unobscured glazing above pedestrian eye level to allow residents to have an open outlook of the street beyond.
21. I note the flats in the northern block would be directly opposite commercial and industrial buildings on Stepney Bank. However, such relationships are not uncommon in urban areas. Moreover, the buildings opposite are not a single, continuous mass of built form. They are broken up by gaps and varying roof heights. As a result, residents would retain an outlook of the rooftops and the sky above. Thus I am satisfied residents in those apartments would not be unduly affected by overlooking nor would they have a poor quality of outlook.
22. In the southern block of the development, 11 apartments would be duplex accommodation with bedrooms on the lower ground floor. Whilst they would also be single aspect, as with the flats in the northern block, they would have full height glazing over both floors. The internal separating floor would also be recessed from the windows to allow sufficient light into the lower ground floor bedrooms.
23. Whilst the use of obscure glazing on the lower half of the windows would restrict outlook from the bedrooms, it would prevent direct overlooking from pedestrians on Coquet Street into the lower ground floor and ground floor rooms. It would also ensure adequate levels of daylight and sunlight for both floors, whilst ensuring an acceptable standard of outlook from the ground floor living space. On balance, given the high density nature of the development

and its environs, I am satisfied that acceptable living conditions for future residents of those apartments would be achieved.

24. The Council is also of the view that distances between the flats which would have aspects facing the internal courtyard would result in harmful, mutual overlooking. I note the separation distances are below the minimum distances set out in the Council's Development Control Policy Statement 17. However, the use of planting and landscaping within the courtyard would assist in preventing significant mutual overlooking between units at courtyard level. Furthermore, I agree with the appellant that distance between 11.7m and 13.4m in circumstances such as this are appropriate in high density, urban locations. Thus, acceptable levels of outlook and privacy would be ensured for future residents of those flats.
25. The apartments in the east of the development would have bedroom and living room windows facing the bedroom windows of student accommodation in the west elevation of The Glassworks at a distance of around 11-12m. At the closest point to The Glassworks, the development would be around 15.5m in height for the majority of its eastern elevation. There would, nevertheless, be a large gap in the centre of the eastern elevation which, from upper floors of The Glassworks, would expose views of the car park and service entrance as well as the landscape courtyard beyond.
26. The eastern elevation of the development would be set back from the boundary abutting the service road between the two sites. At its closest point, there would be a strip of windows serving living rooms from the first floor up to the fourth floor. These windows would be obscurely glazed with those flats being served principally by balcony windows on the southern elevation. Moreover, the bedroom windows in those flats would be at a slight angle to the closest windows in The Glassworks, whilst the living room windows in the adjacent flats would be set back and also at an angle to the closest windows in the building opposite. As a result, I am satisfied that the proposal would not result in harmful levels of mutual overlooking, nor would it result in a harmful quality of outlook for future residents or existing residents in The Glassworks, particularly in light of the urban environment where such relationships are somewhat typical.
27. I conclude, therefore, that the proposal would provide satisfactory living conditions for future and neighbouring residents with particular regard to outlook and privacy. As such, it would accord with CS Policy CS14 which states that negative impacts on residential amenity will be prevented. It would also accord with saved Policies H2 and H4 of the UDP which prevent development that is harmful to the amenity of any dwelling, which ensure satisfactory living conditions for future residents and which seek good standards of outlook, light and privacy in all dwellings. Finally, it would adhere to paragraph 17 of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings.

Planning Obligations

28. CS Policy DEL1 requires new development to be made acceptable through the provision of necessary infrastructure. The Council indicates that required contributions of £248,400 towards cycle routes, £102,540 towards open space and £508,000 for off-site affordable housing are necessary.

29. Regulation 122 of the Community Infrastructure Levy Regulations (CIL) require that planning obligations should only be sought, and weight attached to their provisions, where they are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
30. The Council indicates that the contribution towards the cycle routes would go towards accessibility improvements for the New Bridge Street cycle route. Given the proximity of the site to this route, and the potential for many future residents to travel by bicycle, I consider such an obligation would be necessary.
31. I also agree that the money towards open space, which the Council indicates will be targeted towards open space, allotments, sport and recreation, specifically improvements to nearby Heaton and Armstrong Park's footpaths and drainage, is also necessary as future residents would likely take advantage of such facilities.
32. Paragraph 47 of the Framework makes clear that Councils should meet the full, objectively assessed need for affordable housing. An off-site contribution equivalent to 15% provision of £508,000 is therefore necessary.
33. Nevertheless, the Council indicates that during the application stage it considered a detailed viability assessment submitted by the appellant. It is indicated that the required contributions would render the scheme financially unviable largely due to the site constraints and abnormal costs from the sites proximity to the Victoria Tunnel and Hadrian's Wall. The Council concluded that it agreed with the appellant that none of the contributions should be sought.
34. I agree that such an approach would be consistent with the need to take into account viability as set out under Policy DEL1 and paragraph 173 of the Framework which states, that the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable. As such, in the absence of any contradictory evidence, I agree with the main parties that the proposal need not make financial obligations of £248,400 towards cycle routes, £102,540 towards open space and £508,000 towards affordable housing.
35. Furthermore, as the proposal will provide a variety of accommodation sizes, rental levels and high specifications, with access to communal amenities, the scheme will provide diversity in the housing offer in the city, bridging the affordability gap between traditional forms of 'social housing' and open market sale. Thus, the harm deriving from the absence of an affordable housing contribution on viability grounds would be diminished.
36. Nevertheless, the parties agree that the viability of the scheme should be reviewed the earlier of either 12 months following practical completion or when all units are let/sold to re-appraise the financial costs of the development and whether there is viable scope for the development to make a financial contribution towards the necessary obligations. I agree that such an approach would be correct and in accordance with the Planning Practice Guidance. A signed and dated S106 legal agreement has been provided which would

commit to providing £858,940 in respect of the above obligations in the event the final value of the development exceeds the base sale price as agreed by the parties. Consequently, I consider the Overage Payment contribution set out in the S106 agreement necessary.

37. The S106 agreement also seeks to ensure that future residents would not be able apply for a residents parking permit. I am satisfied that the potential for future residents to park in existing residents bays and the potential for residual on-street parking would have a harmful effect on highway safety. Thus, I consider the obligation necessary to make the development acceptable and have therefore taken it into account.
38. The agreement also includes obligations for a Travel Plan to be agreed between the parties and that a Training and Employment Management Plan should be agreed. However, I have no substantiated evidence from the Council to demonstrate that they are directly related to the development or necessary to make the development acceptable. As a result, I am unable to take those obligations into account.
39. The S106 agreement also includes an obligation of a £1,280 payment towards the Council's costs of monitoring the planning obligations. However, I consider such costs incurred by the Council would be part and parcel of their statutory functions. As a result, the required contribution towards the Council's legal monitoring fees would not be necessary, directly related, and fairly and reasonable related in scale and kind to the proposed development and I am unable therefore to take it into account

Heritage Assets

40. An Archaeological Desk Based Assessment dated January 2015 identifies that the appeal site lies on the line of the UNESCO World Heritage Site of Hadrian's Wall. World Heritage Sites are designated heritage assets. Excavations of the site were undertaken in July 2015. The Roman ditch to the north of the wall was identified though no in-situ remains of the wall itself were found.
41. A piling scheme has been discussed between the appellant, Historic England and the County Archaeologist. The indicative scheme includes four 'red box' zones which, following demolition of the buildings, would be excavated to ascertain if Hadrian's Wall survives beneath the site. If remains are established then piling within those zones would be prohibited. This could be secured by condition, as would an archaeological watching brief for the remainder of the site.
42. The representations of Historic England indicate that, in its view, the residual impact of piling on the site would still amount to harm to the heritage asset, though that harm would be less than substantial. It seems to me that, subject to the proposed piling measures and the proposed conditions to deal with it during the construction phase, the extent of harm would indeed not be substantial. Nevertheless, it would still equate to harm, albeit harm which is less than substantial for the purposes of the Framework.
43. Paragraph 134 of the Framework states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

44. In this instance, the proposal would result in considerable benefits to the local and wider economy. The appellant indicates that the construction phase would support around 100 temporary jobs per annum, 155 indirect jobs per annum in the supply chain and around £13.8m per annum in gross value added. Furthermore, it would generate around £1.2m net additional annual expenditure in local shops and services, around £170,000 per annum in Council Tax receipts and £960,000 in new homes bonus payments.
45. Moreover, the proposal would have significant social benefits as it would make a substantial contribution towards the City's housing stock, providing a greater choice in the type and tenure of apartments within the area. Finally, the appellant has provided evidence which demonstrates that the proposal provides the most viable option for the landowner to bring forward the redevelopment of the site. Consequently, I find that the public benefits of the proposal would outweigh any harm to the World Heritage Site of Hadrian's Wall.
46. The Grade II Listed Victoria Tunnel, built between 1839 and 1842, runs beneath the appeal site. Originally constructed for the transportation of coal, the tunnel is two miles long and runs to the River Tyne. Its significance lies in its historical importance as a unique artefact of the area's coal mining heritage.
47. The appellant has provided a survey which identifies the location of tunnel as well as initial details of the proposed piling. The Council considers there would be no harm to the listed building provided conditions are imposed relating to archaeological surveys of the site, full details of the piling methodology and a programme of monitoring. On the evidence before me, I see no reason to disagree and I am therefore satisfied that the proposal would not have harmful effect on the setting or physical integrity of the Grade II listed Victoria Tunnel.
48. Around 150m to the west of the appeal site is the Church of St Dominic on New Bridge Street, a listed Grade II building. Dating from 1887, the building has been part of the history of the area for some time and it is this historic context, along with the interior features of the Church, which give it its significance. The Council considers the setting of the listed building would be affected. However, I consider its setting is already dominated by buildings of varying mass and scale and that the addition of the development would not unduly detract from that. Moreover, the proposed building would be of sufficient distance from the listed building as not to appear unduly dominant in key views. As such, I find the proposal would not unduly harm the significance of the setting of the two Grade II listed Church of St Dominic.
49. The development would be visible in glimpses from the Grade II* listed Ouseburn Viaduct which was originally constructed of timber on stone piers between 1837 and 1839 and spans around 280m. Nevertheless, the proposal would be some distance from the viaduct and would be seen in the context of surrounding development which is generally large and urban in its scale and appearance. As a result, I am satisfied the proposal would not result in harm to the setting of the listed building.

Other Matters

50. I have had regard to the concerns of local residents and business, including a petition submitted by St Dominic's Church. I note the concerns raised by the Ouseburn Futures, local residents and several surrounding businesses that the proposed dwellings would be below the minimum floor space requirements set

out in the DCLG Technical Housing Standards - Nationally Described Space Standard 2015 (NDSS). However, as indicated by the appellant, the updated standards from 2016 are clear that furnished layouts are not required to demonstrate compliance. The appellant indicates that the development, as a Private Rented Sector (PRS) scheme, would provide fully furnished layouts for tenants and would include ancillary communal spaces such as a lounge and gym. Thus, I am satisfied the proposal would accord with the guidance set out in the NDSS and would provide adequate internal floor space for future residents.

51. Concerns have also been raised in respect of the level of amenity space provided for future residents. However, some apartments would be provided with balconies which, whilst having an area of 3m², would provide sufficient private outdoor space. In addition, a large landscaped courtyard would also be provided which would allow for communal space, whilst residents would have relatively good access to open space and recreation opportunities in the local area, such as Heaton Park a short distance to the north. As a result, I am satisfied the proposal would provide adequate open space for future residents and would not constitute an 'over-development' of the site.
52. In respect of the proposed parking arrangements, the proposal would provide around 67 spaces on site. These would be subject to a management regime which would be subject to a condition. Moreover, a planning obligation would ensure that the development could not be occupied by future residents that would be eligible to apply for a resident's parking permit. In addition, the appeal site is within a highly sustainable location, with good access to several services and facilities both on foot, by cycle and by public transport. Consequently, I am satisfied the proposed parking arrangements would not unduly affect highway safety.

Conditions

53. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty. A condition relating to materials is necessary to protect the character and appearance of the area.
54. The use of obscure glazing is necessary to prevent a harmful loss of privacy for existing and future residents. A condition requiring details of the retaining walls in the underground car park to be agreed is necessary to prevent impacts upon highway safety.
55. A condition requiring details of ventilation for the proposed dwellings to be agreed is necessary to protect the living conditions of future occupiers. Conditions relating to the hard and soft landscaping of the site are necessary to protect the character and appearance of the area. Conditions relating to the storage of refuse are necessary in the interests of the living conditions of neighbouring residents. To promote a choice of sustainable transport modes, a condition relating to cycle parking is necessary.
56. A condition relating to the provision and retention of the car parking area is necessary in the interests of highway safety, as is the provision of a parking management plan. Given the proximity of the proposed dwellings to neighbouring premises which regularly hold live music events, it is necessary to impose a condition requiring additional noise surveys and details of sound insulation to be agreed and a condition requiring non-opening windows in the

north elevation of the building to protect the living conditions of future residents. Likewise, a condition relating to the technical specifications of acoustic glazing and ventilation for all windows in the development is necessary.

57. Given the location of the appeal site within an area of potential interest, conditions in respect of archaeology are necessary to preserve any such heritage assets. A condition in respect of highway works is necessary in the interests of highway safety. A condition in to provide a construction management plan is necessary to prevent harmful impacts on the living conditions of surrounding residents, as is a condition on the hours of working.
58. Bat boxes are proposed to be erected and I agree that a condition requiring details of those boxes to be agreed is necessary to prevent harmful impacts upon protected species. A condition is proposed to ensure the development and surrounding areas are not unduly affected by contamination. Finally, a condition in respect of surface water drainage is necessary to prevent flood risk in the area.

Conclusion

59. For the reasons given above, and having considered all other relevant matters, I conclude that the appeal should be allowed.

Jason Whitfield

INSPECTOR

SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - AL(0) 100 Rev T Lower Ground Floor Plan
 - AL(0) 101 Rev P Proposed Site and Ground Floor Plan
 - AL(0) 102 Rev M First Floor Plan
 - AL(0) 103 Rev M Second Floor Plan
 - AL(0) 104 Rev M Third Floor Plan
 - AL(0) 105 Rev M Fourth Floor Plan
 - AL(0) 106 Rev M Fifth Floor Plan
 - AL(0) 107 Rev E Roof Plan
 - AL(0) 121 Rev J Proposed North Elevation
 - AL(0) 122 Rev K Proposed East Elevation
 - AL(0) 123 Rev L Proposed South Elevation
 - AL(0) 124 Rev L Proposed West Elevation
 - AL(0) 125 Rev D Proposed Internal North Elevation
 - AL(0) 126 Rev D Proposed Internal South Elevation
 - AL(0) 127-128 Rev D Internal East and West Elevations
 - AL(0) 129 Rev B Proposed Glazing Manifestation Sheet 1
 - AL(0) 130 Rev B Proposed Glazing Manifestation Sheet 2
 - AL(0) 150 Rev B Proposed Section A
 - AL(0) 151 Rev C Proposed Section B
 - Site Location Plan
 - AL(0) 11 Rev A Existing Site Plan and Survey
 - AL(0) 021-022 Rev A Existing North and East Elevations
 - AL(0) 023-024 Rev A Existing South and West Elevations
 - AL(0) 051 Rev A Existing Section B
 - SK04 Rev P2 Indicative Site Constraint Principle Piling/Foundation G.A.
- 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until details of the retaining walls to the underground car park hereby permitted have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.
- 5) No development shall take place until details of mechanical ventilation have been submitted to and agreed in writing by the local planning authority. The development shall thereafter be carried out in accordance with the agreed details.
- 6) No development shall take place until a detailed noise survey and a scheme for the sound insulation of the development, including appropriate protection from noise from live music events, has been submitted to and agreed in writing by the local planning authority. The approved sound insulation scheme shall thereafter be carried out in accordance with the agreed details before the development hereby

- permitted is brought into use and thereafter retained in accordance with the agreed details.
- 7) No development, including demolition works, shall take place until a programme of archaeological building recording has been completed, in accordance with a specification to be provided by the local planning authority. No development, including demolition works, shall take place until a report of the results of the recording has been submitted to and agreed in writing by the local planning authority.
 - 8) No development, including groundworks, shall take place until the archaeological excavation of the four red box zones shown on approved plan ref: SK04 Rev P2 'indicative Site Constraint Principle Piling/Foundation G.A' (to include evaluation and where approved mitigation excavation) has been completed. This shall be carried out in accordance with a specification provided by the local planning authority. The development hereby permitted shall not be brought into use until the final report of the result of the archaeological fieldwork undertaken has been submitted to and agreed in writing by the local planning authority. The report shall be produced in a form suitable for publication in a suitable and agreed journal.
 - 9) No development, including groundworks and demolition, shall take place until an archaeologist is appointed to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the local planning authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be submitted to and agreed in writing by the local planning authority prior to groundworks commencing. The development hereby permitted shall not be brought into use until the report of the result of observations of the groundworks has been submitted to and agreed in writing by the local planning authority. The report shall be produced in a form suitable for publication in a suitable and agreed journal.
 - 10) No development, including groundworks, shall take place until a detailed piling plan and methodology in relation to the Victoria Tunnel has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.
 - 11) No development, including groundworks, shall take place until a condition survey and details of monitoring of the Victoria Tunnel has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.
 - 12) No development, including groundworks, shall take place until a detailing piling plan and methodology in relation to Hadrian's Wall has been submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the agreed details.
 - 13) No demolition shall take place until a methodology for the demolition of the existing building has been submitted to and agreed in writing by the local planning authority. Demolition shall be carried out in accordance with the agreed details.

- 14) No development shall take place until details of both hard and soft landscape works, including terrace planting, have been submitted to and agreed in writing by the local planning authority. These details shall include:
- i) indications of all existing trees, shrubs and other landscape features on the land indicating those to be retained and set out measures for their protection throughout the course of development;
 - ii) planting plans, specifications and schedules;
 - iii) existing and proposed finished levels and contours;
 - iv) means of enclosure and retaining structures;
 - v) gates and boundary treatments;
 - vi) hard surfacing materials;
 - vii) vehicle parking;
 - viii) other vehicle and pedestrian access and circulation areas;
 - ix) items of landscape furniture, equipment, storage and signage;
 - x) external lighting of the building and external areas;
 - xi) proposed and existing functional services above and below ground [e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant];
 - xii) location of site cabins and compounds;
 - xiii) details of the courtyard seating pods/structures;
 - xiv) details and management of the green roofs and walls;
 - xv) an implementation programme.

The agreed landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied or in accordance with the agreed implementation programme. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 15) The development hereby permitted shall not be brought into use until the cycle parking has been formed in accordance with the approved plans. The approved cycle parking shall be retained in accordance with the approved plans and kept available for the parking of cycles at all time.
- 16) The development hereby permitted shall not be brought into use until the car parking area as shown on the approved plans, including any disabled car parking spaces contained therein, has been hard surfaced, sealed and marked out in parking bays. The approved car parking area shall thereafter 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.
- 17) The development hereby permitted shall not be brought into use until a Parking Management Plan has been submitted to and agreed in writing by the local planning authority. Thereafter the agreed Parking Management

- Plan shall be implemented prior to first occupation and the development retain in accordance with the Parking Management Plan at all times.
- 18) The development hereby permitted shall not be brought into use until the refuse storage area has been formed in accordance with the approved plans. The approved refuse storage area shall thereafter be retained in accordance with the approved plans for the storage of refuse at all times.
 - 19) The development hereby permitted shall not be brought into use until the windows as shown on approved plans AL(0)129 Rev B and AL(0)130 Rev B have been fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and agreed in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
 - 20) The development hereby permitted shall not be brought into use until large-scale details, including 1:10 sections and precise technical specifications of acoustic glazing and acoustic ventilation to be installed in all windows in the development, have been submitted to and agreed in writing by the local planning authority. The approved acoustic glazing and acoustic ventilation shall thereafter be installed in accordance with the agreed details before the development is brought into use and shall be retained thereafter.
 - 21) The development hereby permitted shall not be brought into use until details of the proposed highway works associated with the development have been submitted to and agreed in writing by the local planning authority. The building shall not be occupied until the highway works have been constructed in accordance with the agreed details.
 - 22) No windows in any part of the north elevation of the development hereby permitted fronting onto Stepney Bank shall be openable.
 - 23) No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.
 - 24) No development shall take place until a Construction Method Statement (CMS), including protection of the sewer system, has been submitted to and agreed in writing by the local planning authority. The approved CMS shall be adhered to through the construction period. The CMS shall provide for:
 - i. Details of temporary traffic management measures, temporary access, routes and vehicles;
 - ii. Wheel washing facilities;
 - iii. The parking of vehicles of site operations and visitors;
 - iv. The loading and unloading of plant and materials;
 - v. Storage of plant and materials used in construction;
 - vi. Measures to control vibration;
 - vii. Measures to control the emission of dust and dirt;
 - viii. A scheme for the recycling and disposing of waste as a result of construction works;

- ix. Hours of operation comprising 0800 hours to 1800 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works on a Sunday or Bank Holiday;
 - x. The erection and maintenance of security hoardings, including decorate displays and facilities for public viewing; and,
 - xi. Communication plan for liaison with the public.
- 25) No development shall take place outside the hours 0800 and 1800 on Mondays to Fridays and 0800 to 1300 on Saturdays. No development shall place on Sundays, Bank or Public Holidays.
- 26) No development shall take place until details of the proposed bat boxes, together with a programme for their implementation, has been submitted to and agreed in writing by the local planning authority. The approved bat boxes shall be implemented in accordance with the agreed details and programme and thereafter retained in accordance with those details.
- 27) No development shall take place until an Investigation and Risk Assessment to assess the nature and extent of any contamination on the site (whether or not it originates on the site) has been submitted to and approved in writing by the local planning authority. The details of the Investigation and Risk Assessment shall include measures to provide for:
- a) a survey of the extent, scale and nature of contamination; and,
 - b) an assessment of the potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets woodland and services lines and pipes; adjoining land, ground waters and surface wasters; ecological systems; archaeological sites and ancient monuments;
 - c) an appraisal of remedial options, and the proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination CLR11.

- 28) No development shall take place until details of surface water drainage to manage run off from private land have been submitted to and agreed in writing by the local planning authority. The approved surface water drainage scheme shall be implemented in accordance with the approved details before the development is brought into use and thereafter maintained in accordance with the agreed details.