

TOWN AND COUNTRY PLANNING ACT 1990

GRANT OF PLANNING PERMISSION

TO: Madina Educational Academy
c/o Simon Timperley RIBA
Simon Timperley
The Old Gardens
Frankham
Fourstones
Hexham
Northumberland
NE47 5DL

PARTICULARS OF APPLICATION

RECEIVED: 24 September 2012

REFERENCE: 2012/1298/01/DET

PROPOSAL: Conversion of the existing cemetery buildings into a nursery and primary school (Class D1) for children in the age range of 3-8 years, alterations to elevations including infilling of main arch to form main entrance and office, lean-to corridors to the south elevation, insertion of two upper floors into each of the chapel buildings and erection of dormer window to north and south elevation of chapel building, formation of parking spaces (12 spaces), bin store and internal boundary fencing/walls (max height 1.8m) as amended by site plan received 06.12.12.

LOCATION: Newcastle City Council Cemeteries And Crematorium, Saint Nicholas Cemetery, Nuns Moor Road, Newcastle upon Tyne,

APPLICANT: Madina Educational Academy

PARTICULARS OF DECISION

Date of Decision: 19 December 2012

Planning permission granted for development in accordance with the information contained in the application **subject to the following conditions:**

- 1 The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this decision.
Reason: As required by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development to which this permission relates shall be carried out in accordance with the approved plan(s) referenced: Floor Plans (04 Rev A) Elevations (05) Site Plan (06 Rev C).

GRDETZ

All correspondence to:
Development Management
Civic Centre
Newcastle upon Tyne
NE1 8PD

2012/1298/01/DET

Jack Lowles

HEAD OF DEVELOPMENT MANAGEMENT

Reason: For the avoidance of doubt and in the interests of proper planning, and in order to achieve a satisfactory form of development in accordance with the National Planning Policy Framework and saved Policy EN1.1 of the Unitary Development Plan.

- 3 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (or any other re-enacting or revoking Order with or without modification), the premises shall only be used as nursery / primary school and for no other purpose.

Reason: In the interests of residential amenity, in accordance with the National Planning Policy Framework and saved Policy H2 of the Unitary Development Plan.

- 4 Development shall not commence until samples of the materials to be used in the construction of the external surfaces of the corridor and dormer extensions and for any re-pointing have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with the National Planning Policy Framework and saved Policies EN1.1 and H2 of the Unitary Development Plan.

- 5 The development shall not be brought into use until details of the proposed boundary treatment have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use.

Reason: In the interests of visual amenity and highway safety, in accordance with the National Planning Policy Framework and saved Policies EN1.1 and T7.1 of the Unitary Development Plan.

- 6 The development shall not be brought into use until the car parking area 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 and saved Policies T4.5 and T7.1 of the Unitary Development Plan.

- 7 The development shall not be brought into use 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 brought into use. 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, in accordance with the National Planning Policy Framework and saved Policies T4.5 and T7.1 of the Unitary Development Plan.

- 8 Twelve months after first occupation of the development details of a Full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. At all times thereafter the approved Full Travel Plan shall be implemented in accordance with the approved details. This Full Travel Plan must include:

- i details of and results from an initial staff travel to work survey;
- ii clearly specified ongoing targets for 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 and saved Policies T6 and SD1 of the Unitary Development Plan.

- 9 The development shall not be brought into use until the approved refuse storage area has been formed in accordance with the approved plans. The approved refuse storage area shall thereafter be retained for the storage of refuse at all times.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies EN1.1, H2 and T7.1 of the Unitary Development Plan.

- 10 No external refuse or refuse container shall be stored outside of the approved refuse storage area except on the day of refuse collection.

Reason: In the interests of the amenity of the surrounding area and highway safety, in accordance with the National Planning Policy Framework and saved Policies EN1.1, H2 and T7.1 of the Unitary Development Plan.

- 11 Development shall not commence until details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include existing trees, shrubs and other landscape features (indicating which are to be retained and which removed); planting plans, specifications and schedules; existing and proposed levels and contours; means of enclosure, walls, retaining walls and boundary treatment; paving and other surface treatment including car parking and circulation layouts; items of landscape furniture, equipment, storage, signage, and lighting; services and drainage; location of site cabins and compounds. The approved landscape works shall be completed no later than the end of the first planting season following first occupation of the development or in accordance with a programme agreed in writing with the Local Planning Authority. The approved landscape works shall be maintained in accordance with the current version of British Standard 4428 for a period of five years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass that fails to establish shall be re-established.

Reason: In the interests of the visual amenity of the locality, in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN1.1, EN3 and EN3.2 of the Unitary Development Plan.

- 12 Development shall not commence until details of fencing and other measures (including special construction techniques) to protect trees or other landscape features to be retained have been submitted to and approved in writing by the Local Planning Authority and erected on site in accordance with the approved details. The fencing and other measures shall be retained intact for the duration of construction works and there shall be no access, storage, ground disturbance or contamination within the tree protection area. Where access is required into the tree protection area this shall be in accordance with a method statement provided as part of the approved details.

Reason: Reason: To ensure the protection of existing landscape features, in line with advice contained in the current version of British Standard 5837 Trees in relation to construction, in the interests of visual amenity in accordance with the National Planning Policy Framework and saved Policies NC1.7, EN3 and EN3.2 of the Unitary Development Plan.

- 13 Development shall be carried out in accordance with the following scheme of mitigation measures (as set out in section F of the Ecology Report)

- * Provision of access for bats into the loft-space of the renovated building using 14 bat access slates and 10 access points in ridge tiles.
- * Provision of 8 bat boxes in the trees surrounding the building, suitable for a range of bat species, prior to works commencing.
- * Supervision of any works to remove features, such as slates and lead flashing by a licensed bat ecologist as a precaution.
- * Timing of works to avoid the main bird breeding season (March to August) unless the site has been checked by a qualified person to confirm nesting birds are absent.
- * A detailed method statement and training will be provided to contractors.

The approved mitigation measures shall be implemented in accordance with the agreed programme and thereafter retained in accordance with the approved scheme.

Reason: In order to avoid undue disturbance to a protected wildlife species and its habitat in accordance with its protected status under the Wildlife and Countryside Act 1981, Conservation (Natural Habitats, &c) Regulations 1994, Countryside Rights of Way Act 2000 and in accordance with the National Planning Policy Framework and saved Policy NC1.7 of the Unitary Development Plan.

- 14 No development shall take place outside the hours of 08:00 and 18:00 on Mondays to Fridays and 08:00 and 13:00 on Saturdays. No development shall take place on Sundays, Bank or Public Holidays.
Reason: To prevent nuisance from noise in the interests of residential amenity, in accordance with the National Planning Policy Framework and saved Policy H2 of the Unitary Development Plan.
- 15 At the site boundary the noise levels generated by the external plant shall not exceed the approved background noise level of by more than 5dB(A).
Reason: To prevent nuisance from noise in the interests of the amenity of the surrounding area, in accordance with the National Planning Policy Framework and saved policy POL7 of the Unitary Development Plan.
- 16 The development shall not be brought into use until details of any external plant, including extract ventilation facilities and air conditioning equipment, and their noise generation levels, and any noise attenuation measures, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development is brought into use and maintained as such thereafter.
Reason: To prevent nuisance from noise in the interests of the amenity of the surrounding area, in accordance with the National Planning Policy Framework and saved Policies POL7 and H2 of the Unitary Development Plan.
- 17 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. A Risk Assessment must be undertaken and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted to the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors, in accordance with the National Planning Policy Framework and saved Policy POL6 of the Unitary Development Plan.

- 18 No development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.
Reason: To provide an archive record of the historic building or structure and to accord with paragraph 141 of the National Planning Policy Framework.

NB: Please read any notes below and those on the attached sheet.

- 1 You are advised that off site highway works required in connection with this permission are under the control of the Councils Technical Services Division and will require an agreement under section 278 of the Highway Act 1980. These works should be carried out before first occupation of the development. All such works will be undertaken by the Council at the applicants expense. You should contact (0191) 211 6051 to progress this matter.

Reasons for Granting Permission

The proposal is considered acceptable having regard to all material planning considerations including statutory duties, national and regional planning policy guidance, consultee responses, public representations and the following policies and proposals of the Unitary Development Plan and Supplementary Planning Guidance:

EN1_1 - Design Standards
EN3_2 - Protection of trees
C2 - Listed Buildings
C4 - Archaeology
T4_5 - Control over Development for Parking
T7_1 - Control over Development
T5_3 - Cycling
OS1_4 - Protection of Open Spaces
OS1_5 - Exceptional Circumstances
NPPF - National Planning Policy Framework

In dealing with the application we have worked with the applicant in a positive and pro active manner and have implemented the requirement in the NPPF para 187

NOTICE TO APPLICANT

APPEALS TO THE SECRETARY OF STATE

- If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment, The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on-line at www.planning-inspectorate.gov.uk
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.
- In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decisions on a direction given by him.

PURCHASE NOTICES

- If either the Local Planning Authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the City Council. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Part IV and related provisions of the Town and Country Planning Act 1990.

FURTHER NOTES RELEVANT ONLY IF APPLICATION APPROVED

Failure to comply with conditions could make the development hereby permitted unauthorised

- 1) This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
 - (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.

- (b) You or your agent or any other person responsible for implementing this permission should inform Planning Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
- 2) This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.
- 3) If there is a condition that requires work to be carried out or details to be approved prior to the commencement of the development this is called a "condition precedent". The following should be noted with regards to conditions precedent:
 - (a) If a condition precedent is not complied with, the whole of the development will be unauthorised and you may be liable to enforcement action.
 - (b) In addition if a condition precedent is breached, the development is unauthorised and the only way to rectify the development is the submission of a new application.

If any other type of condition is breached then you will be liable to a breach of condition notice.

- 4) This certificate is issued under the Town and Country Planning Acts and Orders and does not constitute a permission, approval or consent for any other purpose. Applications must therefore be made for any other permission, approval or consent (including Building Regulations approval of the approval of the City Council as ground landlord where appropriate) which may be necessary in connection with the proposed development or anything incidental thereto, or the use to be made of the premises which form the subject of such development.
- 5) If this application relates to the erection or extension of a building, attention is drawn to the provisions of Section 24 of the Tyne and Wear Act 1980, under which it is possible for the Council to refuse building regulation consent for this proposal on the grounds that there will be inadequate access for the Fire Brigade to the building or to neighbouring buildings.
- 6) If you are applying for planning permission to build and/or provide a service, you should note the application of the Disability Discrimination Act 1995. You are advised to seek professional advice to ensure that you meet your legal obligations under the Act, especially with regard to Part III thereof.