

DEVELOPMENT PLAN

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Development Plan - current status

The Core Strategy and Development Plan was adopted on the 30 January 2020, whilst the saved policies from the Unitary Development Plan were adopted on 7 September 1998. In the report on each application specific reference will be made to policies and proposals that are particularly relevant to the application site and proposal. The CSDP and UDP also include several city wide and strategic policies and objectives, which when appropriate will be identified.

STANDARD CONDITIONS

Sections 91 and 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 require that any planning application which is granted either full or outline planning permission shall include a condition, which limits its duration.

SITE PLANS

The site plans included in each report are illustrative only.

PUBLICITY/CONSULTATIONS

The reports identify if site notices, press notices and/or neighbour notification have been undertaken. In all cases the consultations and publicity have been carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

LOCAL GOVERNMENT ACT 1972 – ACCESS TO INFORMATION

The background papers material to the reports included on this agenda are:

- The application and supporting reports and information;
- Responses from consultees;
- Representations received;
- Correspondence between the applicant and/or their agent and the Local Planning Authority;
- Correspondence between objectors and the Local Planning Authority;
- Minutes of relevant meetings between interested parties and the Local Planning Authority;
- Reports and advice by specialist consultants employed by the Local Planning Authority;
- Other relevant reports.

Please note that not all of the reports will include background papers in every category and that the background papers will exclude any documents containing exempt or confidential information as defined by the Act.

These reports are held on the relevant application file and are available for inspection during normal office hours at the City Development Directorate at the Customer Service Centre or via the internet at www.sunderland.gov.uk/online-applications/

Peter McIntyre
Executive Director City Development

Reference No.: 21/02627/FUL Full Application

Proposal: **Retrospective demolition of public house and proposed construction of 14 dwelling houses and a three storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane) (as amended)**

Location: The Cavalier Silksworth Lane Sunderland SR3 1AQ

Ward: Silksworth

Applicant: CJ Taverns

Date Valid: 10 January 2022

Target Date: 11 April 2022

Proposal

Members may recall that the above application for planning permission has been previously presented to the Planning & Highways Committee (31 July 23).

Members voted in favour of the amended recommendation within the agenda, which will be repeated below:

“Recommendation: Grant planning permission subject to the successful completion of a Section 106 Agreement and the draft conditions below”

There has, however, not been any substantive progress upon the legal agreement, other than occasional correspondence with the Applicant’s Solicitor in relation to the proposed Heads of Terms.

The application has been added to the Agenda so that the recommendation can be amended to provide a final point in time for the completion of the legal agreement; which can be seen below (addition in ***bold italic*** and deletion shown as ~~strikethrough~~).

“RECOMMENDATION

Either

1. Grant planning permission subject to:
 - The draft conditions below ***listed at the end of the report***
 - the successful completion of a Section 106 agreement (***by 31 June 24***) for
 - ***the*** provision of three affordable units on site.
 - ***Financial contributions towards:***
 - ***allotments (£85.5 per dwelling house)***

- *biodiversity net gain (£15,000)*
- *equipped play space (£704 per dwelling house)*
- *mitigation for the protected coastline (£557.14 per dwelling house)*
- *open space (£68.22 per bedspace)*

Or

2. If the legal agreement, as described in the second point above, has not been completed by 31 June 24; then REFUSE CONSENT under for the reasons below:

- ***There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of three affordable units on site and financial contribution towards allotments, biodiversity net gain, equipped play space, mitigation for the protected coastline and open space.***

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies H2, NE2 and ID2 of the Core Strategy and Development Plan (2015-2033).

- ***The field surveys supporting the submitted ecology reports were undertaken more than two years ago (April - May 22). The surveys are potentially out of date, which means that there does not exist certainty in terms of whether the proposed development would be in accordance with policy NE2 (biodiversity and geodiversity) of the Core Strategy and Development Plan (2015-2033); nor the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006.***

There are not any material considerations that indicate a decision should be made otherwise."

There also needs to be consideration as to whether there have been any material changes in circumstance since Members voted in favour of the amended recommendation (July 23).

The initial point to consider would be that, in terms of material considerations, the Government has published two updated versions of the National Planning Policy Framework (Sept and Dec 23).

In relation to the proposed development, the broad effect of the updates include housing delivery, design (including whether proposed development would be "wholly out of character with the existing area") and energy efficiency.

These matters were given consideration in the initial committee report (July 23), which means that these updates do not amend the previous recommendation (including the suggested conditions and obligations).

A further point to consider would be that a recent consultation from the Government says that extensions of time to determine planning applications "should be an exception" ("An accelerated planning system", 6 March 24). In response, these comments form part of the reason for seeking to amend the recommendation to ensure the completion of the legal agreement by the end of June 24.

A further point to consider would be that the field surveys supporting the previously submitted ecology reports were undertaken in April – May 22. The findings of the surveys in question are generally valid for a certain period of time (usually up to two years), which forms a further reason for seeking to amend the recommendation to ensure the completion of the legal agreement by the end of June 24.

A further point to consider would be that the public house previously proposed for demolition has recently been demolished (around mid February 24).

The initial point to consider would be that the Agent has advised that “after an arson attack the council (Building Control safety department) and the HSE requested demolition immediately as it was classed as an unsafe structure and a danger to the public”.

A further point to consider would be that the demolition of a public house requires planning permission, which means that the application should be given consideration as being part retrospective. The description of development has therefore been amended to refer to the demolition works as being retrospective. The amended description can be seen below, with the addition shown in ***bold italic***

“Retrospective demolition of public house and proposed construction of 14 dwelling houses and a three storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane) (as amended)”

The Planning Practice Guidance does, however, say that when considering retrospective planning applications (Paragraph: 012 Reference ID: 17b-012-20140306):

“the local planning authority should take care not to fetter its discretion prior to the determination of any application for planning permission – such an application must be considered in the normal way”

The previous committee report gave consideration to the social impact arising from the loss of a public house and, as described in the paragraph immediately above, the retrospective nature of the demolition works does not form a material planning consideration.

In summary, the changes in circumstances since the earlier consideration of the planning application in question (July 23) do not materially alter the advice within the previous committee report. The previous report will therefore be repeated below, together with the amended recommendation in relation to a final point in time for the completion of a legal agreement; with any additions shown in ***bold italic*** and deletion as ~~striketrough~~.

Previous committee report

Members may recall that Officers presented the above application to an earlier meeting of the Planning & Highways Committee (19 June 23). Members voted to defer consideration of the application, so that a site visit could be undertaken.

Officers would also draw to attention that after the meeting the Agent submitted amended plans and further representations have been received from Cllr Tye and the occupiers of neighbouring properties. These will be described in more detail below.

The application seeks full planning permission for:

“Demolition of public house and construction of 14 dwelling houses and a three-storey building to provide five apartments (including associated car parking, landscaping and new pedestrian access onto Silksworth Lane)”

at The Cavalier / Hunters Lodge, Silksworth Lane Sunderland SR3 1AQ

The site lies towards the south west of the City, to the south east of the A690. The surrounding land uses include dwelling houses to the east, a residential development currently under construction to the south and apartments to the west. The site itself, containing a public house with associated access and car park, has an irregular plan form and covers around 0.9 hectares.

The proposed development would involve the demolition of the existing public house and the construction of 14 dwelling houses and a three-storey building to provide five apartments: including a new pedestrian access onto Silksworth Lane. The existing vehicular access would be retained.

The Agent has submitted additional / amended information throughout the determination of the application. The Agent, a few weeks after the previous meeting, submitted amended plans showing the removal of the second floor windows facing south from the proposed apartments. The application will be determined on the basis of these amended plans.

Publicity

Neighbour notification letters were sent to nearby properties (11 January and 15 August 22)

Press notice displayed in the local newspaper (Sunderland Echo, 18 January 22).

Site notices were displayed on Silksworth Lane (11 January 22)

Consultees

Ward Councillors (Silksworth) - The most recent representation from Cllr Tye will be repeated below:

“Both myself and Mrs Prater are removing our objection to the development, one question that we both have is the close proximity of the trees they are in Mrs Praters land, how do they protect the roots, so the trees do not become damaged or is there no such thing seen as the on the roots are on their land”

Ambulance - No response received.

Ecology - “Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals”.

Education - No response received.

Fire & Rescue Service - “Please advise if this is to be timber framed construction.

The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.

Further comment will be made on receipt of a Building Regulations submission.”

Land contamination - "A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice".

Lead Local Flood Authority - "I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document".

Local Highway Authority - Comments relating to "access / visibility splay, pedestrian provision / safety, Transport Statement, trip generation, accident data, car parking, cycle storage, electric vehicles, Autotrack / servicing, highway drainage / surface water run-off, SUDS, adoptable standard, private development, retaining walls, Section 278 agreement and Construction Environment Management Plan".

Housing- No response received.

National Highways - "Offer no objection".

Natural England - "Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on the:

- Northumbria Coast Special Protection Area (SPA)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained."

Northumbrian Water - "We request that the following approval condition is attached to a planning approval"

Police Architectural Liaison - "Overall we have no objection to the proposal although we would like to make the following comments

- We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.
- The plans lack detail as to the security of communal spaces in the Type E, apartments block

Representations

The representations will be summarised below.

Principle -Loss of public house with a garden would be contrary to policy VC5.
The proposal would be excellent for the local area.

Amenity - Loss of trees would reduce the privacy for occupiers of Ski View. Proposed three storey

building would lead to loss of privacy and day light and would be overbearing.

Cumulative -Other developments have reduced the amount of green space in the local area.

Design - Does not follow guidance for local context and character.

Drainage -Access to existing septic tank.

Ecology -Felling of trees will have impact upon local wildlife.

Groundworks - Stability of existing retaining walls.

Procedure - The submitted plans are not accurate and do not show the surrounding development. The plans submitted for a previous application are not accurate (19/00006/OUT).

Trees - Loss of trees.

Planning History

The most relevant planning applications will be repeated below; together with a commentary.

91/02123/1 - Residential development APPROVED (OUTLINE).

91/00913/1 - Housing development for 7 no. detached dwellings & 7 no. terraced town houses. WITHDRAWN.

93/00854/40 - Erection of 6 no. residential units. APPROVED.

The three applications above should be given very little weight by the decision taker given that they date from around 30 years ago.

10/01350/OUT - Outline application (all Matters Reserved) for the demolition of public house and the erection of 7 dwellings WITHDRAWN

11/00767/OUT - Resubmission of outline application for the demolition of public house and the erection of 7 dwellings (all matters reserved). WITHDRAWN

The two applications above should be given very little weight by the decision taker given that they were both withdrawn.

15/02345/OUT - Outline application for demolition of existing public house and removal of existing trees to facilitate the erection of a residential development comprising of 7no detached dwellings - approval sought for layout, scale and access (amended description 18.08.2016).APPROVED.

The above application should be given very little weight by the decision taker given that the planning permission has now expired.

19/00006/OUT - Proposed new residential development consisting of up to 14 dwelling houses and up to 8 apartments with associated parking WITHDRAWN

The above application above should be given very little weight by the decision taker given that it has been withdrawn.

Policies

Development Plan

Core Strategy and Development Plan (2015-2033)

Material considerations

City Plan (2023-2035)

Low Carbon Framework (including associated Low Carbon Action Plan)

Supplementary Planning Documents:

- Development Management (including the Residential Design Guide)
- Planning Obligations.

Comments

Principle

The Glossary within the Core Strategy defines a community facility as

“A facility in which health care, childcare, educational, cultural or social services are provided e.g. community centre, libraries, leisure centres”.

The current use of the site as a public house would fall within the above category of community facility. The most relevant policy within the development plan would therefore be policy VC5 (Protection and delivery of community facilities and local services) of the Core Strategy; which will be repeated below

“Community facilities and local services will be protected and enhanced by:

1. resisting their loss, unless a replacement facility that meets the needs of the community is provided, or the community facility is no longer required in its current use and it has been demonstrated that it is not suitable for any other community uses;
2. supporting development of new and extended community facilities. Developments for new community facilities should be located in accessible neighbourhood and centre locations; and
3. supporting the shared use of facilities, provided that it can be demonstrated that such shared use will not adversely affect the level of social and community provision”

The supporting text to policy VC5 clarifies, when considering the loss of a community facility, that:

“It is important to protect viable facilities so far as is practicable, unless there is an overriding justification for their loss or exceptional benefits deriving from alternative forms of development. The council will require any application involving the loss of any community facility or land last used for community purposes to be supported by written evidence to justify its loss. The applicant will be required to provide written evidence that they have marketed the facility for at least 24 months and consulted with the Local Voluntary and Community Sector and advertised in the local press. The level of detail will depend upon the nature of the proposal; the applicant should contact the council at the earliest stage to discuss this”

The Applicant has not undertaken a marketing exercise in accordance with the paragraph immediately above.

The Applicant has, however, submitted a commentary; which will be repeated below

“The client prior to the pandemic and lockdowns was suffering a financial loss as there is a large decline in the use of public houses, business was very slow and then the lockdown caused major financial issues.

Pub numbers in the UK have been in steady decline. The data, taken from the British Beer and Pub Association (BBPA), and the Office for National Statistics (ONS), shows this decline varies regionally, and according to the type of pub ownership.

The ONS data is used for the regional statistics. Its count includes the numbers of pubs and bars around the UK.

A 2014 report by the Institute of Economic Affairs (IEA) found that the fall in pub numbers was due to:

- Regulations such as the 2007 smoking ban.
- Economic factors such as the 2008 recession.
- Increased taxation.
- Reduced alcohol consumption. Studies show that increasing numbers of 16 to 24-year-olds are choosing not to drink alcohol.

In essence the above factors had already led to a decline in business prior to the pandemic. Therefore, the client submitted and had approved a planning application for residential development on the site from 2015.

There are an abundance of other public houses / bars, social club's or other drinking establishments, 18 in total within a 1-mile radius. This is walkable distance within around 15 mins for the average person from the proposed site in Silksworth.”

In terms of material considerations, there has been an objection from the Campaign for Real Ale; which will be repeated below

“The Cavalier Public House, is currently a community facility used by members of the public resident in Sunderland. The garden in particular is regarded as one of the "best pub gardens" in the city.

Application (21/02627/FUL) has been made after the implementation by Sunderland City Council of policy VC5 "Protection & delivery of community facilities & local services" part of Sunderland City Council's Core Strategy & Development Plan (2015-2033) (Dated Jan 2020.)

My organisation is concerned by the worrying loss of public houses acting as valuable community facilities particularly in suburban parts of the city. We would like assurance from the planning department that VC5 will be taken into account when this new planning application is decided.

Furthermore we object should any "principle(s) of using the site for residential development" established prior to the current "Sunderland City Council's Core Strategy & Development Plan (2015-2033) (Dated Jan 2020.)" be accepted in any new application.”

The proposal, in terms of the loss of a community facility in the form of a public house, would therefore be contrary to the relevant policy within the development plan and the representation received from CAMRA.

There also needs to be consideration given to the sustainability of the proposed site for a residential development; which will be presented below.

The Core Strategy, at policy SP1 (development strategy), says that:

- “1. To support sustainable economic growth and meet people's needs, the council, working with local communities, its partners and key stakeholders will:
 - i. deliver at least 13,410 net new homes and create sustainable mixed communities which are supported by adequate infrastructure...
 - v. ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs.
2. The spatial strategy seeks to deliver this growth and sustainable patterns of development by:
 - i. supporting the sustainability of existing communities through the growth and regeneration of Sunderland's sub areas including: the Urban Core (Policy SP2); Washington (Policy SP3); North Sunderland (Policy SP4); South Sunderland (Policy SP5); and the Coalfield (Policy SP6);
 - ii. delivering the majority of development in the Existing Urban Area;
 - iii. emphasising the need to develop in sustainable locations in close proximity to transport hubs...
 - iv. delivering the right homes in the right locations through the allocation of homes in the A&D Plan, the allocation of South Sunderland Growth Area and The Vaux and amending the Green Belt boundary to allocate Housing Growth Areas;
 - v. protecting Sunderland's character and environmental assets including Settlement Breaks, greenspaces, Open Countryside and Green Belt; and
 - vi. minimising and mitigating the likely effects of climate change.

The proposed development would make a contribution towards the above policy by providing 19 apartments and dwelling houses (point 1i) and the impacts upon physical, social and environmental infrastructure will be given consideration in the relevant detailed sections below (point 1v).

The proposed development would provide growth within both South Sunderland and the Existing Urban Area (points 2i and 2ii), would be within a sustainable location close to bus services (point 2iii) and would deliver homes (points 2iii and 2iv).

The impacts of the proposed development upon the character of the City, environmental assets and climate change will be given consideration in the relevant detailed sections below (point 2v and 2vi).

The Core Strategy, at policy SP5 (South Sunderland), says that

“South Sunderland will continue to grow and become a spatial priority for housing and economic development. In order to achieve this:

1. economic growth will be focused in identified Employment Areas (Policies EG1 and EG2) and at the Port of Sunderland (Policy SS5);
2. South Sunderland Growth Area (Policy SS6) is allocated as a new sustainable community;
3. the council and its partners will work to secure regeneration and renewal at Hendon, Millfield and Pennywell; and
4. the Settlement Breaks will be protected.”

The proposed development would make a contribution towards the above policy by providing apartments and dwelling houses in an area identified as a spatial priority for housing.

The Core Strategy, at policy SP8 (Housing supply and delivery), says that:

“The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year. The new homes to meet Sunderland's need will be achieved by:

1. the development of sites identified in the SHLAA;
2. the development of sites allocated in the A&D Plan;
3. the development of sites (Strategic and Housing Growth Areas) allocated in this Plan;
4. the conversion and change of use of properties;
5. the development of windfall sites; and
6. the development of small sites.”

The proposed development would make a contribution towards the above policy by developing a small windfall site for housing (points 5 and 6).

The Core Strategy, at policy H1 (housing mix), says that:

1. Residential development should create mixed and sustainable communities by:
 - i. contributing to meeting affordable housing needs (Policy H2), market housing demand and specialist housing needs as identified through the council's SHMA or other evidence;
 - ii. providing a mix of house types, tenures and sizes which is appropriate to its location;
 - iii. achieving an appropriate density for its location which takes into account the character of the area and the level of accessibility; and
 - iv. from 1 April 2021, requiring 10% of dwellings on developments of 10 or more to meet building regulations M4 (2) Category 2 - accessible and adaptable dwellings.
2. Development where appropriate and justified, should also seek to:

- i. provide larger detached dwellings; and
 - ii. ensure there is a choice of suitable accommodation for older people and those with special housing needs including bungalows and Extra Care housing.
3. Development should consider the inclusion of self-build and custom house building plots.”

The proposed development would make a contribution towards the above policy by contributing to meeting affordable housing needs (point 1i), providing a mix of houses types (point 1ii) and providing detached dwellings (point 2i). The density of the proposed development will be given consideration in the detailed sections of the report below (point 1iii).

The Core Strategy, at policy H2 (affordable homes), says that:

“All developments of 10 dwellings or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. This affordable housing should:

1. be provided on-site in order to help achieve mixed and balanced communities. However, exceptionally, off site provision or a financial contribution made in lieu may be considered acceptable where it can be justified;
2. be retained in affordable use in perpetuity;
3. when part of a mixed housing scheme should be grouped in clusters throughout the site;
4. be indistinguishable in terms of appearance from the market housing; and
5. reflect the latest available evidence with regards the tenure split and size of dwellings.”

A viability assessment should be submitted in line with the requirements of the PPG where it is not proposed to deliver the affordable housing requirement in full.”

The proposed development would make a contribution towards the above policy as the submitted Affordable Housing Statement says that an “initial target of 15% provision of affordable housing should be sought and that will be achieved by the supply of 3no. two bedroom apartments on the development as affordable”. The policy seeks 15%, which equates to three units; such an amendment could be sought via the associated legal agreement.

The Core Strategy, at policies ID1 (Delivering Infrastructure) and ID2 (Planning Obligations) says that “development will be expected to provide or contribute towards the provision of measures to directly mitigate the impacts of the development and make it acceptable in planning terms”, including affordable housing and “local improvement to mitigate the direct or cumulative impact of development... in accordance with Planning Obligations SPD.

The Planning Obligations Supplementary Planning Document says that residential development of more than ten dwelling houses should contribute towards:

- Equipped Play Space - £704 per dwelling house.
- Open Space (amenity green space) - £68.22 per bedspace
- Allotments - £85.5 per dwelling house.

A legal agreement could ensure the above payments to provide for the infrastructure sought by policies ID1 and ID2. The detailed sections below will identify if any further infrastructure payments would be necessary.

In terms of material considerations, the Council after the adoption of the Core Strategy adopted a “Low Carbon Framework”. The Framework “establishes a high-level strategy for meeting our commitments under the Paris Agreement, EU Covenant of Mayors and our declaration of a climate emergency”. The Framework says that “Sunderland is committed to playing its part in tackling the global climate change emergency” and that “we are proposing to embed climate change and carbon neutrality throughout our city”.

The Framework specifically says that:

“local planning policies have been approved that encourage new development to minimise the impacts of climate change, avoid unacceptable adverse development impacts, maximise energy efficiency and integrate the use of decentralised, renewable and low carbon energy”

The determination of the application using the policies within the Core Strategy therefore means that the recommendation aligns with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, adopted a “Low Carbon Action Plan” which has “been prepared to align to the Sunderland Low Carbon Framework”. The Plan says that it “sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now”. The Plan provides Strategic Priorities which will be given consideration in the relevant sections below (such as drainage).

In terms of the Low Carbon Action Plan, the proposed development would make a contribution towards Action Reference 5.06; which recommends to that the Council should “continue to concentrate new development at sustainable / accessible locations in the city”.

In summary, matters relating to the construction of the proposed apartments and dwelling houses would make a contribution towards the relevant policies found within the development plan and the relevant parts of the Low Carbon Framework and the associated Low Carbon Action Plan. The proposal would, however, also involve the loss of a community facility in the form of a public house; contrary to the relevant policy within the development plan and the concerns expressed in the representation from CAMRA. The principle of the proposed development will therefore be given further consideration in the planning balance at the end of the report.

Amenity

The submitted Noise Impact Assessment says that “noise levels affected the proposed development from road traffic have been measures and that if windows are required to be open for long periods of time, the resulting internal ambient noise levels in habitable rooms exceed the guidance upper limits”. The Assessment also says that “noise levels in most of proposed gardens are calculated to exceed the guideline upper limit”. The Assessment recommends mitigation in the form of glazing for the proposed buildings (including the potential for mechanical extract) and noise barriers to the south east and middle of the site.

The Environmental Health Officer (EHO) has advised that:

“Road traffic noise was identified as the primary noise source affecting the development site, and

consequently noise levels were assessed during day and night hours with the data being compared to the desirable standards for internal and external noise climates set out in BS8233:2014 and World Health Community Noise guidelines.

The methodology and conclusions of the report are accepted.

Mitigation measures to achieve acceptable standards are set out in Table 1 and Figure 1 of the acoustic report.

Table 1 sets out suitable options for glazing and ventilation systems, and Figure 1 identifies the relevant building facades requiring treatment together with the locations of noise barriers on the site. The noise barriers may be either a solid close boarded timber fence of minimum surface density 10kg/m² or a brick wall - both of a height of at least 1.8m.

The final development design must specify the exact scheme that is selected to achieve the sound reductions recommended within the report. Applicant is advised to refer to Table 1 and Figure 1.

A condition is proposed to ensure a suitable design and its implementation.”

The EHO has also recommended a condition for the submission of a Construction Environment Management Plan (CEMP).

The impact of the proposed development upon the amenity of the surrounding dwelling houses will be given consideration below:

North - the nearest proposed dwelling houses would be sited on plots 1 and 2 with a separation distance from the proposed rear elevation to the edge of the site of around 23.5 metres.

East - the nearest proposed dwelling house would be sited on plot 1 with a distance from the proposed side elevation to the side elevation of the existing dwelling house of around 20 metres. The next nearest would be sited on plot 11 with an angled distance from the proposed rear elevation to the back of the existing dwelling house of around 27.9 metres. The proposed dwelling houses would also be facing uphill.

South - the nearest proposed building would be the proposed three storey apartment block sited towards the southeast of the site with a distance from the proposed rear elevation to the back elevation of the existing dwelling house of around 31.3 metres. The Agent has estimated the finished floor levels to be 88.65m for the proposed apartments and 89.9m for the existing dwelling house.

West - the proposed apartments and dwelling houses would overlook Silksworth Road and the green space immediately thereafter.

The proposed development, in terms of the impact of the proposed apartments and dwelling houses upon the occupiers of existing properties nearby, would therefore accord with the relevant space standards described at paragraph 5.23 of the adopted Residential Design Guide, as found within the Development Management Supplementary Planning Document (SPD).

In terms of material considerations, there has been a representation submitted from the occupier of the dwelling house immediately opposite the proposed three storey apartment block which says that:

“I can confirm I am withdrawing my objections to the apartment's following the revised plans shared last week and on the basis that once started the proposed separation distances are adhered too as a minimum.”

In response, the Agent has submitted an amended site plan which accurately plots the position of both the existing dwelling house and the proposed apartment block; including an estimation of floor levels. The separation standard within the SPD, for a three storey building facing an existing dwelling house, would be 26 metres.

The SPD also says that for each 1 metre increase in ground levels, 2 metres should be added to the separation distance. The difference in finished floor levels between the existing dwelling house and the proposed apartment block has been estimated by the Agent to be 1.25 metres, which means 2.5 metres should be added onto the separation distance. The total separation distance should therefore be 28.5 metres.

The amended plan shows that the separation distance would be 31.3 metres, greater than the minimum separation distance sought by the SPD.

There are some instances where the proposed dwelling houses within the site do not accord with the separation distances found within the SPD. These will be given consideration within the planning balance at the end of the report.

In terms of further material considerations, there has been a representation submitted on the basis that the proposed loss of trees would reduce the privacy for occupiers of Ski View. In response, the separation distances to these existing dwelling houses would exceed the space standards provided within the SPD.

In terms of further material considerations, there has been a representation submitted on the basis that other developments in the local area have reduced the amount of green space in the local area. In response, the site at the current point in time comprises a public house with associated access and car parking; albeit with some green space in the form of a play area and an open area near Ski View. The proposed development would leave an area to the north of the site open and free of development.

In summary, the detailed matters relating to amenity would accord with the relevant policy within the development plan, namely HS2 (noise-sensitive development); subject to the recommended conditions.

In terms of material considerations, the separation distances from the proposed development to the existing dwelling houses accord with the separation standards provided within the “Residential Design Guide”.

The exception to the above would be the proposed reliance on mechanical ventilation and the separation distances between the proposed dwelling houses. These will be given consideration in the planning balance at the end of the report.

Design

The layout of the surrounding area includes low density residential to the north (Silksworth Close), medium density residential to the east and south (Ski View and Cavalier Way) and high density to the west (the tower blocks at Amsterdam Road). The density of the proposed development, as 14 dwelling houses (including detached, semi detached and a short terrace of three units) and a three-storey block, would therefore be consistent with the prevailing pattern of development.

The design of the surrounding area includes substantial two storey detached dwelling houses (such as Silksworth Close to the north), a mix of suburban housing to the east at Ski View and the tower blocks opposite at Amsterdam Road. The design of the proposed development, with a maximum height of three storeys and a contemporary appearance (constructed from red or buff brick, dark grey upvc windows and dark grey or red concrete tiles), would therefore be consistent with the design of the surrounding area.

The main public view of the site would be from the road fronting the site, when travelling along Silksworth Road. The proposed development seeks to retain most of the trees to the front of the site; other than those which would be felled for the proposed apartments. There would also be an acoustic barrier for the apartments and a widened access. The views from the road would therefore remain quite similar in the sense of a site fronted by trees with an access towards the middle.

There would also be medium range views of the site from Amsterdam Road, opposite the site. The views of the site during the winter are somewhat open when the trees are not in leaf; whereas during the summer the trees provide a green frontage which effectively screens views of the site. The proposed development, especially during the winter months, would lead to a different view between the retained trees as currently open land would be filled with the dwelling houses. The view would, however, be seen within the context of dwelling houses either side of the site and, more generally, within the context of a generally urban area. The view would also be substantially screened during the summer months when the retained trees are in full leaf.

The proposed development would therefore be consistent with the density, design and landscape of the local area.

The advice from the Police Architectural Liaison will be repeated below:

“Overall we have no objection to the proposal although we would like to make the following comments

- We appreciate that there are a number of levels issues across the site but we wonder whether that justifies using 600mm post and rail fencing alongside woodland areas. We would therefore welcome more detail regarding boundary treatments.
- The plans lack detail as to the security of communal spaces in the Type E, apartments block”

In response, the two points above could be covered by a planning condition.

In terms of material considerations, the Council has an adopted “Development Management Supplementary Planning Document” (SPD); which forms a material consideration when determining the application. The SPD includes a “Residential Design Guide” which provides includes detailed chapters such as “urban design principles, designing streets and detailed design aspects of residential developments”. For the reasons given above, Officers consider that the proposed development would be consistent with the density, design and landscape of the local area.

In summary, the design of the proposed development would accord with the relevant policies found within the development plan, namely BH1 (Design Quality), NE9 (landscape character) and NE11 (creating and protecting views) and the advice found within the material consideration of the SPD; subject to the recommended conditions.

Drainage

The submitted Flood Risk Assessment and Drainage Strategy says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding). The Strategy continues by saying that “an infiltration test done on site suggested that there is limited scope for infiltration”, discounts discharge to the nearest watercourses as not a viable option and proposes discharge into the existing sewer network. The Strategy includes a drawing showing an “indicative drainage strategy” including permeable paving and “cellular storage” (i.e. an underground tank). The Strategy also says that there would be “adequate treatment to surface water passing through the proposed site” and that foul flows would connect to the existing sewer system.

The Lead Local Flood Authority (LLFA) have advised that:

“I would recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document”.

Northumbrian Water have advised that:

“We request that the following approval condition is attached to a planning approval, so that the development is implemented in accordance with the above-named document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment and Drainage Strategy" dated "January 2022". The drainage scheme shall ensure that foul flows discharge to the combined sewer at manhole 4507 and ensure that surface water discharges to the combined sewer at manhole 4507.

The surface water discharge rate shall not exceed the available capacity of 2.5 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

In terms of material considerations, there would be a contribution towards Strategic Priority 2 of the Low Carbon Action Plan; which has an action of minimising all types of flood risk

In terms of further material considerations, there has been a representation received saying that the proposed development would prevent access to an existing septic tank.

In response, the Agent has submitted an amended existing site plan which shows the indicative location of the septic tank towards the south west of the site. The amended Design & Access Statement says that:

“The neighbour's septic tank is on the land of the Cavalier, underground. It is adjacent to the neighbour's house to the back of the existing car park. This will remain and legal access will be granted for any maintenance.”

In summary, the detailed matters relating to drainage would accord with the relevant policies found within the development plan, namely WWE2 (flood risk and coastal management), WWE3 (water management), WWE4 (water quality) and WWE5 (disposal of foul water) and the relevant Strategic Priority of the Low Carbon Action Plan; subject to the recommended conditions.

Ecology

The submitted Ecology Survey and Risk Assessment says that on site the “main habitats identified were deciduous woodland, scrub, ruderals and improved grassland”. The Assessment considers that the “habitats were considered important at a parish level”, with the woodland and scrub “considered to have the greater ecological value”. The Assessment says the proposed development would lead to “loss of areas of bramble scrub, improved grassland and a few trees from the deciduous woodland”.

The Assessment, in terms of protected species, says that:

Bats – “no impact on any bat roost or hibernation site” and that “bat foraging habitat will be maintained”.

Badgers – “no impact on badgers”.

Breeding birds – “some disturbance to birds during the construction period”.

Amphibians – “no evidence from site surveys or records of amphibians” and “there is a negligible risk that the development would have any negative impact on amphibian populations”.

Reptiles – “no evidence of reptiles” and “there is a negligible risk of the development having any negative impacts on any species of reptile”.

Small Mammals – “removal of the scrub and the development of the site will have an impact on the small mammal population as there will be a decrease in available habitat”.

Invertebrates – “loss of areas of scrub and ruderals may have an impact on the range of invertebrates using the area”.

The Assessment recommends mitigation including advice during construction works, “bird boxes and bug hotels will be erected in the woodland and the new landscape scheme will include plants that provide a good nectar source and / or feeding habitat for birds”.

The submitted Defra Metric indicates that there would be a Biodiversity Net Gain of 17.1%

The Council's Ecologist has advised that:

“The most recent iteration of the supporting ecological report specifies a number of mitigation measures that are required to ensure the proposals do not result in significant harm to biodiversity. These can be secured by condition.

In addition, the provision of detailed landscaping plans, in general conformity with the submitted plans will need to be secured”.

The Council's Ecologist has undertaken a net gain calculation which shows that there would be “a net loss of 0.79 habitat biodiversity units, equivalent to 16.67% loss”. The Ecologist considers the figure to be more realistic than the 17.1% net gain shown within the metric submitted by the applicant. The Ecologist has advised that, in order to provide a 1.15% net gain, there should be “enhancement of 0.3 ha of broadleaved woodland from moderate to good condition in an offsite location” and that the management could take place on woodland within the ownership of the Council.

The Council's Ecologist has further advised that the site lies within the 7.2km buffer from protected coastal European site. The Ecologist has recommended that the application will therefore need to make a financial contribution towards the Sunderland Recreation Mitigation Strategy, at a rate of £557.14 per apartment / dwelling house. The contribution would ensure mitigation of increased recreational pressures, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

The Council's Ecologist has concluded by saying that

“Subject to the conditions below, in addition to appropriate commuted sums in respect of HRA mitigation and offsite BNG compensation I have no objection to the proposals”.

The conditions relate to measures to be undertaken during the construction phase (such as accordance with Arboricultural Method Statement), built into the development (such as bird nest boxes) and management arrangements thereafter (such as a woodland management plan).

Natural England have advised that:

“Further information required to determine impacts on designated sites

As submitted, the application could have potential significant effects on the:

- Northumbria Coast Special Protection Area (SPA)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained”.

In response, the Council's Ecologist has advised that mitigation for any impacts upon the protected coastline can be secured via a financial contribution towards the Sunderland Recreation Mitigation Strategy. The Council's Ecologist has advised that such a contribution would ensure accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

In terms of material considerations, there has been a representation expressing concern that the felling of trees will have an impact upon local wildlife. In response, the Council's Ecologist has recommended conditions and a legal agreement which will ensure a small biodiversity net gain.

In summary, the detailed matters relating to ecology would accord with the relevant policies found within the development plan, namely NE2 (biodiversity and geodiversity); subject to the recommended conditions and financial contributions.

The above also demonstrates that the Council, as a public body, has given consideration to the proposed development in accordance with Section 40 of the Natural Environment and Rural Communities Act 2006; which states that:

“The public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

Fire

The advice from the Fire & Rescue Service will be repeated below.

“Please advise if this is to be timber framed construction.

The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report.

Further comment will be made on receipt of a Building Regulations submission”.

In response, whether the building would be timber framed would be a matter for consideration via the Building Regulations. The report noted in the second paragraph of the response relates to the Building Regulations.

Groundworks

The submitted Phase I Geoenvironmental Desk Study says that the site has been developed “since at least 1914 with one large buildings and several smaller structures around the site. These were demolished and the site redeveloped by 1968 into its current form”.

The Study says that a Phase 2 Ground Investigation should be undertaken and that “the potential for widespread gross contamination is considered highly unlikely, contamination, if present, is likely to be highly localised within near surface soils”. The Study also says that a “potentially elevated risk of EO (explosive ordnance) may be present for redevelopment workers”.

The Council's land contamination consultant has advised that:

“At this stage, following the review of the submitted report, we can confirm that we are in general agreement with the findings of the report.

The proposed Phase 2 ground investigation should be undertaken. This should include investigation of the areas previously considered to be occupied by former quarries to confirm DBS Environmental's interpretation of these features and to confirm that significant thicknesses of Made Ground are not present in these areas.

A Planning Condition confirming that a Stage 2 Detailed UXO Risk Assessment is required prior to commencement of development should be included in the Decision Notice. Planning Conditions CL01, CL02, CL03 and CL04 will also be required in the Decision Notice”

In terms of material considerations, there has been a representation submitted expressing concern at the impact of the proposed development upon the stability of existing retaining walls. In response, these matters would require consideration via the Party Wall Act; rather than being a significant material planning consideration.

In summary, the detailed matters relating to groundworks would accord with the relevant policies found within the development plan, namely HS3 (contaminated land); subject to the recommended conditions.

Highways

The submitted Transport Statement says that the

“existing access and egress arrangements of the site would be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians and that the existing accident record does not demonstrate any pre-existing patterns or trends of incidents that could be affected by the development proposals”.

The Statement further says that “it is considered that the site is well located to allow for journeys by walk, cycle and public transport to be undertaken”.

The Statement concludes by saying that “it is considered that there are no outstanding reasons why the proposed development should not be granted planning permission on highways grounds”.

The advice from the Local Highway Authority will be repeated below; together with an Officer comment thereafter.

“ACCESS / VISIBILITY SPLAY

It is noted that the existing site access would be retained for the proposed development and that the access route would be widened to 5.5m with a separate pedestrian footway provided. Given the existing speed limit of the road, (40mph) the applicant is proposing a visibility splay of 2.4m x 63m, which is considered satisfactory. It is proposed as part of the site access works that any verge areas obstructing the vertical element of the junction visibility splays would be corrected to ensure the appropriate provision of visibility”.

Officer comment

These works are shown on a drawing within the Transport Statement. The drawing says any verge areas above 0.6m of access to be cut-back / retained. The Local Highway Authority have advised that that if these proposed works were constructed to an adoptable standard, then the area where the works have been undertaken can be adopted via the Highway Act.

“PEDESTRIAN PROVISION / SAFETY

There is no footway on the east side of Silksworth Lane therefore the applicant is proposing a new uncontrolled pedestrian crossing point. This crossing point should be in the form of a zebra crossing; the proposed crossing and footway will subsequently connect to the development. The zebra crossing, footway, appropriate signing and road markings would form part of the Section 278 works. For avoidance of doubt the applicant must undertake the works prior to occupation of the site”.

Officer comment

The type of pedestrian crossing can be given further consideration as part of the agreement via Section 278 of the Highway Act.

“TRANSPORT STATEMENT

The site currently benefits from an access and egress point located to the west of the development from Silksworth Lane. The existing access and egress arrangements of the site are to be retained and upgraded to serve the proposed development with widening to the access road and a new footway and crossing facility for pedestrians”

Officer comment

These works are shown on a drawing within the Transport Statement (Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle). A planning condition can be attached to ensure that these works are undertaken before the occupation of the first apartment / dwelling house.

TRIP GENERATION

"The TRICS database has been utilised to generate anticipated vehicle movements associated with the proposed development. It is anticipated that in the busiest peak hour there would be around nine trips resulting from the development equating to less than one vehicle movement every six minutes. The assessment shows that this is similar in character to the approved residential development on site, whilst there would be more than a two times reduction in daily vehicle movements compared to the current use of the site. The vehicle trip generation is therefore considered satisfactory".

Officer comment - Noted.

"ACCIDENT DATA

It is noted that the applicant has obtained accident data (five-years data) including the site access point and the adjacent Silksworth Lane. It would appear that during the study period no accidents have been recorded within the vicinity of the site access on Silksworth Lane".

Officer comment: Noted.

"INTERNAL LAYOUT

CAR PARKING

It is noted that a total of 28 car parking spaces are provided for the 14 dwellings with an additional four visitor spaces also provided. The apartment block provides a total of six car parking spaces plus one visitor space. The car parking and visitor parking is considered satisfactory".

Officer comment

A condition could be attached to ensure that the spaces are provided before the occupation of each respective apartment / dwelling house.

"CYCLE STORAGE

It is advised that secure, covered cycle storage is utilised for the development".

Officer comment

A condition could be attached to ensure that cycle storage would be provided before the occupation of each respective apartment / dwelling house.

"ELECTRIC VEHICLES

It is advised that provision is provided for electric vehicles".

Officer comment

The supporting text for policy ST3 (development and transport) says that residential scheme of more than 50 dwelling houses will be expected to make provision for the installation of home charging apparatus.

"AUTOTRACK / SERVICING

The Autotrack drawing should demonstrate the turning manoeuvres of an 11.2m pantechicon, however the submitted drawing only illustrates the turning manoeuvres of an 8.17m vehicle; applicant to clarify".

Officer comment

The Agent has recently submitted a Swept Path Analysis (April 23) showing the turning for a pantehnicon. The Local Highway Authority have advised that these are considered acceptable.

“HIGHWAY DRAINAGE/ SURFACE WATER RUN-OFF

No surface water discharge would be allowable onto Silksworth Lane”.

Officer comment

The submitted Flood Risk Assessment and Drainage Strategy says that surface water would be discharged into the existing sewer network.

“SUDS

The SUDS proposals will be commented upon at the Detailed Design Stage when additional design information is available, all enquires to Paul Armin, Flooding and Coastal Section.

Email: Paul.Armin@sunderland.gov.uk”

Officer comment

The Lead Local Flood Authority have advised that they recommend approval for this application based on the information supplied in the Flood Risk Assessment and Drainage Strategy document.

“ADOPTABLE STANDARD

The submitted TS confirms that the access road into the site has an initial gradient of 10% increasing to 12% as it enters the site. Normally a carriageway longitudinal gradient of 5% should be taken as the maximum. Where conditions necessitate, a departure from the standard will be considered to allow a maximum gradient of 7% for shared surface type, category 3 roads and 10% for other categories of road. In the case of category 1 and 2 roads a departure will only be considered for sections of road where no junctions are proposed. At junctions, the gradient of the side road should not exceed 5% when rising or 4% when falling to the main road for a distance equivalent to twice the kerb radius at the junction, measured along the centreline of the side road from the channel line of the main carriageway. Normally for footways and footpaths a longitudinal gradient of 5% should be taken as a maximum. Where site conditions necessitate, a departure from the standard will be considered to allow a maximum gradient of 10%. Taking the above into account it is considered that the access road and footway do not meet the necessary standards to be adopted under a Section 38 Agreement. The development will therefore have to remain private”.

Officer comment

The access remaining private will need to be given consideration in the planning balance.

“PRIVATE DEVELOPMENT

For private developments the road maintenance, street lighting and footway maintenance would be the responsibility of the house owners fronting the road unless there is a bespoke agreement between the residents and the landowner; applicant to clarify. The construction works would not be supervised by Sunderland City Council”.

Officer comment

A condition could be attached to ensure the submission of a management plan before the occupation of the first apartment / dwelling house.

“ADDITIONAL HIGHWAY COMMENTS

RETAINING WALLS

The applicant should contact Graham Yates, with regard to existing and proposed retaining

walls adjacent to the proposed adopted highway. Email: Graham.Yates@sunderland.gov.uk".

Officer comment

These comments could be included as an informative.

"SECTION 278 AGREEMENT

The proposal will entail alterations to existing highways, the applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk".

Officer comment

These comments could be included as an informative.

SECTION 38 AGREEMENT

"The proposed connecting footway to the south of the site access will require dedication as footway under a Section 38 agreement. The applicant should be advised to contact Graeme Hurst, Highway Adoption Engineer with regard to the works. Email: Graeme.Hurst@sunderland.gov.uk".

Officer comment

These comments could be included as an informative.

"CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

A CEMP is required".

Officer comment

A condition can be attached for the submission of a CEMP.

There has also been a response from National Highways, operator of trunk roads (such as the A19), advising that they "offer no objection".

In summary, the detailed matters relating to highways would accord with the relevant policies found within the development plan, namely ST2 (Local road network) and ST3 (Development and transport); subject to the recommended conditions.

Sustainability

The Agent has submitted detailed "Sustainability Statement"; which says that there would be a "fabric first energy strategy which will achieve significant reductions in CO2 emissions". The Statement says the strategy would include an improvement upon existing building regulation standards for insulation, 100% energy efficient lights and water conservation measures. The Statement concludes by saying that the proposed apartments and dwelling houses would be "highly insulated, energy efficient and constructed above current Building Regulations standards".

In terms of material considerations, there would also be contribution towards Strategic Priority 3 of the Low Carbon Framework; which seeks to create an "energy efficient built environment". There would also be a contribution towards the Low Carbon Action Plan which, at Action References 3.03 and 3.05, seek the "enabling the delivery of new low carbon homes across the city and for a push for higher quality energy and low carbon design standards in all new and renovated development across the city".

In summary, the detailed matters relating to sustainability would accord with the relevant policies found within the development plan, namely BH2 (Sustainable design and construction), the

relevant Strategic Priority of the Low Carbon Framework and the relevant Action Reference of the Low Carbon Action Plan; subject to the recommended conditions.

Trees

The submitted Tree Survey identifies that the trees on site are protected by a Tree Preservation Order (TPO); namely "Tree Preservation Order No. 88 at The Cavalier Public House, Silksworth Lane, Sunderland".

The Survey presents four categories for trees, namely:

Category A - Trees of high quality with long term future potential

Category B - Trees of moderate quality, medium term future potential

Category C - Trees of low quality, short term future potential

Category U - Trees in such condition they cannot be realistically be retained for longer than ten years

The Survey identifies that the proposed development would require the removal of 15 trees within Category U, 4 within Category C, 11 within Category B and none within Category C.

The Survey also says that the "group G4 on the Arbtech survey has been predominantly removed although a small area of saplings which are below the size limit for inclusion are still present close to the existing public house building".

The above paragraph refers to an earlier Arboricultural Impact Assessment, which categorised a group of trees towards the middle of the site as category B2.

The Survey makes recommendations for the construction phase, including a plan showing the provision of protective fencing and arboricultural supervision during the excavation of foundations within the root protection area of retained trees.

The Survey concludes by saying that the "majority of perimeter trees and woodland around the site will be retained this will ensure that the visual amenity of the area is not compromised and that there is sufficient space within the survey area to plant replacement trees as mitigation for trees being removed". The Survey also concludes that "trees being recommended for retention through the period of proposed development can easily be protected".

The submitted Noise Impact Assessment proposes two noise barriers which would be within the canopy of trees shown as being retained. The Agent has advised that these barriers would replace an existing fence with posts, so there would not be an affect on the existing trees.

In terms of material considerations, the most recent representation from Cllr Tye will be repeated below:

"Both myself and Mrs Prater are removing our objection to the development, one question that we both have is the close proximity of the trees they are in Mrs Praters land, how do they protect the roots, so the trees do not become damaged or is there no such thing seen as the on the roots are on their land".

In response, the Agent has submitted a Tree Survey, which shows that there are six existing trees between the southern elevation of the proposed apartments and the northern boundary of no. 1 Cavalier Way. The Survey proposes retaining two of these trees (Holly), a crown reduction of 2.5m for another tree (Sycamore) and removing three (two Leyland Cypress and one Ash). The

trees which the Survey proposes for retention would be protected during the proposed construction phase by a protective fence.

In terms of further material considerations, there has been a representation submitted expressing concern at the loss of trees. In response, the proposed loss of trees will need to be given consideration in the planning balance at the end of the report.

There has been a further representation which asks if the trees to the rear of a neighbouring property could be pruned, on the basis of their size and potentially being dangerous. In response, the submitted Tree Survey identifies the two beech trees closest to the property in question as being of moderate quality and recommends maintenance (such as the removal of ivy). Officers would advise that any future proposed works to these trees should be given consideration as a separate matter, rather than as part of the current application.

In summary, the detailed matters relating to trees do not accord with the relevant policies found within the development plan, namely NE3 (woodlands / hedgerows and trees) and the representation received relating to the loss of trees. The matter will be given consideration in the planning balance at the end of the report.

Summary

The table below provides a summary of the relevant planning considerations, taking into account any mitigation which could be secured via planning condition or legal agreement. The magnitude of the likely significant effects will be described in bold using a scale of neutral, negligible, minor, moderate, significant, and substantial. The reason for the significance of each item will be explained after the table.

	Adverse	Neutral / Negligible	Benefit
Economic			<u>Principle</u> Provision of housing Moderate Short term jobs during construction Minor
Environmental	<u>Amenity</u> Proposed apartments and dwelling houses may require mechanical ventilation. Minor Separation distances between the proposed dwelling houses do not meet the space standards within the Residential Design Guide. Minor	<u>Amenity</u> The internal and external noise levels would meet the relevant standards. The internal and external noise levels would meet the relevant standards. <u>Design</u> The density and design of the proposed development would accord with the	<u>Sustainability</u> The proposed development would be constructed above Building Regulation Standards. Minor

	<p><u>Highway</u> The access cannot be constructed to adoptable standards. Moderate</p> <p><u>Trees</u> The proposed development would require the felling of protected trees, including 11 of moderate quality. There would also be two acoustic barriers within the canopy of trees shown as being retained. Moderate</p>	<p>relevant policies within the development plan and the Residential Design Guide.</p> <p><u>Drainage</u> The proposed development would provide attenuation, to the satisfaction of both the Lead Local Flood Authority and Northumbrian Water.</p> <p><u>Groundworks</u> The Council's land contamination consultant has advised that the outstanding concerns can be dealt with via planning condition.</p>	
Social	Loss of public house. Moderate		

The submitted Noise Impact Assessment says that mitigation may take the form of mechanical extract equipment. The provision of mechanical extract would consume energy and potentially rely on windows being closed at certain times. These arrangements would slightly reduce the amenity for the occupiers of the proposed apartments and dwelling houses and are therefore given consideration as being **minor adverse**.

The separation distances between some of the proposed dwelling houses do not meet the space standards within the Residential Design Guide. The initial point to consider would be that the separation distances to the existing dwelling houses are in accordance with the Residential Design Guide. The distances between the proposed dwelling houses are generally only 2 or 3 metres less than sought by the separation standards, which would limit the potential impact. There would also be an element of "buyer beware" given that the concern only relates to the distances between the proposed dwelling houses. These arrangements mean that the impact would be limited and are therefore given consideration as being **minor adverse**.

The proposed development would involve the felling of 15 protected trees, including 11 of moderate quality. The trees do, however, lie within private land; which can only be accessed by a private access of Silksworth Road. These access arrangements reduce the impact slightly and can therefore be given consideration as **moderate adverse**.

The proposed development would involve the loss of a public house, which would be contrary to both policy VC5 of the Core Strategy and the representation from CAMRA. The Agent has, however, submitted an amended Design & Access Statement which draws to attention that there are other public houses within Silksworth and other within a one mile radius, including East

Herrington and Ryhope. The availability of other public houses means that the impact would be reduced slightly and can be given consideration as **moderate adverse**.

The proposed development would provide housing, in the form of 14 dwelling houses and five apartments. The Core Strategy, at policy SP8, says that the Council will seek to exceed the minimum target of 745 net additional dwellings per year. These provisions within the Core Strategy mean the impact can be given consideration as being **moderate beneficial**.

The proposed development would provide jobs during the construction period. Given that these jobs would be for a relatively short period of time the impact can be given consideration as being **minor beneficial**.

The submitted Sustainability Statement says that the development would be constructed to a standard above the current Building Regulations. These arrangements can be given consideration as **minor beneficial**.

The proposed development would provide a level of affordable housing which would be in accordance with policy H2 (affordable homes). Given that the requirements of the policy would be met, the impact can be given consideration as **minor beneficial**.

In summary, the most significant adverse impacts are generally environmental and social; including the loss of a public house, the access being private and felling of protected trees (including 11 of moderate quality) and can be given consideration as moderate adverse.

The most significant beneficial impacts are generally the provision of housing and can be given consideration as **moderate beneficial**.

In conclusion, the impacts arising from the proposed development are both moderate beneficial and **moderate adverse**.

In terms of deciding which should be given the most weight, consideration should be given to the provisions of the recently updated City Plan which says that as part of a “dynamic smart city we will have... more and better housing”.

The most recent Housing Strategy for Sunderland (2017-2022) says a strategic housing priority would be “maximising housing growth and increasing the choice of housing, including increasing the supply of available housing land”.

The Core Strategy also says, at policy SP8 (Housing supply and delivery) that:

“The council will work with partners and landowners to seek to exceed the minimum target of 745 net additional dwellings per year”.

Given the provisions of the City Plan, the most recent Housing Strategy and policy SP8 of the Core Strategy, the moderate economic and social benefit of providing housing outweighs the minor and moderate environmental and social harm described in the table above.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Recommendation :

Either:

1. **Grant planning permission** subject to:

- The draft conditions listed at the end of the report
- the successful completion of a Section 106 agreement (by 31 June 24) for the provision of

- three affordable units on site.
- Financial contributions towards:
 - allotments (£85.5 per dwelling house)
 - biodiversity net gain (£15,000)
 - equipped play space (£704 per dwelling house)
 - mitigation for the protected coastline (£557.14 per dwelling house)
 - open space (£68.22 per bedspace)

Or

2. If the legal agreement, as described in the second point above, has not been completed by 31 June 24; then **REFUSE CONSENT** under for the reason below:

- There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of three affordable units on site and financial contribution towards allotments, biodiversity net gain, equipped play space, mitigation for the protected coastline and open space.

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies H2, NE2 and ID2 of the Core Strategy and Development Plan (2015-2033).

- The field surveys supporting the submitted ecology reports were undertaken more than two years ago (April – May 22). The surveys are therefore out of date, which means that there does not exist certainty in terms of whether the proposed development would be in accordance with policy NE2 (biodiversity and geodiversity) of the Core Strategy and Development Plan (2015-2033); nor the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006.

There are not any material considerations that indicate a decision should be made otherwise.

Draft conditions

1. The development (***other than the demolition works which have already been undertaken***) to which this permission relates must be begun not later than three years beginning with the date on which permission is granted.

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) to ensure that the development is carried out within a reasonable period of time.

2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Indicative Drainage Strategy (115345/2001 B)
 - Construction Details Sheet 1 (115345/2004 A)
 - Proposed site plan (AL (90) 0200 A)
 - House Type A Proposed Plans (AL (90) 0100)
 - House Type A Proposed Elevations (AL (00) 0110)
 - House Type B Proposed Plans (AL (00) 0200)

- House Type B Proposed Elevations (AL (00) 0210)
- House Type C Proposed Plans (AL (00) 0300)
- House Type C Proposed Elevations (AL (00) 0310)
- House Type D Proposed Plan (AL (00) 0400)
- House Type D Proposed Elevations (AL (00) 0410)
- House Type E Proposed Level 00 Plan (AL (00) 0500)
- House Type E Proposed Level 01 Plan (AL (00) 0501)
- House Type E Proposed Level 02 Plan (AL (00) 0502 A)
- House Type E Proposed Elevations (AL (00) 0510)
- House Type E Proposed Elevations (AL (00) 0520 A)
- Existing and Proposed Site Sections 1 (AL (90) 0050)
- Proposed Site Sections (AL (00) 0060)

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3 The construction phase of the development hereby approved shall be undertaken in accordance with the plans and reports below:

- Tree Protection Plan, as found at Appendix 7.5 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)
- Protective Fencing Details, as found at Appendix 7.6 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)
- Preliminary Management Recommendations, as found at Appendix 7.7 of the submitted BS:5837 (2012) Tree Survey, AIA & AMS (8 June 2022)

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

4 No development (***other than the demolition works which have already been undertaken***) shall commence until a Stage 2 detailed Unexploded Ordnance Assessment has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be undertaken in accordance with any recommended mitigation.

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 Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

5 No development (***other than the demolition works which have already been undertaken***) shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the potential impacts arising from those works and sets out the mitigation measures to be implemented to protect nearby occupiers and the local environment. The CEMP shall further address working hours, noise and vibration, vehicle routing, air pollution from plant, prohibition of burning of vegetation and waste and site lighting. The CEMP

shall also include measures to minimise carry over of mud and dusty materials onto the public highway. The construction phase of the development hereby approved shall thereafter be undertaken with the approved CEMP.

Reason: To ensure, in accordance with policy HS1, ST2 and ST3 of the Core Strategy, the construction phase would be undertaken in the interests of amenity and highway safety.

- 6 No development (***other than the demolition works which have already been undertaken***) shall take place until an ecological design strategy has been submitted to and approved in writing by the Local Planning Authority.

The strategy shall include:

- installation of 12 bird nest boxes (including 2 for treecreeper) within retained woodland
- installation of integral bat boxes within each dwelling
- details of the boundary treatments used to ensure hedgehog access to residential gardens
- installation of hedgehog hibernacula in retained woodland,
- invertebrate hibernacula in retained woodland

The strategy shall also include:

- Purpose and conservation objectives for the proposed ecological works.
- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. make and model of features to be installed.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance.
- Details for monitoring and remedial measures.

The construction phase shall thereafter be undertaken in accordance with the design and strategy and the approved features shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity.

- 7 Development (***other than the demolition works which have already been undertaken***) shall not commence until a suitable and sufficient ground 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 investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i. a survey of the extent, scale and nature of contamination;
- ii. an assessment of the potential risks to:

- o human health;
- o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
- o adjoining land;
- o ground waters and surface waters;
- o ecological systems;
- o archaeological sites and ancient monuments; and
- o where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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 Paragraphs 170, 178, 179, and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

- 8 Development (***other than the demolition works which have already been undertaken***) shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency document Land contamination: risk management and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

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 Paragraphs 170, 178, 179, and 183d.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

- 9 Prior to any development commencing on site (***other than the demolition works which have already been undertaken***), specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the

extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority. The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.
- Confirmation that foul flows discharge to the combined sewer at manhole 4507 and that surface water discharges to the combined sewer at manhole 4507.
- Confirmation that the surface water discharge rate does not exceed the available capacity of 2.5 l/sec.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

- 10 No development shall take place above damp proof course until a scheme of noise mitigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the noise attenuation measures to be included within each apartment and dwelling house. The scheme shall identify specifications of the noise barriers on site. For the avoidance of doubt, the submitted details shall refer to Table 1 and Figure 1 of the submitted Noise Impact Assessment. The development hereby approved shall not be occupied until the approved noise attenuation measures have been provided within the apartments and dwelling houses and on site. The approved noise attenuation measures shall thereafter be retained for lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy HS2 of the Core Strategy, the development hereby approved includes noise mitigation.

- 11 No development shall take place above damp proof course until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed from the approved materials.

Reason: To ensure, in accordance with policy BH1 of the Core Strategy, the development hereby approved has high quality design.

- 12 No development shall take place above damp proof course until details of the proposed means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The approved means of enclosure shall thereafter be fully provided before the occupation of the first apartment / dwelling house.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

- 13 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 in accordance

with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be 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 Paragraphs 170, 178, 179, and 183d.

14 No apartment or dwelling house shall be occupied until a lighting design strategy for the roadway within the site has been submitted to and approved in writing by the Local Planning Authority. The strategy shall:

- identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;
- show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

No apartment or dwelling house shall therefore be occupied until the approved lighting design has been fully provided on site. The approved lighting shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity

15 No apartment or dwelling house shall be occupied until a woodland management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the creation of habitat piles from arisings of any necessary tree works.

The plan shall further include:

- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward for the lifetime of the development).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The woodland management plan shall also

- detail the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.
- set out (where the results from monitoring show that conservation aims and objectives of the plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved management plan shall thereafter be fully implemented for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy, the development hereby approved provides gains to biodiversity.

- 16 No apartment shall be occupied until details of the security measures for the communal spaces have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be fully provided before the occupation of the first apartment.

Reason: To ensure, in accordance with policy BH1, the development hereby approved achieves a good quality of design and designs out crime.

- 17 No apartment or dwelling house shall be occupied until the works to the access and visibility splay, shown on the submitted Proposed Site Access Arrangements Swept Path Analysis 4x4 Car and Refuse Vehicle (DTP/3704819/SK001 A), have been fully undertaken.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

- 18 No apartment or dwelling house shall be occupied until the access road, footway and parking spaces, as shown on the Proposed site plan (AL (90) 0200 A), have been fully provided on site.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes a safe and secure means of access.

- 19 No apartment or dwelling house shall be occupied until details of cycle parking have been submitted to and approved in writing by the Local Planning Authority. The respective apartment and dwelling house shall not be occupied until the approved cycle parking has been provided. The cycle parking shall thereafter be retained for the lifetime of the development hereby approved.

Reason: To ensure, in accordance with policies ST2 and ST3 of the Core Strategy, the development hereby approved includes cycle parking.

- 20 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any dwelling in that phase, 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.

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 Paragraphs 170, 178, 179, and 183d.

Reference No.: 23/01526/FU4 Full Application (Reg 4)

Proposal: **Demolition of existing warehouse and construction of seven units for general industrial, storage and distribution or light industrial (Use Classes B2, B8 and E(g)(ii)), provision of electric vehicle charging station (sui generis), construction of drive through coffee shop (Use Class E(a)); including associated access (including modifications to the access onto Robinson Terrace and provision of internal roadway), parking and turning spaces, landscaping and 3 metre boundary wall towards the east / south east of the site**

Location: Former Littlewoods Home Shopping Group Commercial Road Sunderland

Ward: Hendon

Applicant: Building Design (Northern) Ltd

Date Valid: 26 July 2023

Target Date: 25 October 2023

Proposal

Introduction

Members may recall that the above application for planning permission has been previously presented to the Planning & Highways Committee (30 October 23).

Members voted in favour of the amended recommendation within the Report for Circulation (31 October 22); which will be repeated below.

“MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the draft conditions provided in the main report, the draft additional highways conditions below and any further conditions required following the conclusion of discussions with the Council’s Ecology officer.”

The initial point to draw to attention would be that the previously submitted Biodiversity Net Gain Assessment, as described in the previous committee report, predicted an on-site biodiversity net gain of around +24%

The Council’s Ecologist, after the committee meeting in question, advised that the calculations within the document should be amended.

The Agent subsequently submitted an amended Net Gain Assessment which now predicts an on-site net loss of around -69%

The application has been added to the Agenda to make Members aware of the change in circumstances.

The application has also been added to the Agenda so that the recommendation can be amended to ensure that the Applicant can make a contribution towards biodiversity net gain via

off-site financial contribution (secured via legal agreement) and provide a final point in time for the completion of the legal agreement.

The amended recommendation can be seen below (addition in ***bold italic*** and deletion shown as ~~strikethrough~~).

Either

~~“MINDED TO GRANT CONSENT under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to the draft conditions provided in the main report, the draft additional highways conditions below and any further conditions required following the conclusion of discussions with the Council’s Ecology officer.”~~

- The draft conditions ***listed at the end of the report***
- The satisfactory completion of a legal agreement (by 31 June 24) for the provision of an off-site financial contribution towards biodiversity net gain.

Or

1. ***If the legal agreement, as described in the second point above, has not been completed by 31 June 24; then REFUSE CONSENT under Regulation 4 of the Town and Country Planning (General Regulations) 1992 for the reason below:***

- ***There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of biodiversity net gain.***

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies NE2 (biodiversity and geodiversity) and ID2 (planning obligations) of the Core Strategy and Development Plan (2015-2033).

There are not any material considerations that indicate a decision should be made otherwise.”

There also needs to be consideration as to whether there have been any material changes in circumstance since Members voted in favour of the amended recommendation (31 Oct 22).

The initial point to consider would be that, in terms of material considerations, the Government has published two updated versions of the National Planning Policy Framework (Feb and Dec 23).

In relation to the proposed development, the broad effect of the updates include design (including whether proposed development would be "wholly out of character with the existing area") and energy efficiency.

These matters where relevant were given consideration in the initial committee report (Oct 23), which means that these updates do not amend the previous recommendation (including the suggested conditions and obligations).

A further point to consider would be that a recent consultation from the Government says that extensions of time to determine planning applications “should be an exception” (“An accelerated

planning system", 6 March 24). In response, these comments form part of the reason for seeking to amend the recommendation to ensure the completion of the legal agreement by the end of June 24.

In summary, the changes in circumstances since the earlier consideration of the planning application in question (Oct 23) do not materially alter the advice within the previous committee report. The previous report will therefore be repeated below, together with the amended recommendation in relation to a final point in time for the completion of a legal agreement; with any additions shown in ***bold italic*** and deletion as ~~strikethrough~~.

Previous committee report (Oct 23)

The application seeks full planning permission for

“Demolition of existing warehouse and construction of seven units for general industrial, storage and distribution or light industrial (Use Classes B2, B8 and E(g)(ii)), provision of electric vehicle charging station (sui generis), construction of drive through coffee shop (Use Class E(a)); including associated access (including modifications to the access onto Robinson Terrace and provision of internal roadway), parking and turning spaces, landscaping and 3 metre boundary wall towards the east / south east of the site”

at

Former Littlewoods Home Shopping Group, Commercial Road, Sunderland

The site lies within Hendon, to the south east of the city centre.

The surrounding land uses include a recycling facility to the north, a railway line to the east and offices to the south. The surrounding land uses also include a road, car park and leisure centre to the west.

The submitted Design and Access Statement says that the site was used for allotment gardens and recreation purposes until the mid 20 Century, with a clothing warehouse constructed in the mid 20 Century and other industrial / warehouse uses taking place for the following 20-30 years. The Statement further says that the buildings were demolished in the mid 2010s and that the site has subsequently been left vacant.

The site itself has an "L" shaped plan form, covering around 3.9 hectares. The site includes a small area of grassland and trees to the front, with the balance generally being either hardstanding and / or earth covered with short grassland. The site also includes a detached building to the rear.

The initial part of the proposed development would be the demolition of the building to the rear of the site. The detached building lies to the back of the site and has been constructed from metal cladding (except for one of the brick gable ends). The proposed site plan says that the area would be “made good”.

The proposed development would provide seven units for general industrial, storage and distribution or light industrial uses (Use Classes B2, B8 and E(g)(iii)). The buildings would be towards the south and middle of the site, have total floorspace of 8,549 square metres and be constructed from metal cladding. There would also be landscaping and parking / turning spaces.

The proposed development would also provide a separate area to be used as a charging station for electric vehicles (sui generis). The charging station would be located towards the middle of the site, provide around 18 parking spaces and include associated equipment / plant (such as canopies and a substation).

The proposed development would further provide a drive-thru coffee shop (Use Class E(a)). The coffee shop would be located towards the north of site, have a footprint of around 165 square metres and be constructed from timber cladding and render. There would also be landscaping and parking / turning spaces.

The proposed development would, more generally, be served by modified pedestrian and vehicular accesses from the north and south (Robinson Terrace and Promenade).

The existing boundary treatment to the east and south would be retained (3.5 - 4 metres and 2.5 metres in height respectively). The front of the site facing west would include the retention of the existing boundary treatment (up to 0.9 metres) and the removal of a palisade fence with a brick wall to match the existing levels (up to 0.9 metres).

Publicity

Neighbour notifications - Sent to 34 nearby properties (1 Aug 23)

Press notice - Published in Sunderland Echo (8 Aug 23)

Site notices - Displayed on Commercial Rd, Robinson Terrace and Promenade (7 Aug 23)

Representations

There have not been any comments from the public.

Ward Councillors (Hendon) - No comments received (Cllrs Mordey, Morrissey and Scanlan)

Active Travel England - "Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application."

Archaeology - "consider the site to have low archaeological potential, and no archaeological work is required."

Ecology - The Council's Ecologist has advised that issues in relation to Habitats Regulations Assessment (HRA) can be controlled via condition, there would not be significant ecological harm and a financial contribution should be provided for off-site biodiversity net gain.

Environment Agency - No response received.

Environmental Health - "No objections to the principle of the proposed development"; subject to conditions including noise, odour control, air quality and construction.

Land Contamination Officer - "I am pleased to confirm that the report and the proposed Phase 2 investigation works are acceptable, and I would therefore recommend the following Conditions". These conditions include site characterisation, detailed remediation scheme, verification and reporting of unexpected contamination.

Lead Local Flood Authority - "the LLFA recommend approval of proposed drainage design"

Local Highway Authority - The Applicant has recently submitted a drawing showing how a refuse vehicle could turn within the plot for the proposed coffee shop. The Local Highway Authority have given consideration to the submitted drawing and recommended conditions (including a Construction Environment Management Plan, delivery and service plan for the coffee shop and detailed access drawings).

National Highways - "Offer no objection."

Natural England - "No objection subject to securing appropriate mitigation" for impacts upon qualifying of the European Site (Durham Coast).

Network Rail - "No objection in principle to the development"; subject to conditions / informatives relating to construction and drainage.

North East Ambulance Service - No response received.

Police Architectural Liaison - Northumbria Police are supportive of the proposed development but there are aspects of it that we would like to either make recommendations about and some that we would seek further clarification regarding. These matters include security for the proposed industrial units, a lighting plan, ANPR cameras and further detail of the EV station.

Northumbrian Water - No comments received.

Tyne and Wear Fire and Rescue Service - "Please advise if this is to be timber framed construction. The Fire Authority have no objections to this proposal, subject to the provisions detailed in the enclosed report. Further comment will be made on receipt of a Building Regulations submission."

Policies

Core Strategy and Development Plan (2015-2033)

Unitary Development Plan (1998)

Comments

Principle of the Development

The relevant development plan policy, policy EG2 (Key Employment Areas), says that Key Employment Areas

"will be safeguarded for B1 (Business - excluding B1a), B2 (General Industrial) and B8 (Storage and Distribution) employment uses."

In terms of the proposed industrial units, the development description agreed by the Agent says that these would be used for general industrial, storage and distribution or light industrial. The principle of the proposed industrial units would therefore be consistent with the relevant development plan policy (i.e. policy EG2, as repeated in the paragraph above). There are not any material considerations that indicate a decision should be made otherwise.

In terms of the proposed electric vehicle charging station, the use of the site for these purposes would be sui generis. The principle of the proposed charging station would therefore not be consistent with the relevant development plan policy (i.e. policy EG2, as repeated two paragraphs above).

The policy continues by saying that the

“Release of vacant land or premises within Key Employment Areas to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:

- i. The council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated through alternative evidence to the council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;
- ii. The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;
- iii. The site is of an insufficient quality and / or suitability to accommodate existing types of industrial demand; and
- iv. The site has been unused for employment uses for at least 24 months, despite having been properly market on reasonable terms.”

The Applicant has submitted a Planning Statement which provides a commentary on the principle of the development, but does not fully engage with the four points noted in the paragraph immediately above.

There are, however, relevant material consideration which will be repeated below.

The Council, after adopting the Core Strategy, adopted a “Low Carbon Framework”. The Framework says “Sunderland is committed to playing its part in tackling the global climate change emergency and that we are proposing to embed climate change and carbon neutrality throughout our city”.

The Framework includes a “Strategic Priority for low carbon and active transport”, which has an objective to develop “electric and innovative technologies for buses and private vehicles”. The Framework continues by specifically saying that “current / recent activities and actions include the introduction of EV filling stations in the city”.

The Council, after the adoption of the Low Carbon Framework, adopted a “Low Carbon Action Plan” which has “been prepared to align to the Sunderland Low Carbon Framework”. The Plan says that it “sets out where Sunderland City Council needs to go and focusses on the actions we can start to take now”.

The Plan includes an Action Reference (5.02) for

“Council to develop its own electric vehicle/Hybrid/ULEV fleet and EV charging infrastructure”

The recently updated City Plan also seeks, as part of a dynamic smart city, “a lower carbon city”. The Plan also has a specific entry on the indicative timeline for 2023-24 to “deliver... strategic rapid charging facilities”.

The provisions of the City Plan, Low Carbon Framework, Low Carbon Action plan should, for the planning application in question, be given significant weight by the decision taker; given that they

cumulatively represent the Council's ambitions and response to tackling the "global climate change emergency".

These material considerations therefore outweigh the conflict with the development plan to the extent that the principle of the proposed charging station can be supported.

In terms of the proposed coffee shop, the use of the site for these purposes would fall within Use Class E(a). The principle of the proposed charging station would therefore not be consistent with the relevant development plan policy (i.e. policy EG2, as repeated above).

The policy continues by saying that the

"Release of vacant land or premises within Key Employment Areas to uses outside the B Use Classes will only be considered acceptable where it can be demonstrated that:

- i. The council's current Employment Land Review recommends its release for another purpose, or it can be demonstrated through alternative evidence to the council's satisfaction that a site is no longer needed or capable of accommodating B Use Class employment uses;
- ii. The integrity, function and operation of the remaining Key Employment Area for employment purposes is not adversely affected;
- iii. The site is of an insufficient quality and / or suitability to accommodate existing types of industrial demand; and
- iv. The site has been unused for employment uses for at least 24 months, despite having been properly market on reasonable terms."

The Applicant has submitted a Planning Statement which provides a commentary on the principle of the development, but does not fully engage with the four points noted in the paragraph immediately above.

The proposed coffee shop, in terms of being sited on land allocated for industrial purposes, will need to be given consideration in the planning balance at the end of the report.

There also, in terms of the principle of the development for the proposed coffee shop, needs to be consideration given to any potential impact upon local retail centres; which can be seen below.

The glossary of the Core Strategy says that "main town centre uses" include retail development; which would include the proposed coffee shop. The relevant development plan policy, policy VC1 (main town centre uses and retail hierarchy), says that:

"The development of main town centre uses, will be focused... within existing designated centres..."

The proposed coffee shop would not be located within a designated centre, with the nearest one being around 300 metres to the west (Villette Road). The policy says that in such situations,

"Development outside of existing centres will be expected to follow the sequential assessment approach."

The glossary within the Core Strategy defines the "sequential assessment approach as a planning principle that seeks to identify, allocate or develop certain types or locations of land before others".

The Agent has submitted a Sequential Assessment which says that they have used

“a range of sources (e.g. commercial property agents, development plan allocations etc) to identify potential alternative sites capable of accommodating the proposed drive through coffee shop within or to the edge of the designated centres which the defined area of search”.

The Sequential Assessment defines the area of search as 500 metres walking distance partly on the basis that such a distance would be within the edge of Hendon local centre (Villette Road). The Assessment says that any further would “not be sequentially preferable, especially as the walking route from Hendon local centre to the site is relatively straightforward”.

The Assessment identifies two premises within the local centre which are currently available, but says that these are not suitable because they have “no on-site parking or opportunities to create a drive through facility, they clearly do not meet the developer's commercial requirements”.

The Assessment further gives consideration to potential sites on the edge of the local centre. The Assessment says that within 300m of the eastern and western edges of the local centres there “is no evidence to suggest any land is available within this area which is suitable of accommodating the proposed drive through coffee shop”.

The Assessment concludes by saying that:

“The sequential assessment has not identified any suitable and available sites within or to the edge of the designated centre within the area of search, and, accordingly, there are no sequentially preferable sites to which the proposed development could be directed to. On this basis and having regard to key case law relating to the application of the sequential test, it is considered that the requirements of the test have been satisfied and thus the test passed”.

The Planning Policy Officer has advised that:

“It is considered that the submitted Sequential Assessment provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development”.

The proposed coffee shop, in terms of potential impacts upon local centres, would accord with the relevant development plan policy (i.e. policy VC1). There are not any material considerations that indicate a decision should be made otherwise.

The table below provides a summary for the principle of the development.

Proposed Development	Can be supported	Does not accord
Industrial units	Accords with the relevant development plan policy, which seeks for the site to be developed for the proposed uses (policy EG2).	
Electric vehicle charging station	Does not accord with the relevant development plan policy (EG2), but can be supported because of the material considerations found within the City Plan, Low	

	Carbon Framework and Low Carbon Action Plan.	
Drive thru-coffee shop	Partly accords with the relevant development plan policy (VC1), because the impact upon the nearest local centre (Villette Road) would be acceptable as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development.	Partly does not accord with the relevant development plan policy, because a coffee shop has been proposed on land allocated for industrial uses (policy EG2).

The table above shows that the proposed development can be supported, other than the location of the proposed coffee shop on industrial land; which will need to be given consideration in the planning balance at the end of the report.

Amenity

The submitted Demolition Method Statement says that the building proposed for demolition:

“would be removed down to ground level and the site left clean as a brownfield site for future uses. It is not proposed to remove any existing hardstanding, floor slabs or structures below ground. Existing drainage and outfall connections are not proposed to be altered as part of the works”

The submitted Noise Impact Assessment says that measurements were taken at the nearest Noise Sensitive Receptors (Corporation Road and Lewis Crescent).

The Assessment says that during the daytime there would be a low impact; subject to the doors being closed. The Assessment continues by saying that there could be a significant adverse impact during nighttime if all the units were operational with loading bay doors open.

The Assessment recommends mitigation including the specifications of the proposed buildings; albeit noting that extent of these measures would be determined by the future occupiers and potential visual impacts. The Assessment also recommends limiting the noise level of any external plant.

The Environmental Health Officer has advised, in terms of air quality, that impacts during construction can be dealt with via a Construction Environment Management Plan (CEMP). The Environmental Health Officer has further advised that air quality impacts during the operational phase of the proposed development would be dependent upon the potential occupier and has recommended a condition ensuring the submission of mitigation measures to minimise the risk of nuisance or other adverse impacts.

The Environmental Health Officer, in terms of noise, has advised that:

“these matters can be can be satisfactorily addressed by conditions to ensure that future occupation of units is dependent upon the application of satisfactory noise mitigation measures to the building structures and appropriate design of external fixed plant to meet a noise rating limit based on no exceedance above existing measured background at the NSRs (Noise Sensitive Receptors).”

The Environmental Health Officer, in terms of odour, has advised that a suitable odour extraction and abatement system may be required for the proposed coffee shop and has recommended a condition to ensure the submission of a detailed design (such as odour abatement measures).

The proposed development, more generally, would not appear to lead to a material loss of daylight or privacy for the occupiers of nearby land and buildings.

Given the above, the proposed development would accord with the relevant development plan policies (policies HS1 - quality of life and amenity and HS2 - noise-sensitive development); subject to conditions covering air quality, construction, noise and odour. There are not any material considerations that indicate a decision should be made otherwise.

Design

The proposed development would have a modern appearance and would sit comfortably within the local context which includes a railway line to the east, a multi storey office building to the south and a modern sports centre to the west.

The submitted Preliminary Ecological Assessment identifies that four trees to the front of the site would be retained and that the only trees proposed for felling are “six immature sycamore”. The submitted proposed masterplan shows the retention of these trees and the provision of some landscaping to the southern and western boundaries of the site.

The submitted Boundary Treatment Plan shows that the front of the site facing west would retain the existing fence next to the proposed industrial units and coffee shop (up to 0.9 metres) and would replace the palisade fence next to the proposed charging station and parking spaces for the coffee shop with a brick wall that ties into the existing site levels. The Plan shows that the south of the site facing Promenade would include the retention of the existing stone wall and the provision of a replacement fence near the railway line (up to 2.4 metres).

In terms of designing out crime, the advice from the Police Architectural Liaison will be repeated below:

“Northumbria Police are supportive of the proposed development but there are aspects of it that we would like to either make recommendations about and some that we would seek further clarification regarding.

1. We note that Units 1 - 19 share the same design features, namely:

- External glazed PPC aluminium main entrance shopfront
- Sectional overhead door.
- Floodlight over goods door with a light switch (IP56 rated) located adjacent to trade counter entrance
 - a. The site is adjacent to an area that has a historic issue with Burglary and in recent years we have seen vehicle borne attacks on similar commercial units in the south Sunderland area. Whilst such risk changes depending on the nature of the business occupying the units in general we would recommend that the glazed main entrances

are vulnerable to attack and consideration should be given to including roller shutters in the design (LPS 1175: Issue 7 Security Rating 1, or LPS 1175: Issue 8 Security Rating A1, or STS 202 Burglary Resistance 1), or alternatively protecting the glazed areas with anti-ram bollards (Fixed or rising tested to PAS 68-1:2010 Performance specifications for vehicle security barriers)

- b. We would recommend that Sectional overhead doors should ideally be certificated to a minimum of LPS 1175 Security Rating 2, or STS 202 Burglary Resistance 2, or Sold Secure - SS101 Gold.

2. We note the absence of a lighting plan for the development and have concerns regarding the indicative illustrations within the DAS (e.g. pages 25,31,36,44 and 45 of the DAS) which suggest that the intention is to deploy lower lighting columns, which would tend to pool light and frustrate surveillance. We strongly recommend that the lighting strategy should ensure that the lighting design complies with current BS5489-1 and typically in an urban area such as this achieves an average level of illuminance of 20 lux. (Note: Uniformity :A Uo value of 0.4 or 40% is recommended to ensure that lighting installations do not create dark patches next to lighter patches where our eyes would have difficulty in adjusting quickly enough for us to see that it was safe to proceed along any route.

3. Consideration should be given to inclusion of an ANPR camera in at least one luminaire (note: covert ANPR cameras are available built into luminaire heads).

4. In respect of the EV station design we would request further detailed information about the design, its robustness against risk of criminal damage and its security against metal theft.

We believe that the above recommendations are consistent with the context and locality and an assessment of the likely crime risk.”

The first and third points raised by the Police can be included as advisory notes (informatives) and the second and fourth points can be included as conditions.

Given the above, the proposed development would accord with the relevant development plan policy (policies BH1 - design quality). There are not any material considerations that indicate a decision should be made otherwise.

Drainage

The submitted Flood Risk Assessment says that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding) and that the site “is not at risk from the flooding mechanisms assessed in this document”.

The submitted Drainage Strategy says that swales and detention basins were given consideration, but the “area required to provide open SuDS within the sites constraints would significantly reduce the developable area and affect the overall feasibility of the project”. The Strategy continues by saying that the site would be drained “via filter drains, permeable pavements, gullies and linear drainage channels” and that “additional attenuation provided within the sub-base and over-sized pipework”. The Strategy further says that the drainage has been designed to achieve a green field run off rate.

The Strategy also says that source control would be provided by a permeable pavement and filter drain. The Strategy further says that foul flows will be discharged to the adopted combined sewer.

The Lead Local Flood Authority (LLFA) have advised that the LLFA “recommend approval of proposed drainage design”.

Given the above, the proposed development would accord with the relevant development plan policies (policies - WWE2: flood risk and coastal management, WWE3: water management, WWE4: water quality and WWE5: disposal of foul water); subject to a condition for verification of the proposed drainage scheme. There are not any material considerations that indicate a decision should be made otherwise.

Ecology

The Unitary Development Plan allocates the site as forming part of a “Wildlife Corridor”.

The submitted Preliminary Ecological Assessment identifies that the front of the site comprises a small area of semi improved grassland, which includes three mature cherry trees, one apple tree, an early mature sycamore tree and a six immature sycamore trees. The Assessment identifies that the balance of the site includes short ephemeral, hardstanding and buildings.

In terms of habitats, the Assessment says that the impact would be “limited to the construction phase in the form of disturbance”.

In terms of bats, the Assessment continues by saying that the site offers some potential for bats to forage, but “more suitable, optimum foraging habitat is available close by and more likely to be used by bats in the local area”. The Assessment says that the warehouse on the site “was classified as having negligible suitability for bats” and that “to enhance the area for the species... bat boxes should be installed to buildings”.

In terms of birds, the Assessment says that the habitats “on site are likely to support small populations of typically common garden birds” and for “ground nesting birds such as waders and gulls”. The Assessment says that the “scope of the proposed and completed works are very unlikely to have any effect on the local bird population due to the overall size of the site”.

The Agent has also submitted a separate Breeding Bird Survey Report which says that the site “supports an assemblage of farmland birds, a range of urban and garden, and woodland and scrub species all confirmed / likely to use the site for breeding”. The Report also says that no “impacts upon the species for which the SPA (Special Protection Area) is designated are... anticipated as a result of the proposed works” and that “no other impacts upon designated sites designated for supporting important bird assemblages are anticipated”.

The Report concludes by saying that “some habitats will be lost to achieve the design and that these habitats (primarily bare earth and hardstanding) are to be replaced / mitigated for with several small areas of grassland with additional trees planting... and will provide a higher level of interest for the majority of birds observed during this study.

The Report includes recommendations, such as protecting trees during construction and enhancing the site for nesting birds.

In terms of great crested newt, the Assessment says that the “site provides very limited habitat for amphibians with the lack of any water bodies” and that “great crested newt will not be affected by the site proposals”.

In terms of other habitats, the Assessment says the site does “provide some foraging opportunities for hedgehog and other small mammals, however no evidence of any mammal

species was recorded during the survey and that the proposals would not likely have any adverse effect on the local mammal population”.

The Assessment makes a series of recommendations relating to bats, birds, trees and other habitats.

The Agent has also submitted a Biodiversity Net Gain Assessment which says that the development proposals would likely result in a net loss of around 2.34 habitat units (-69%).

The Agent has further submitted a Habitats Regulations Assessment (HRA) which identifies that the site lies within 1.2km of a Special Protection Area and Special Area of Conservation (Durham Coast). The HRA says that no direct disturbance effects on the qualifying species associated with the SPA or habitats associated with the SAC during the construction or operational phases are anticipated and that no adverse effects through pathways such as pollution incidents, dust emission or degradation of air or water quality are anticipated. The HRA also says that potential indirect impact of the proposed change of use are considered to be limited to the low potential to attract increased numbers of visitors to the coast.

Natural England have advised that they have “no objection subject to securing appropriate mitigation”. The suggested mitigation relates to a financial contribution via the Council's Recreation Mitigation Strategy.

The Council's Ecologist has advised, in terms of HRA, that:

“Although bird survey has been undertaken at this site this was a breeding bird survey undertaken during the breeding season. This survey is therefore unsuitable for identifying the presence of migratory non-breeding turnstone and purple sandpiper, peak numbers of which occur outside the main breeding season. However, I am satisfied that the site is not a high tide roost site for these species, therefore potential disturbance of turnstone and purple sandpiper can be avoided by undertaking demolition of the buildings along the eastern site boundary outside of the main wintering period (October to April).

The above should be secured by condition. Note that the permissible period will including the bird breeding season, so appropriate checking surveys will be needed to ensure no offence is committed in respect of nesting birds. Herring gull were recorded as a possible breeding species within the site and are known to nest on buildings.”

The Council's Ecologist has further advised that:

“Notwithstanding my comments on BNG below, I am satisfied that the proposals do not represent significant ecological harm.”

The Council's Ecologist has subsequently advised that, in terms of BNG, the Applicant will need to enter into a legal agreement to make an off-site financial contribution towards net gain at a rate of £15,000 per habit unit. Given that the net loss has been predicted to be 2.34 units, a contribution to ensure a net gain of 10% would be £36,600.

The Council's Ecologist has also advised that:

“In addition to BNG some ecological enhancement such as bat and bird boxes, or insect hotels should be included. This can be secured by condition.”

Given the above, the proposed development would accord with the relevant development plan policies (policy NE2: biodiversity and geodiversity and ID2: planning obligations); subject to the suggested conditions. There are not any material considerations that indicate a decision should be made otherwise.

Fire

The Tyne and Wear Fire and Rescue Service have advised that they “have no objections to this proposal, subject to the provisions detailed in the enclosed report”.

The enclosed report comprises an excerpt from the Building Regulations.

The Fire Service have asked whether the buildings would be timber framed construction. The construction materials for the frame of the buildings would be a matter for Building Control, rather than planning. The Fire Service have also advised that “further comment will be made on receipt of a Building Regulations submission”.

Groundworks

The submitted Desk Top Study and Coal Mining Risk Assessment says that the site “is not thought to be at risk from potential future surface stability issues that can arise from shallow coal mining activities”. The Assessment continues by saying the geotechnical risk would be low to moderate, the ground contamination risk for human health would be low to moderate and the risk to contaminated water would be low. The Assessment concludes by recommending that further ground investigation works should be undertaken.

The Council's Land Contamination Officer has advised that they consider the “proposed phase 2 works are acceptable” and recommends conditions covering site characterisation, remediation, verification and unexpected contamination.

Given the above, the proposed development would accord with the relevant development plan policies (policy HS3: contaminated land); subject to the suggested conditions. There are not any material considerations that indicate a decision should be made otherwise.

Health

The Core Strategy, at policy SP7 (healthy and safe communities), says that

“The council will seek to improve health and wellbeing in Sunderland by... ensuring that new developments... submit a Health Impact Assessment (HIA) as part of any application for large-scale development”

The supporting wording for the policy says that:

“For clarity, development within the context of this policy is considered to be residential schemes for 100 dwelling or more, student accommodation schemes for 100 bed spaces or more, or any other form of development which has the potential to have a significant impact on health”

The Applicant has submitted a range of detailed reports which include consideration of matters which could have an impact upon health; such as active travel (Transport Assessment) and noise (Noise Impact Assessment). The relevant consultees have given consideration to these reports (such as Environmental Health).

Given the above, the submitted reports combined with the advice from the relevant consultees ensures that the impacts upon health have been given consideration.

Health and Safety

The Health and Safety Executive (HSE) have advised that the site lies within at least one Consultation Distance.... The HSE have, however, continued by advising that they “do not advise against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission”. The proposed development would therefore accord with the relevant development plan policy (HS4: Health and safety executive area and hazardous substances) and there are not any material considerations that indicate a decision should be made otherwise.

Heritage

There are not any heritage assets either on the site or nearby whose setting could be affected by the proposed development.

The Tyne and Wear Archaeologist has advised that:

“I have checked the application site against the Historic Environment Record and historic Ordnance Survey maps and it was previously the site of the Blue House football ground (HER 16926), the first ground of Sunderland Association Football Club from 1879, which was in use from 1845 to 1914. The ground was named after the nearby Blue House public house (not on same site as current Blue House pub) which served as its dressing rooms. In 1881 Sunderland AFC moved to Groves Field in Ashbrooke, because it couldn't afford the £10 annual rent at Blue House. Following the First World War, the site was occupied by allotments until it became the site of light commercial warehousing.

However, this later activity is likely to have truncated any earlier deposits and structures. I therefore consider the site to have low archaeological potential, and no archaeological work is required.”

Given the above, the proposed development would accord with the relevant development plan policies (policies BH7: historic environment, BH8: heritage assets and BH9: Archaeology and recording of heritage assets). There are not any material considerations that indicate a decision should be made otherwise.

Highway

The submitted Transport Assessment says that the site “is situated in a sustainable location and offers opportunities for access by sustainable modes of travel other than a car”. The Assessment continues by saying that the “highway network in the area can accommodate the anticipated trip generation” and that “safe and suitable access to the site can be achieved for all users”. The Assessment concludes by saying that the development “will have no material impact onto the highway network”.

The Agent has also submitted a Travel Plan which seeks to “promote sustainable travel awareness and sustainable travel choices”. The Plan says that the “overall responsibility for the TP (Travel Plan) will be managed and operated by the Travel Plan CHAMPION (TPCh) who will liaise with individual (occupant / tenant / operator) Travel Plan Coordinators (TPC)”.

Active Travel England have advised that:

“Following a high-level review of the above planning consultation, Active Travel England has determined that standing advice should be issued and would encourage the local planning authority to consider this as part of its assessment of the application”

The Standing Advice noted within the consultation response from Active Travel England generally draws attention to active travel; including suitability for walking and cycling and access to amenities and public transport. The site would be within a sustainable location that could be accessed by foot or cycle and there are amenities and public transport nearby. The proposed development would therefore be in accordance with the Standing Advice issued by Active Travel England.

National Highways have advised that they “Offer no objection”.

The Applicant has recently submitted a drawing showing how a refuse vehicle could turn within the plot for the proposed coffee shop. The Local Highway Authority have given consideration to the submitted drawing and recommended conditions (including a Construction Environment Management Plan, delivery and service plan for the coffee shop and detailed access drawings).

Given the above, the proposed development would accord with the relevant development plan policies (policies ST2 – local road network and ST3 – development and transport). There are not any material considerations that indicate a decision should be made otherwise; subject to the recommended conditions.

Landscape

The Landscape Character Assessment identifies that the site lies within the “Limestone Coast”. The Assessment says that the key characteristics include a narrow coastal landscape, eroded clay cliffs and “coastal development including the extensive harbour works at the mouth of the Wear and leisure development further north”.

The Assessment further identifies that the site lies within an area termed “Sunderland Harbour and Docks”. The Assessment says the area includes “extensive disused railway sidings, industrial areas and derelict land between the coast and the A1018 Commercial Road” and recommends “positive re-use and repair of vacant and underused land, both within the port and adjacent industrial estates”.

The proposed development, as an industrial scheme with electric vehicle charging and a coffee shop, would be consistent with the setting of “extensive harbour works”, which has been identified within the Landscape Character Assessment. The proposed development would also be consistent with the detailed recommendations made within the Assessment for the Harbour and Docks area by providing a positive re-use and repair of vacant and underused land.

Given the above, the proposed development would accord with the relevant development plan policies (policy NE9 - landscape character). There are not any material considerations that indicate a decision should be made otherwise.

Railway

A railway runs to the east of the site. Network Rail has advised that they have “no objection in principle to the proposed development; subject to conditions relating the construction and drainage. The proposed development would therefore not harm the operation of the railway and

there are not any material considerations that indicate a decision should be made otherwise; subject to the recommended construction condition.

Network Rail has provided further detailed guidance relating to the construction phase and drainage, which can be included as an informative.

Sustainability

The Core Strategy, at policy, BH2 (sustainable design and construction) says that “sustainable design and construction should be integral to development”. The Applicant has recently submitted amended roof plans showing the provision of solar panels on the roofs of the proposed industrial units and the roofs of the canopies for the proposed charging station would also include solar panels. The proposed industrial units further include roof lights which would reduce the need for electric lighting. The proposed electric vehicle charging station would also facilitate the use of lower carbon forms of transport. The proposal would therefore make a contribution towards policy BH2 and there are not any material considerations that indicate a decision should be made otherwise.

Summary

The table below provides a summary for the principle of the proposed development.

Proposed Development	Can be supported	Does not accord
Industrial units	Accords with the relevant development plan policy, which seeks for the site to be developed for the proposed uses (policy EG2).	
Electric vehicle charging station	Does not accord with the relevant development plan policy (EG2), but can be supported because of the material considerations found within the City Plan, Low Carbon Framework and Low Carbon Action Plan.	
Drive thru-coffee shop	Partly accords with the relevant development plan policy (VC1), because the impact upon the nearest local centre (Villette Road) would be acceptable as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to	Partly does not accord with the relevant development plan policy, because a coffee shop has been proposed on land allocated for industrial uses (policy EG2).

	accommodate the development.	
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The proposed development accords with the relevant policies within the development plan for the detailed impacts around amenity, design, drainage, fire, groundworks, health, health and safety, heritage, landscape and railway.

An update will be provided in the near future for the detailed impacts around ecology and highways.

Conclusion

If the consultation responses are positive from the Council's Ecologist and Local Highway Authority are positive, then the proposed development would accord with the relevant policies within the development plan; other than the construction of the proposed coffee shop on land allocated for industrial purposes.

The matter will be given consideration below, with both the adverse and beneficial impacts given consideration using a scale of minor, moderate, significant and substantial.

The proposed coffee shop would partly accord with the development plan as the Agent has submitted a Sequential Assessment which provides a reasonable evidence base to demonstrate that there are no more sequentially preferable sites available to accommodate the development and also in terms of detailed impacts. The proposed coffee shop would occupy a relatively small area of the site, when compared to the balance being used for the proposed electric vehicle charging station and the industrial units. The proposed coffee shop would also provide a facility that could be complementary to the proposed development, in the sense of providing somewhere to visit whilst charging an electric vehicle or more generally for staff and visitors to the proposed industrial units. The impact of the coffee shop, in terms of being sited upon land allocated for industrial purposes, would therefore be minor adverse.

The balance of the proposed development would either accord with the development plan (industrial units) or there are material considerations that indicate the scheme can be supported (electric vehicle charging station). The balance of the proposed development would be provided on the majority of the site and would contribute towards the ambitions of the City Plan by supporting more and better jobs as part of a dynamic smart city. The proposed charging station would also contribute towards the Low Carbon Framework and Low Carbon Action Plan, by providing a facility for the charging of electric vehicles. The impact of the balance of the proposed development would therefore be moderate beneficial.

Given that the moderate benefit arising from the balance of the proposed development outweighs the minor adverse impacts from the proposed coffee shop being provided on land allocated for industrial purposes, the recommendation would be to grant planning permission.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Recommendation

Either:

1. **“MINDED TO GRANT CONSENT** under Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended), subject to:
 - The draft conditions listed at the end of the report.
 - The satisfactory completion of a legal agreement (by 31 June 24) for the provision of an off-site financial contribution towards biodiversity net gain.

Or:

2. If the legal agreement, as described in the second point above, has not been completed by 31 June 24; then **REFUSE CONSENT** under Regulation 4 of the Town and Country Planning (General Regulations) 1992 for the reason below:
 - There does not exist a mechanism to provide the relevant obligations which make the proposed development acceptable in planning terms, namely the provision of affordable housing (15%), the undertaking of the works described in the submitted Woodland Report (including submission and approval of a detailed landscape plan, particularly for the land to the south) and the maintenance thereafter.

The absence of these contributions means that the proposed development would be contrary to Regulation 122 of the Community Infrastructure Levy Regulations 2010 and policies NE2 (biodiversity and geodiversity) and ID2 (planning obligations) of the Core Strategy and Development Plan (2015-2033).

There are not any material considerations that indicate a decision should be made otherwise.”

Draft Conditions

1. The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted

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) to ensure that the development is carried out within a reasonable period of time.

2. The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Site Plan - Masterplan - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006, Revision P03)
 - Proposed Levels Plan (Drawing Number S3170-BDN-XX-XX-DR-C-100, Revision P1)
 - Boundary Treatment Plan (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0016, Revision P01)
 - Site Elevations - Proposed - 2 of 2 (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0009, Revision P01)
 - Site Elevations - Proposed - 1 of 2 (Drawing S3170-BDN-XX-XX-DR-A-(05)0008, Revision P01)
 - Site Sections - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0010, Revision P01)
 - Site Demolition Plan (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0011, Revision P01)

 - Site Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0070, Revision P01)
 - Ground Floor Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0071, Revision P01)
 - Elevations - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0073, Revision P01)

- Sections - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0074 P01, Revision 01)
- Roof Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0072, Revision P01)
- Site Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0060, Revision P01)
- Ground Floor Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0061, Revision P01)
- Elevations & Section - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0063, Revision P01)
- Roof Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0062, Revision P01)
- Site Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0020, Revision P01)
- Ground Floor Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0021, Revision P01)
- Elevations 01 - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0023, Revision P02)
- Elevations 02 - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0024, Revision P01)
- Sections - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0025, Revision P01)
- Roof Plan - Units 01-03 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)002, Revision P02)
- Site Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0030, Revision P01)
- Ground Floor Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0031, Revision P01)
- Elevations 01 - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0033, Revision P02)
- Elevations 02 - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0034, Revision P01)
- Sections - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0035, Revision P01)
- Roof Plan - Unit 04-12 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0032, Revision P02)
- Site Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0040, Revision P01)
- Ground Floor Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0041, Revision P01)
- Elevations - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0043, Revision P02)
- Section - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0044, Revision P01)
- Roof Plan - Unit 13 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0042, Revision P02)
- Site Plan - Unit 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0050, Revision P01)
- Ground Floor Plan - Unit 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0051, Revision P01)
- Elevations 01 - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0053, Revision P02)

- Sections - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0054, Revision P01)
- Roof Plan - Units 14-19 - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0052, Revision P02)
- Proposed Drainage Arrangement (Drawing Number S3170-BDN-XX-XX-DR-C-101, Revision P1)
- Proposed Drainage Arrangements (Drawing Number S3170-BDN-XX-XX-DR-C-102, Revision P1)
- Typical Filter Drain Detail, as found within Appendix C of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Private Car Parking Bays (Permeable Paving), as found within Appendix C of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Hydro-Brake Specification, as found within Appendix G of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)
- Aquatreat Retention Information, as found within Appendix H of the submitted Drainage Strategy (Document Reference S3170-BDN-XX-XX-RP-C-02-P1)

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

3. The drive-thru coffee shop (as shown on Site Plan - Drive Thru Coffee - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0070, Revision P01)) hereby approved shall only be used for purposes falling within Use Class E(a) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To ensure that the development hereby approved accords with the submitted details.

4. The units proposed for general industrial, storage and distribution or light industrial (as labelled "Unit 01" through to "Unit 19" on the submitted Site Plan - Masterplan – Proposed, Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006 P03) shall only be used for purposes falling within Use Classes B2, B8 and E(g)(ii) of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Reason: To ensure that the development hereby approved accords with the submitted details and to ensure accordance with policy EG2 of the Core Strategy.

5. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should identify all potential environmental impacts arising from demolition, site clearance, preparation and construction where they may adversely affect the local environment and nearby occupiers. The plan must also specify the mitigation measures to be applied to prevent or minimise those impacts.

The CEMP shall identify whether the piling works would be undertaken, together with justification of the selected technique, an assessment of noise and vibration, and identification of mitigation measures.

The CEMP shall include:

- mitigation measures to control dust on site (including a dust risk assessment), informed by the IAQM publication "Guidance on the assessment of dust from demolition and construction sites".

- identification of all sensitive receptors including the local environment and nearby occupiers.
- site access and HGV routes.
- site compound and storage areas.
- dust management and control of other air pollutants.
- Specific attention must be applied to the excavation, handling and transport of any ground contaminants that may be expected to be present or are encountered during works. Measures should be applied to prevent or minimise any emissions to the environment of contaminated dusts, tracked materials or volatiles and odours.
- noise and vibration control.
- details of any intended piling and appropriate mitigation measures.
- site lighting.
- communication process for liaison with nearby occupiers.

The construction phase of the development shall thereafter be undertaken in accordance with the approved CEMP.

Reason: To ensure that the construction phase preserves amenity and highways safety, in accordance with policies HS1, ST2 and ST3 of the Core Strategy.

6. Development shall not commence until demolition and construction methodology has been submitted to and approved in writing by the Local Authority. The demolition and construction methodology shall demonstrate consultation with the Asset Protection Project Manager at Network Rail. The construction phase of the development shall thereafter be carried out in accordance with the approved construction methodology.

Reason: The safety, operational needs and integrity of the railway.

7. No development (other than demolition) shall commence until detailed drawings of the proposed pedestrian and vehicular accesses have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be brought into first use once the approved accesses have been fully provided.

Reason: To ensure safe and convenient access for all road users, in accordance with policies ST2 and ST3 of the Core Strategy.

8. Development, other than demolition, shall not commence until a suitable and sufficient ground 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 investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;

- o ecological systems;
 - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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 Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

9. Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

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 Paragraphs 174f and 183.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

10. Prior to any development commencing on site, specific details of the timing of the submission of a verification report(s), which are to be carried out by a suitably qualified person, and the extent of the SuDS features to be covered in the report(s) must be submitted to and approved by the Local Planning Authority.

The verification report(s) shall be submitted in accordance with the agreed timings and shall demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. For the avoidance of doubt, this shall include:

- As built drawings (in dwg/shapefile format) for all SuDS components - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- Construction details (component drawings, materials, vegetation).
- Health and Safety file.
- Details of ownership organisation, adoption & maintenance.

Reason: to ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE2 and WWE3 of the CSDP.

11. No part of the development hereby approved shall be brought into first use until a lighting plan has been submitted to and approved in writing by the Local Planning Authority. The lighting plan shall include scale plan and elevation drawings. The approved lighting strategy shall thereafter be provided before the development is first brought into use.

Reason: To ensure, in accordance with policies HS1, BH1, ST2 and ST3, the development hereby approved preserves amenity, designs out crime and ensures the safety of the highway.

12. No development shall take place above damp proof course until a scheme of ecological enhancement has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include bat band bird boxes and / or insect hotels. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the development hereby approved preserves biodiversity, in accordance with policy NE2 of the Core Strategy.

13. No building shall be brought into use until a noise assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall consider the specific noise sources proposed within the building and noise arising from the operation of external fixed mechanical plant and equipment associated with the use of the building. The assessment shall further comply with guidance set out in BS4142:2014 and ensure that rated noise levels at the nearest sensitive receptors shall not exceed the typical measured daytime and night-time background noise LA90 values. The assessment shall also include scale plan and elevation drawings of any external fixed mechanical plant and / or mitigation measures. Where mitigation measures are required to meet that objective then they must be incorporated within the assessment and once approved by the Local Planning Authority must be implemented prior to occupation of each respective unit and retained thereafter.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any external fixed plant and / or mitigation has a high quality of design.

14. No respective industrial unit (as labelled "Unit 01" through to "Unit 19" on the submitted Site Plan - Masterplan – Proposed, Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006 P03) shall be brought into first use until an Interim Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The respective unit shall thereafter be operated in accordance with the approved Interim Travel Plan.

Reason: To ensure sustainable travel, in accordance with policies ST2 and ST3 of the Core Strategy.

15. Prior to occupation of any industrial unit (as labelled "Unit 01" through to "Unit 19" on the submitted Site Plan - Masterplan – Proposed, Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006 P03), where there is an intention to operate a process that results in the discharge of pollutants to the external atmosphere a suitable assessment of the discharge shall be submitted to the Local Planning Authority for approval. The assessment shall identify any adverse environmental impacts that may arise from the discharge and shall specify suitable abatement measures where appropriate. Any proposal to install a biomass boiler and associated equipment exceeding 50kW thermal input must be subject to an air quality assessment (or biomass screening assessment) carried out by a suitably qualified Air Quality Consultant in accordance with relevant national guidance. The assessment shall also include scale plan and elevation drawings of the proposed extraction equipment. Any process that falls into a description within a schedule of the Environmental Permitting Regulations 2016 is excluded from this requirement but shall be notified to the Local Planning Authority. The respective industrial unit shall only be brought into first use once the approved abatement measure have been fully installed and they shall thereafter be retained for the lifetime of the development.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any abatement measures have a high quality of design.

16. The industrial units (as labelled "Unit 01" through to "Unit 19" on the submitted Site Plan - Masterplan – Proposed, Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006 P03) shall not be brought into first use until scale plan and elevation drawings of the proposed PV panels have been submitted to and approved in writing by the Local Planning Authority. The approved PV panels shall thereafter be provided before the industrial units are brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

17. No development shall take place above ground level for the electric vehicle charging station until details and / or samples of the proposed construction materials have been submitted to and approved in writing by the Local Planning Authority. The charging station shall thereafter be constructed in accordance with the approved materials.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

18. No development shall take place above ground level for the electric vehicle charging station until scale plan and elevation drawings of the switchboard and transformer (as shown on Site Plan - Masterplan - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006, Revision P03)) have been submitted to and approved in writing by the Local Planning Authority. The approved switchboard and transformer shall thereafter be provided before the charging station has been brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

19. No development shall take place above ground level for the electric vehicle charging station until scale plan and elevation drawings of the proposed solar panels for the roofs of the canopies serving the electric vehicle charging station (as shown on Roof Plan - EV Charging - Proposed (Drawing Number S3170-BDN-XX-XX-DR-A-(05)0062, Revision P01) have been submitted to and approved in writing by the Local Planning Authority. The approved solar panels shall thereafter be provided before the charging station has been brought into first use.

Reason: To ensure, in accordance with policy BH1, the development hereby approved has a high quality of design.

20. The drive-thru coffee shop hereby approved shall not be brought into first use until a servicing and delivery management plan has been submitted to and approved in writing by the Local Planning Authority. The coffee shop shall thereafter be operated in accordance with the approved management plan.

Reason: To ensure safe and convenient access for all road users, in accordance with policies ST2 and ST3 of the Core Strategy.

21. Prior to the operation of any commercial kitchen an odour risk assessment shall be submitted to the Local Planning Authority for approval together with an appropriate scheme for the extraction and abatement of any cooking odours. The assessment shall also include scale plan and elevation drawings of the proposed extraction equipment. The agreed scheme shall be implemented and shall be maintained for the life of the use.

Reason: To ensure, in accordance with policies HS1, HS2 and BH1, the development hereby approved preserves amenity and that any extraction equipment has a high quality of design.

22. 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 in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be 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 Paragraphs 174f and 183.

23. The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, 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.

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 Paragraphs 174f and 183.

24. The demolition of the existing buildings shall only take place outwith the wintering period for turnstone and purple sandpiper (i.e. October to April).

Reason: To ensure the development hereby approved preserves biodiversity, in accordance with policy NE2 of the Core Strategy.

25. Within one year of the occupation of each respective industrial unit (as labelled "Unit 01" through to "Unit 19" on the submitted Site Plan - Masterplan – Proposed, Drawing Number S3170-BDN-XX-XX-DR-A-(05)0006 P03), a full Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The respective unit shall thereafter be operated in accordance with the approved full Travel Plan.

Reason: To ensure sustainable travel, in accordance with policies ST2 and ST3 of the Core Strategy.

Reference No.: 23/02604/VA3 Variation of Condition (Reg 3)

Proposal: **Variation of Condition 2 (Plans) attached to permission Ref: 22/00140/LP3 and amended by application Ref: 23/01029/AML (Conversion, restoration and re-purposing of existing "Engine Shed" structure and construction of link building and hybrid structure to create a workshop for proposed housing, innovation and construction skills academy) for design changes in relation to building form, design details, access details and landscaping.**

Location: Land South of Millenium Way/Hay Street SunderlandSR5 1BG

Ward: Southwick
Applicant: Sunderland City Council
Date Valid: 19 December 2023
Target Date: 19 March 2024

PROPOSAL:

Introduction

This application seeks to vary the previously approved plans for planning permission Ref: 22/00140/LP3 (Conversion, restoration and re-purposing of existing "Engine Shed" structure and construction of link building and hybrid structure to create a workshop for proposed housing. Innovation and construction skills academy) and amended by application Ref: 23/01029/AML, on land south of Millenium Way / Hay Street at Sheepfolds in Sunderland. The proposed amendments are to make design changes in relation to building form, design details, access details and landscaping.

Sunderland City Council, Education Partnership North East and the Ministry of Building Innovation and Education (MOBIE) have worked together to develop plans for the proposed development, a ground breaking facility that will educate, train and upskill local people to create innovative factory-built new homes.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is situated on the corner of Hay Street and Millennium Way opposite Sunderland Association Football Club's Stadium of Light to the north. Although the site is currently largely bound by industrial uses and buildings, the Riverside Sunderland Masterplan seeks to redevelop and regenerate the local area and proposes residential development to the west and south of the application site. There is a railway line running north/south on the eastern boundary.

The former Engine Shed (a non-designated heritage asset), was previously derelict and unused.

THE PROPOSED DEVELOPMENT

This planning application under Section 73 of the Town and Country Planning Act 1990 (as amended) seeks planning permission to vary Condition 2 (Plans) attached to planning permission Ref: 22/00140/LP3 and amended by application Ref: 23/01029/AML. As stated above, these proposed amendments are required for design changes in relation to building form, design details, access details and landscaping.

Planning Permission Ref: 22/00140/LP3 was granted on 19/04/2022 for the following: "Conversion, restoration and re-purposing of existing 'Engine Shed' structure and construction of link building and hybrid structure to create a 'workshop' with an internal floor area of 6,028sqm for proposed Housing, Innovation and Construction Skills Academy."

Application for a non-material amendment Ref: 23/01029/AML approved on 08/06/2023 to amend the description of the previously approved development - to remove reference to the floor area.

The former Engine Shed, which is unused and unkept in appearance, would be converted, restored and re-purposed, and a two-storey extension to the east would create a workshop building (running perpendicular to the existing building and Hay Street). As part of the design, a link would be introduced between the existing building and the proposed addition to create a hybrid structure. The proposed hybrid building would provide double height workshops and a social hub, a variety of learning and breakout spaces of different scales for students and staff, as well as a restaurant and kitchen area. Externally pockets of outdoor green social space would be created along with accessible parking bays and vehicular access for deliveries and refuse collection.

In terms of staffing, it is anticipated that the facility would employ 15 full-time members of staff, and have an intake of up to 400 full time students and 200 part time students.

Application details state that materials for the new addition (perforated steel, dark-coloured brick, fluted timber panelling, graphical way-finding and coloured corrugated steel) have been selected to contrast with the existing building and create a visual separation between the old and the new. It is the intention to retain as much of the existing structure and material palette of the Engine Shed (e.g. red brick, steel concrete, slate and timber) as possible.

Amendments to the originally approved scheme are summarised as follows:

Form and massing:

- o The gross internal floor area of the proposed building has been reduced from 4600 sqm to 4195sqm.

Alterations to the design of the proposed building include:

- o Reduction in length by approximately 8 metres.
- o Alterations to window and door openings.
- o Removal of panels.
- o Alteration to dormer openings.
- o Removal of acoustic screen canopy to south east.
- o Reduction in logo.
- o Alterations to vents.
- o Removal of solar panels on the roof of the south side of the proposed building.
- o Alterations to sky lights on western section of the building.
- o Introduction of kitchen flue system.

Minor internal alterations to ground floor and first floor layout of proposed building

Alterations to ancillary buildings include:

- o Reduction in size of a building.
- o Re-orientation of substation and building entrances.
- o Alterations to door openings.
- o Additional gates / fencing attached to building.

Alterations to vehicle accesses include:

- o Wider vehicle access off Hay Street and wider access road into the site.
- o Alterations to turning head.
- o New footpath surrounded by green space introduced to north of accessible parking.
- o New ramped access off Hay Street.

Alterations to external space includes:

- o Re-positioned gas store to north east of site.
- o Alterations to boundary treatment.
- o New lighting column.
- o Omission of water tank and designated smoking to south of proposed building.
- o Re-position of cycle and bin store.
- o Sprinkler tank and pump set to north east of site.
- o Alterations to green space including new trees.

The application has been supported by a Planning Statement, with all other relevant reports held with planning application Ref: 22/00140/LP3.

PLANNING HISTORY

Relevant planning history has already been referred to above.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Chief Fire Officer
Business Investment
Network Rail
Nexus
Northern Gas Networks
Environmental Health
Northumbria Police
Cllr Kelly Chequers
Cllr Michael Butler
Cllr Alex Samuels

Network Management
Flood And Coastal Group Engineer
Environmental Health
Planning Implementation
Land Contamination
Northumbria Police
Northumbrian Water
Northern Powergrid
Tyne And Wear Archaeology Officer
Chief Fire Officer
Planning Policy
Planning And Highways

Stadium Motors Unit 1B Stobart Street Sunderland SR5 1BW
Sunderland City Council XL Youth Villages Brooke Street Sunderland SR5 1BN
7 Back North Bridge Street Sunderland SR5 1BU
Back North Bridge Street Sunderland SR5 1BU
Enterprise Car Rental Enterprise Car Rental North Bridge Street Sunderland SR5 1AH
First Floor Front Bedsits 38 North Bridge Street Sunderland SR5 1AH
Flat 7 And 8 43 - 44 North Bridge Street Sunderland SR5 1AH
Ground Floor Front Bedsits 38 North Bridge Street Sunderland SR5 1AH
Second Floor Flat 38 North Bridge Street Sunderland SR5 1AH
First Floor Rear Flat 38 North Bridge Street Sunderland SR5 1AH
Ground Floor Rear Flat 38 North Bridge Street Sunderland SR5 1AH
Second Floor Flat 45 North Bridge Street Sunderland SR5 1AH
National Beauty Academy 45 - 46 North Bridge Street Sunderland SR5 1AH
First Floor Flat 2 45 North Bridge Street Sunderland SR5 1AH
First Floor Flat 1 45 North Bridge Street Sunderland SR5 1AH
Flat 4 43 - 44 North Bridge Street Sunderland SR5 1AH
Flat 3 43 - 44 North Bridge Street Sunderland SR5 1AH
Sunderland Deaf Society Limited 36 North Bridge Street Sunderland SR5 1AH
Flat 10 43 - 44 North Bridge Street Sunderland SR5 1AH
Flat 1 43 - 44 North Bridge Street Sunderland SR5 1AH
34 North Bridge Street Sunderland SR5 1AH
Flat 9 43 - 44 North Bridge Street Sunderland SR5 1AH
Flat 6 43 - 44 North Bridge Street Sunderland SR5 1AH
Flat 2 43 - 44 North Bridge Street Sunderland SR5 1AH
Flat 5 43 - 44 North Bridge Street Sunderland SR5 1AH
Sunderland Deaf Society Limited 35 North Bridge Street Sunderland SR5 1AH
The Victory 39 North Bridge Street Sunderland SR5 1AH
Windows And Walls 42 - 44 North Bridge Street Sunderland SR5 1AH
37 North Bridge Street Sunderland SR5 1AH
Edward Thompson Group Richmond Street Sunderland SR5 1BD
Advert 46 Stobart Street Sunderland SR5 1BW
Encove Ltd Unit 1A Stobart Street Sunderland SR5 1BW
Sizzlers Stobart Street Sunderland SR5 1BW
Dave Robson Glaziers 46 Stobart Street Sunderland SR5 1BW
Budget Rent A Car Brooke Street Sunderland SR5 1BN
Merch Bitch Hodgsons Buildings Millennium Way Sunderland SR5 1BT
Kwikspray North East Rear Of 49 North Bridge Street Back North Bridge Street Sunderland SR5 1BU

Johnson And Brown Garage Services Rear Of 44 Back North Bridge Street Sunderland SR5 1BU
Bleasedale Motor Repairs Back North Bridge Street Sunderland SR5 1BU
Brooke Street Garage Back North Bridge Street Sunderland SR5 1BU
A Love Supreme First Floor Hodgsons Buildings Millennium Way Sunderland

Final Date for Receipt of Representations: **15.04.2024**

REPRESENTATIONS:

Publicity associated with the application included letters being sent to the occupiers of neighbouring properties within close proximity to the application site, site notices being displayed, and a notice being posted in the local press.

The following consultees were consulted on the application.

- o Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- o Planning Policy
- o Environmental Health
- o Contaminated Land Officer
- o Transport Development (the Local Highway Authority)
- o Conservation Officer
- o Tyne and Wear Archaeology Officer
- o Tyne and Wear Fire and Rescue Service
- o Northern Powergrid
- o Northumbrian Water
- o Northumbria Police
- o Three Ward Councillors

Press notice expiry date: 27/01/2024

Site notice expiry date: 29/01/2024

Neighbour notifications expiry date: 17/01/2024 and 15/04/2024

Consultation expiry dates: 17/01/2024 and 26/02/2024

Case Officer Comments: The incorrect neighbour notification letters were originally sent to neighbours - they did not refer to the proposed development being a planning committee item. Neighbours, as well as the Chair and Vice Chair of Planning Committee, were therefore sent correct neighbour notification letters on 25/03/2024.

Neighbour Notification Responses - None received.

Internal consultee responses

Environmental Health - First representation

The majority of changes suggest no significant impact on original conclusions re: the noise assessment. However, Section 2.5 (Table 13) Annotation No. 13 states acoustic screen canopy on the south east of building is no longer on the new plan. Additionally, Section 2.3 (Table 14) Annotation No. 1 details changes to the fixed plant. The noise barrier is a significant structure on the eastern boundary but is not high enough to affect propagation of noise from any roof level plant. Concerns are raised that these issues may have an affect on the conclusions of the noise assessment that forms the basis of the discharge of the relevant condition attached to the original response dated 17 Feb 2022. Given the extent of the changes, the original noise assessment

should be reviewed against the new proposals and where necessary amended and re-submitted to us.

Case Officer Comments: Additional information was submitted by the applicant responding to the above comments.

Second representation

No objections following the submission of additional information. The statement is noted that the variation addresses the removal of the pug mill mixer and associated acoustic screen. The equipment and screen had been excluded from the noise assessment.

Third representation

No objections subject to the proposed development, including the amendments, being undertaken in accordance with Noise Assessment ref. 8595.7 Rev B dated 18 September 2023.

The Lead Local Flood Authority (LLFA) - No comments

Case Officer Comments: The LLFA were asked whether it was acceptable that a proposed swale and permeable paving had been removed from the proposed development. They responded by advising that further information was required (see 'Impact on flooding and drainage' below).

Transportation Development (the Local Highway Authority) - No objections to the minor amendments to the access road, turning head and servicing arrangements.

The proposed access ramp to the footway within Hay Street will need to form part of a Section 278 agreement if the works are to be undertaken by the developer. Alternatively, the works may be carried out by the Council's Highways team. It may be necessary to extend the limits of the ramped approaches to achieve recommended gradients. Details of handrails and tactile paving will be required.

Conservation Team - No objections. Comments on the original application remain entirely relevant. The proposed changes would not compromise the design quality of the approved scheme and would not result in any additional heritage impacts.

Landscape Team - No response provided

Contaminated Land Officer - No objections. However, soft landscape areas would still require the provision of clean imported soil in accordance with the approved remediation strategy.

Natural Heritage - No objection and recommend that previous ecological conditions are re-applied.

Economic Development - No response received.

Ecology Officer - No comments to make

Ward Councillors - No response received.

External Consultee responses

Tyne and Wear Archaeology Officer - No comments

Northumbrian Water - No response received

Northern Powergrid - No objections

Northern Gas - No objections

Northumbria Police - No objections to the proposed boundary treatment.

Network Rail - No response received.

Nexus - No response received.

Tyne and Wear Fire and Rescue Service - First representation

No objections to the proposed development. The proposed development would need to accord with building regulations - B5 'Access and Facilities for the Fire Service, and an automatic sprinkler/suppression system should be installed for the building. The applicant should confirm if the building would be of timber framed construction.

Case Officer Comments: It is recommended that an informative be attached to any planning permission in relation to the automatic sprinkler/suppression system. The applicant has confirmed that the building would have a timber frame for the superstructure but a Steel Framing System for the walls. The structure equates to an hour protection and there are sprinklers throughout. The Glulam beams have been oversized for char factor and a fire engineer has been involved throughout the project.

Second representation - No objections

POLICIES:

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

COMMENTS:

PLANNING POLICY AND LEGISLATIVE CONTEXT

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan, unless material considerations indicate otherwise.

The current development plan comprises the Core Strategy and Development Plan (2015-2033) adopted in January 2020, the 'saved' policies within the City of Sunderland Unitary Development Plan (UDP) adopted in 1998 and the UDP Alteration No. 2 (Central Sunderland) adopted in 2007, and the International Advanced Manufacturing Park (IAMP) Area Action Plan (AAP) 2017-2032.

The National Planning Policy Framework (NPPF) (December 2023) is a material consideration for the purposes of Section 38(6) of the Act. It provides the Government's planning policy guidance, and so the assessment of a planning application should have regard to it.

ASSESSMENT OF THE PROPOSED DEVELOPMENT

It is considered that the main issues relevant to the determination of this application are as follows:

1. Principle of development;
2. Design and impact on visual amenity;
3. Impact on heritage assets;
4. Impact on residential amenity;
5. Impact on highway and pedestrian safety / railway safety;
6. Impact on ecology;
7. Impact on flooding and drainage;
8. Impact in relation to land contamination;
9. Impact on archaeology;
10. Environmental Impact Assessment

1. Principle of Development

Strategy / Land Use Policies

Policy SP1 'Development strategy' of the adopted Core Strategy Development Plan (CSDP) states that to support sustainable economic growth and meet people's needs, the Council will seek to create at least 7,200 new jobs, particularly in key growth sectors, and ensure that sufficient physical, social and environmental infrastructure is delivered to meet identified needs. It states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the Existing Urban Area, and it emphasises the need to develop in sustainable locations.

Policy SP2 'Urban core' of the adopted CSDP states that the Urban Core will be regenerated and transformed into a vibrant and distinct area.

Riverside Sunderland Supplementary Planning Document (SPD) seeks to provide detailed advice on how Policy SP2 will be applied to Riverside Sunderland. The purpose of the SPD is to:

- o facilitate the implementation of the Riverside Sunderland masterplan in a comprehensive and coordinated way;
- o provide a basis for informed and transparent planning decisions; and
- o establish development principles and design guidance.

Policy SP7 'Healthy and safe communities of the adopted CSDP states that the Council seeks to improve health and wellbeing in Sunderland including by supporting the delivery of multi-purpose buildings to ensure integration of facilities. It seeks to ensure that new developments are age friendly, inclusive and easily accessible on foot.

Saved Policy NA3A.2 of the adopted Unitary Development Plan seeks a comprehensive approach to mixed-use development on the Sheepfolds site (approximately 7.9 ha).

Policy VC5 'Protection and delivery of community facilities and local services' of the adopted CSDP seeks to support development of new and extended community facilities. The proposed development would be a community facility (due to its education use) and so Policy VC5 is relevant.

A 'minor material amendment' to a planning permission can be made by varying or removing a condition(s) through an application under section 73 of the Town and Country Planning Act 1990 (as amended). The Planning Practice Guidance (PPG) to the National Planning Policy

Framework (Paragraph: 013 Reference ID: 17a-013-20230726 Revision date 26/07/2023) states that:

"There is no statutory limit on the degree of change permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission."

With regard to the above and for the purposes of assessing this section 73 application, consideration need only be given to any additional material issues that may arise as a result of the revisions proposed. As such, it is not within the scope of the Council, as Local Planning Authority (LPA), to revisit the first principles of the scheme or the full range of matters that were previously addressed in the determination of the initial application.

The acceptability of the proposed development (a new community facility and education led development) in relation to strategic policies and land use policies was considered to be acceptable under planning permission Ref: 22/00140/LP3. Therefore, given that this planning application only seeks to vary the previously approved plans, it remains the case that the proposed development, including the amendments, would be acceptable in principle at this location. It would accord with Policy SP1, Policy SP2, Policy SP7 and Policy VC5 of the adopted CSDP, and saved Policy NA3A.2 of the adopted UDP. It would also be consistent with the acceptable uses contained within the Riverside Sunderland SPD.

2. Design and impact on visual amenity

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement. To meet this objective, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality; deliver acceptable standards of amenity; promote natural surveillance; create visually attractive and legible environments; provide landscaping as an integral part of the development; maximise opportunities for buildings and spaces to gain benefit from sunlight and passive solar energy; not detract from important views of buildings, structures and landscape features; create safe, convenient and visually attractive areas for servicing and parking; and maximise durability and adaptability throughout the lifetime of the development;

Policy BH2 'Sustainable design and construction' of the adopted CSDP requires sustainable design and construction to be integral to new development.

The proposed development, including the amendments, would have no significant visual impacts on the public domain over and above the scheme previously approved. The proposed main building extension would be marginally reduced in scale / width, and design changes (including altering window / doors, panels, dormers, vents, and sky lights) would have no unacceptable visual impacts. Design changes to ancillary buildings and alterations to the external space within the application site (including re-positioning a gas store, altering boundary treatment, new lighting columns, re-positioning of cycle and bin store, and a new sprinkler tank and pump north east of site etc) would also have no unacceptable visual impacts.

Northumbria Police have raised no objections to the amended boundary treatment in relation to designing out crime.

Condition 3 'external building materials' was attached to planning permission Ref: 22/00140/LP3 to control external building materials including cladding, bricks, perforated mesh, clerestory glazing for elevations, profiled aluminium roofing, and bricks, slates, feature panels, windows, doors and dormer window surrounds for the former warehouse and photo voltaic panels (including their type and finish). This condition has not yet been discharged. It is therefore recommended

that the same condition be attached to any new planning permission - but be amended to omit the photo voltaic panels that have been removed from the scheme.

Subject to the compliance with the recommended condition, it is considered that the proposed development, including the amendments, would be acceptable in relation to design and visual impact, and in relation to sustainable design and construction. As such it would accord with Policy BH1 and Policy BH2 of the adopted CSDP.

3. Impact on heritage assets

Policy BH7 'Historic environment' of the adopted CSDP states that the Council will ensure that the historic environment is valued, recognised, conserved and enhanced, sensitively managed and enjoyed for its contribution to character, local distinctiveness and sustainable communities.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets (both designated and non-designated) or their settings should recognise and respond to their significance and demonstrate how they conserve and enhance the significance and character of the asset(s), including any contribution made by its setting where appropriate.

The Conservation Team have raised no objections to the proposed development including the amendments. They have advised that the proposed changes would not compromise the design quality of the originally approved scheme and would not result in any additional heritage impacts. They have advised that comments provided under planning application Ref: 22/00140/LP3 still apply, which required a condition to be attached to any planning permission in relation to external building materials (Condition 3 'external building materials' was attached to planning permission Ref: 22/00140/LP3 - mentioned above under 'Design and impact on visual amenity'). It is therefore recommended that the same condition be attached to any new planning permission - but be amended to omit the photo voltaic panels that have been removed from the scheme.

Subject to the compliance with the recommended condition, it is considered that the proposed development, including the amendments, would be acceptable in relation to impact on heritage assets. As such it would accord with Policy BH7 and Policy BH8 of the adopted CSDP.

4. Impact on residential amenity

Policy HS1 'Quality of life and amenity' of the CSDP states that development must demonstrate that it would not result in any unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including arising from air quality, noise, dust, vibration, odour, emissions and traffic.

Policy HS2 'Noise-sensitive development' of the adopted CSDP states that development sensitive to noise should be directed to the most appropriate locations, and be protected against existing and proposed sources of noise through careful design, layout and uses of materials.

Policy BH1 'Design quality' of the adopted CSDP seeks to ensure that development retains acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

The Council's Environmental Health Officer has raised no objections to the proposed development, subject to the proposed development, including the amendments, being undertaken in accordance with Noise Assessment ref. 8595.7 Rev A dated 18 September 2023. This noise assessment was approved under application Ref: 23/01873/DIS (Discharge of Condition 13 'noise

attenuation' attached to planning permission Ref: 22/00140/LP3). It is therefore recommended that a condition be attached to any planning permission to control this.

Condition 11 was attached to planning permission Ref: 22/00140/LP3 to require the submission of a scheme of ventilation and odour abatement to be incorporated into the large training kitchen and food preparation area. This condition has not yet been discharged, and so it is again recommended that it be attached to any new planning permission.

Condition 12 was attached to planning permission Ref 22/00140/LP3 to require the submission of a Construction Environmental Management Plan (CEMP). This condition was discharged under application Ref: 22/02324/DIS (Discharge of Condition 12 'CEMP' attached to planning permission Ref: 22/00140/LP3). It is therefore recommended that a condition be attached to any new planning permission to require the proposed development to be constructed in accordance with the previously approved CEMP.

Given separation distances, it is considered that the proposed development, including the amendments, would have no unacceptable impacts on the amenities of the occupiers of any existing dwellings in relation to privacy, outlook and over dominance, or overshadowing.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts in relation to residential amenity including during the construction process. It is therefore considered that the proposed development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP.

5. Impact on highway and pedestrian safety / railway safety

Policy ST2 'Local road network' of the adopted CSDP states that to ensure development has no unacceptable adverse impact on the local road network, proposals must ensure that new vehicular access points are kept to a minimum and designed in accordance with adopted standards; they deliver safe and adequate means of access, egress and internal circulation; they are assessed and determined against current standards for the category of road; they have safe and convenient access for sustainable transport modes; and they will not create a severe impact on the safe operation of the highway network.

Policy ST3 'Development and transport' of the adopted CSDP states that development should provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; exacerbate traffic congestion on the existing highway network or increase the risk of accidents / endanger the safety of road users. It states that development should provide a level of vehicle parking and cycle provision in accordance with the Council's Parking Standards.

Saved Policy T16 'Protection of existing rail corridors' of the Unitary Development Plan (UDP) seeks to protect the routes of existing railways.

The Council's Local Highway Authority have raised no objections to the proposed development including the amendments (which includes minor amendments to the access road, turning head and servicing arrangements). However, they have advised that details of the proposed access ramp (to the west elevation of the existing main Engine Shed building) should be submitted to and approved in writing by the Local Planning Authority, including details of any handrails and tactile paving. This access ramp was not part of the originally approved scheme.

Given the comments from the Council's Local Highway Authority it is recommended that their suggested condition relating to the proposed access ramp be attached to any new planning permission.

Condition 17 attached to planning permission Ref: 22/00140/LP3 required the proposed development to be carried out in accordance with the submitted Travel Plan. It is recommended that a similar condition again be attached to any new planning permission, but it should be re-worded to require the proposed development to operate in accordance with the Travel Plan (rather than for it to be carried out in accordance with it)).

The Council's Local Highway Authority has also advised that the proposed access ramp to the footway within Hay Street would need to form part of a Section 278 Agreement if the works are to be undertaken by the developer. Alternatively, the works may be carried out by the Council's Highways team. It is recommended that an informative to applicant be attached to any planning permission in relation to works that may need a Section 278 Agreement.

Given the comments from the Council's Local Highway Authority it is considered that the proposed development would be in a sustainable location, and it would have no unacceptable impacts on the highway network in terms of capacity or safety.

Given that Network Rail and Nexus have not provided consultation responses, it is assumed that the proposed development would have no unacceptable impacts in relation railway safety.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy ST2 and Policy ST3 of the adopted CSDP, and saved Policy T16 of the UDP.

6. Impact on ecology

Policy NE2 'Biodiversity and geodiversity' of the adopted CSDP states that where appropriate development should seek to provide net gains in biodiversity, and should avoid or minimise adverse impacts on biodiversity. It states that development must avoid or minimise adverse impacts on biodiversity in accordance with the mitigation hierarchy.

Paragraph 180 d) of the National Planning Policy Framework (NPPF) states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

The Council's Ecology Officer has raised no objections to the proposed development including the amendments.

In accordance with Policy NE2 and Paragraph 180 of the NPPF, the Local Planning Authority requires biodiversity net gains to be provided as part of a proposed development wherever possible. However, the assessment under planning permission Ref: 22/00140/LP3 concluded that the entire site was covered with a concrete slab and houses two structures, formally a scrap yard and more later a temporary car park - therefore there is limited, if any planting or vegetation on site. It was concluded that the main Engine Shed building has low suitability for roosting bats and that the other surveyed building within the site has negligible suitability for roosting bats.

Condition 16 was attached to planning permission Ref: 22/00140/LP3 relating to the submission of a landscape and ecological management plan (LEMP) prior to the completion of construction works. This was to require mitigation and compensation measures (including an external lighting strategy) to be implemented, along with landscaping to ensure that a variety of species are

introduced to the site. It would ensure that the proposed development would provide ecological enhancements within the site. This condition has not yet been discharged, and so it is again recommended that the same condition be attached to any new planning permission.

Subject to the discharge of and compliance with the recommended condition, it is considered that the proposed development would have no unacceptable impacts on ecology. It would accord with Policy NE2 of the adopted CSDP and guidance within the NPPF.

7. Impact on flooding/drainage

Policy WWE2 'Flood risk and coastal management' of the adopted CSDP states that to reduce flood risk development should follow the sequential approach to determining the suitability of land for new development, directing new development to areas at the lowest risk of flooding.

Policy WWE3 'Water management' of the adopted CSDP states that development must consider the effect on flood risk, on-site and off-site, commensurate with the scale and impact.

Policy WWE5 'Disposal of foul water' of the adopted CSDP states that development should utilise the drainage hierarchy which is i) connection to a public sewer, ii) package treatment plant, and then iii) septic tank.

Northumbrian Water and the Council's Lead Local Flood Authority have both been consulted on the application.

Northumbrian Water have not provided a response. However, a detailed scheme for the disposal of foul and surface water drainage for the proposed development was approved under application Ref: 23/01901/DIS (discharge of condition 14 'foul and surface water' attached to planning permission Ref: 22/00140/LP3). This condition, originally requested by Northumbrian Water, was considered to be acceptable in terms of the impact of the proposed development on Northumbrian Water's assets.

During the assessment of this current planning application, it was noted that a swale had been removed from the proposed development. The Council's Lead Local Flood Authority (LLFA) has therefore advised that revised drainage details and a revised Flood Risk Assessment are required. This is to show the changes to water quality treatment and how it would be achieved, how the proposed development would deal with the first 5mm of rainfall, and what affect the removal of the swale has made to the attenuation requirements of the proposed development.

At the time of finalising this report, discussions are being undertaken between the LLFA and the applicant's drainage consultants, and a response will be provided at Planning Committee in relation to this matter. The Local Planning Authority is confident that the matter can be addressed, and so an update will be provided to Members at Planning Committee via a Report for Circulation.

Subject to the satisfactory resolution of drainage issues, and the discharge of and / or compliance with any recommended drainage conditions, it is considered that the proposed development would have no unacceptable impacts in relation to flood risk / foul and surface water drainage. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WWE5 of the adopted CSDP.

8. Impact in relation to land contamination

Policy HS2 'Quality of life and amenity' of the adopted CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, including those arising from land contamination.

Policy HS3 'Contaminated land' of the adopted CSDP states that where development is proposed on land where there is reason to believe it is contaminated or potentially at risk from migrating contaminants, the Council will require the applicant to carry out adequate investigations to determine the nature of ground conditions below and, if appropriate, adjoining the site.

The Council's Contaminated Land Officer has raised no objections to the proposed development including the amendments.

A Remediation Strategy for the proposed development has previously been approved under application Ref: 23/01866/DIS (discharge of condition 8 'remediation scheme' attached to planning application 22/00140/LP3). It is therefore recommended that conditions be attached to any planning permission:

- o To ensure that the proposed development is constructed in accordance with the previously approved Remediation Scheme, and to require the submission of a verification report.
- o In relation to any unexpected contamination being found that was not previously identified.

Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development, including the amendments, would have no unacceptable impacts in relation to land contamination, and so it would accord with Policy HS1 (in relation to contamination) and Policy HS3 of the adopted CSDP.

9. Impact on archaeology

Policy BH9 of the adopted CSDP states that the Council will support the preservation, protection and, where possible, the enhancement of the City's archaeological heritage by requiring applications affecting archaeological remains to properly assess and evaluate impacts and, where appropriate, secure the excavation, recording and analysis of remains and the production of a publicly-accessible archive report.

The Tyne and Wear Archaeology Officer has made no specific comments in relation to the proposed development including the amendments.

Archaeological building recording for the proposed development has previously been approved under application Ref: 23/01416/DIS (discharge of Condition 4 'archaeological historic building recording' attached to planning application 22/00140/LP3). The developer has also previously appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest. The archaeological watching brief has previously been approved under application Ref: 23/02477/DIS (discharge of Condition 5 'archaeological watching brief' attached to planning permission Ref: 22/00140/LP3). It is therefore no longer necessary to attach these conditions to any new planning permission.

Condition 6 attached to planning permission Ref: 22/00140/LP3 would still be necessary - relating to the submission of the report of the results of observations of the archaeological groundworks (results of the archaeological watching brief). It is therefore recommended that such a condition be attached to any new planning permission but be reworded to refer to the archaeological watching brief approved under application Ref: 23/02477/DIS.

Subject to the discharge and compliance with the recommended condition, it is considered that the proposed development, including the amendments, would accord with Policy BH9 of the adopted CSDP.

10. Environmental Impact Assessment

Environmental Impact Assessment (EIA) screening is a procedure used to determine whether a proposal is likely to have significant effects on the environment. The Local Planning Authority therefore has to determine whether a proposal is of a type listed in Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The proposed development alone is not of a type listed in Schedule 1 or of a type listed in Schedule 2. It does not lie within a sensitive area, as defined by the regulations. However, it would have potential to generate cumulative impacts due with the wider regeneration proposals for development at the Sheepfold Riverside Sunderland site.

The Local Planning Authority has screened the proposed development subject of this planning application. It concluded that the proposed development does not require an EIA.

11. Other Matters

Development has already commenced on site. It is therefore not considered necessary to attach a condition to any new planning permission relating to the need for the development to commence not later than three years beginning with the date on which permission is granted. Condition 1 attached to planning permission Ref: 22/00140/LP3 is therefore no longer necessary.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected

characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusions

The acceptability in principle of the proposed development at this location has already been established under planning permission Ref: 22/00140/LP3.

Subject to the discharge of and / or compliance with recommended conditions, it is considered that the proposed development including the amendments (design changes in relation to building form, design details, access details and landscaping) would remain an acceptable form of development in relation to design and impact on visual impact, and impact on heritage assets. Subject to the discharge of and / or compliance with recommended conditions, it is considered that the proposed development including the amendments would remain an acceptable form of development in relation to impact on residential amenity; highway and pedestrian safety / railway safety; ecology; land contamination; and archaeology. Subject to the satisfactory resolution of drainage issues, and the discharge of and / or compliance with any recommended drainage conditions, it is considered that the proposed development including the amendments would have no unacceptable impacts in relation to flood risk / foul and surface water drainage.

It is considered that the proposed development including the amendments would accord with the relevant policies within the adopted CSDP and the saved policies within adopted UDP, as well as guidance within the National Planning Policy Framework (NPPF).

RECOMMENDATION:

It is recommended that Members be minded to **GRANT CONSENT** for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the recommended schedule of conditions, subject to a satisfactory resolution of drainage issues, and subject to no objections being received following the further publicity undertaken.

Conditions:

1 The development hereby granted permission shall be carried out in full accordance with the following approved plans:

- Drawing No. AL(0)01 Rev A Location Plan received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)02 Rev A Existing Site Plan received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)03 Rev A Existing Ground Floor Plan received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)04 Rev A Existing First Floor Plan received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)05 Rev A Existing Roof Plan received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)06 Existing North and South Elevations received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)07 Existing East and West Elevation received 26/01/2022 (held with file Ref: 22/00140/LP3)
- Drawing No. AL(0)11 Rev T11 Proposed Site Plan received 19/12/2023
- Drawing No. AL(0)11 Rev T11 Proposed Site Plan (Annotated) received 19/12/2023
- Drawing No. AL(0)12 Rev T10 Proposed Ground Floor Plan received 19/12/2023
- Drawing No. AL(0)12 Rev T10 (Proposed Ground Floor Plan (Annotated) received 19/12/2023
- Drawing No. AL(0)13 Rev T9 Proposed First Floor Plan received 19/12/2023
- Drawing No. AL(0)13 Rev T9 Proposed First Floor Plan (Annotated) received 19/12/2023
- Drawing No. AL(0)14 Rev T6 Proposed Roof Plan received 19/12/2023
- Drawing No. AL(0)14 Rev T6 Proposed Roof Plan (Annotated) received 19/12/2023
- Drawing No. AL(0)20 Rev T6 Proposed South and East Elevations received 19/12/2023
- Drawing No. AL(0)21 Rev T6 Proposed South and East Elevations (Annotated) received 19/12/2023
- Drawing No. AL(0)22 Rev T6 Proposed North and West Elevations received 19/12/2023
- Drawing No. AL(0)23 Rev T6 Proposed North and West Elevations (Annotated) received 19/12/2023
- Drawing No. AL(0)25 Rev T5 Proposed Ancillary Building Elevations received 19/12/2023
- Drawing No. AL(0)25 Rev T5 Proposed Ancillary Building Elevations (Annotated) received 19/12/2023

Reason: In order to ensure that the completed development accords with the scheme approved and to comply with Policy BH1 of the adopted Core Strategy and Development Plan.

2 Notwithstanding any indication of materials which may have been given in the application, no above ground construction shall take place until a schedule and/or samples of the materials and finishes to be used for the external surfaces, including cladding, bricks, perforated mesh and clerestory glazing for elevations, profiled aluminium roofing, and bricks, slates, feature panels, windows, doors and dormer window surrounds for former warehouse, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and to comply with Policy BH1, Policy BH7 and Policy BH8 of the Core Strategy and Development Plan.

- 3 The building(s) shall not be occupied/brought into use until the report of the results of observations of the archaeological groundworks approved under application Ref: 23/02477/DIS (Discharge of condition 5 'archaeological watching brief' attached to 22/00140/LP3) has been submitted to and approved in writing by the Local Planning Authority.

Reason: The site is located within an area identified as being of potential archaeological interest. The results of the observations are required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with Policy BH9 of the adopted Core Strategy and Development Plan.

- 4 The Approved Remediation Scheme (approved under application Ref: 23/01866/DIS (Discharge of condition 8 'Remediation Scheme' attached to planning application 22/00140/LP3)) for any given phase shall be implemented in accordance with the approved timetable of works for that phase. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any part of the development in that phase, 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.

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 Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 5 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 in accordance with the requirements of DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination CLR11", and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme which must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme. Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme, a validation report (that demonstrates the effectiveness of the remediation carried out) must be 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 Policy HS1 and Policy HS3 of the adopted Core Strategy and Development Plan.

- 6 Prior to occupation of the premises hereby permitted, the applicant shall submit for the agreement of the Local Planning Authority a scheme of ventilation and odour abatement to be incorporated into the large training kitchen and food preparation area. The scheme shall identify the abatement system to be installed following completion of an odour risk assessment which should also be reported as part of the submission to the Local Planning Authority. The approved scheme of ventilation and odour abatement shall then be installed prior to the occupation of the premises hereby permitted, and then maintained and retained henceforth.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from operational works, in accordance with Policy HS1 and Policy HS2 of the adopted Core Strategy and Development Plan.

- 7 The development hereby permitted shall be constructed in strict accordance with the Construction Environmental Management Plan (CEMP) approved under application Ref: 22/02324/DIS (Discharge of Condition 12 'CEMP' attached to planning permission Ref: 22/00140/LP3).

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from construction works, in accordance with Policy HS1 and Policy HS2 of the adopted Core Strategy and Development Plan.

- 8 Prior to the development hereby permitted being brought into use, noise mitigation within the Noise Impact Assessment by apex acoustics (Rev A) dated 18th September 2023 approved under application Ref: 23/01873/DIS (Discharge of Condition 13 'noise attenuation' attached to planning permission Ref: 22/00140/LP3) shall be implemented in full. Prior to installation, all fixed external building services plant shall be assessed following the guidance in BS4142:2014. Rated noise levels at the nearest noise sensitive receptors shall not exceed the measured night-time or daytime background. Where necessary to meet this requirement, suitable noise mitigation measures shall be incorporated into the specification and implemented before operation.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from operational works, in accordance with Policy HS1 and Policy HS2 of the adopted Core Strategy and Development Plan.

- 9 A landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the LPA prior to the completion of construction works. The plan should detail contingency measures should the biodiversity recommendations, avoidance, mitigation and compensation strategy of the HICSA Ecological Survey January 2022 not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the originally approved scheme, and to ensure appropriate hard and soft landscaping materials are introduced and maintained within the site. The approved plan (LEMP) shall be delivered in accordance with the approved details.

Reason: In order to protect the biodiversity present on site and its surroundings during construction and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

10 The development hereby permitted shall operate in strict accordance with the HICSA Travel Plan, dated January 2022 (held with file Ref: 22/00140/LP3), and future annual review documents as timetabled within the document shall be submitted to and agreed in writing by the Local Planning Authority, in order to review the monitoring of the sustainable forms of transport identified.

Reason: In the interest of traffic mitigation and environmental sustainability and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

11 Prior to the construction of the ramped access to the west side of the existing building (labelled '5 highway to be adopted for ramped access' on Drawing No. AL(0)11 Rev T11 'Proposed Site Plan (Annotated)' received 19/12/2023), full details of the proposed access ramp (including details of any handrails and tactile paving), shall be submitted to and approved in writing by the Local Planning Authority. The access ramp (including handrails and tactile paving) shall then be constructed in accordance with approved details.

Reason: In the interest of highway and pedestrian safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

Reference No.: 24/00344/LP3 Local Authority (Reg 3)

Proposal: **Change of Use of Land from B2 and Sui Generis to Public Realm (Use Class Sui Generis)**

Location: Land At Sheepfolds Industrial Estate

Ward: Southwick
Applicant: Sunderland City Council
Date Valid: 1 March 2024
Target Date: 26 April 2024

PROPOSAL:

APPLICATION SITE

The application site is a series of 6 parcels of land fringing the Sheepfolds Industrial estate, along Easington Street and Easington Street North, to the south of the Stadium of Light. The land is in various uses compatible with the industrial nature of the surrounding area including car parking, and general industrial;

Corner of Millenium Way/Stobart Street - tarmacked parking area.

Corner of Brooke Street/Richmond Street - occupied by a building with a B2 Use Class, plus a small, tarmacked area. The site benefits from prior approval for demolition of this building (reference 24/00123/DEM).

South of Richmond Street - currently used as a site compound for development works which are taking place at the former Sheepfold Stables to the west of the site.

North of Wilson Street North - floor slab of industrial buildings demolished under prior approval references: 23/02167/DEM and 23/02468/DEM.

East of Easington Street/South of Sheepfolds Stables - currently within the secure site compound for the proposed bridge crossing being delivered under permission 23/00432/VA3.

South of Wilson Street North - car parking area.

PROPOSAL

The proposal relates to the change of use of the land to public realm (sui generis) in order to improve the route between the Stadium of Light to the north and the bridge being constructed under permission reference: 23/00432/VA3 to the south. No detailed design proposals have been submitted at this stage relating to the landscaping of the areas of land.

TYPE OF PUBLICITY:

Site Notice Posted
Neighbour Notifications

CONSULTEES:

Network Management
Cllr Kelly Chequers

Cllr Michael Butler
Cllr Alex Samuels
Planning Policy
Public Rights Of Way Officer
Land Contamination
Environmental Health
Planning Implementation

D And S Motors (Wearside) Limited Wilson Street North Sunderland SR5 1BB
Edward Thompson Global Services North East Easington Street Sunderland SR5 1AZ
Mobile Caravan Service Easington Street Sunderland SR5 1AX
Albatross Bus And Coach Hire Easington Street Sunderland SR5 1AZ
Leisureland Motors Private Lorry Park Easington Street Sunderland SR5 1AZ
Ceramic Tile Distributors Brooke Street Sunderland SR5 1BN
Slayco Unit 2 Stobart Street Sunderland SR5 1BW
Thirkells Garage Stobart Street Sunderland SR5 1BW

Final Date for Receipt of Representations: **26.03.2024**

REPRESENTATIONS:

Public Consultation - No representations have been received to date. The period for the receipt of representations expires on 26 March 2024, after the preparation of this report but before the meeting. Any objections received will be reported to the meeting.

Planning Policy - no objections

Public Rights of Way - no objections

Environmental Health- no objections

Transportation Development - no objections

Implementation - no objections

Land Contaminations - no objections subject to suitable conditions

POLICIES:

Unitary Development Plan

Core Strategy and Development Plan (2015-2033)

COMMENTS:

CONSIDERATION

The proposal raises the following issues:-

- Principle of development
- Highway safety and public rights of way
- Visual amenity
- Land Contamination

Principle of Development

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

Pending the forthcoming review of the CSDP, which will see the preparation of an integrated Development Plan which will also set out local policies including site-specific policy designations and allocations for the development, protection and conservation of land in the city, a number of policies from the adopted Unitary Development Plan and the UDP Alteration No. 2 have been 'saved'.

Saved UDP Alteration No. 2 policy NA3A.2 identifies the Sheepfolds Industrial estate as a comprehensive development site and sets out acceptable land uses. In addition, it sets out design requirements which includes the requirement for the provision of high-quality public space at the northern end of the proposed river crossing.

The site is identified within the CSDP as being within the defined Urban Core. Policy SP2 of the CSDP states (among other requirements) that development in the Urban Core should; make improvements to connectivity and pedestrian movement in the Urban Core; and provide a high quality of public realm to create attractive and usable spaces.

The parcels of land which make up the planning site can be seen as non-allocated employment areas. Therefore, CSDP Policy EG3: Other Employment Areas is considered relevant. At criterion 2, it outlines support for the change of use or redevelopment of land or premises that are presently in employment uses if there are regeneration benefits, or there is no reasonable prospect of the land being used for employment uses.

In addition, the site forms part of Sunderland Riverside which is defined in the Sunderland Riverside Supplementary Planning Document (2020), a framework for the area's regeneration. This includes the aim to establish a high-quality pedestrian dominated thoroughfare through Sheepfolds to the Stadium of Light.

Given the above, the proposal is considered to accord with the objectives of the specified policies and is thus acceptable in principle.

Highway Safety and Public Rights of Way

Policy ST2 of the CSDP sets out the requirement for proposals to ensure that development has no unacceptable adverse impact on the Local Road Network.

Policy ST3 of the CSDP states that development should (amongst other requirements) provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode, including public transport and cycling.

The proposal will not impact upon the existing highway layout and both the Transportation Development Team, and the Public Rights of Way Officer have offered no objections to the proposal.

Visual Amenity

Policy BH1 of the CSDP states that, to achieve high quality design and positive improvement, development should (amongst other requirements); provide landscaping as an integral part of the development including retaining landscape features and reflecting surrounding landscape character and where appropriate and viable, the enhancement and upgrading of public realm and existing green infrastructure.

Whilst the details of the design of the proposed areas of public realm have not yet been submitted, it is considered that their establishment has the potential to improve and enhance the environment in the vicinity of the site in accordance with the objectives of policy BH1. The Conservation Team has commented that the change of use in itself will have no impact on the setting and significance of the nearby grade II listed former NER stables and have offered no objections to the proposal.

It is therefore considered appropriate to attach a suitably worded condition to any forthcoming approval that would require the submission of details of a hard and soft landscaping scheme for consideration and approval by the LPA.

Land Contamination

Policy HS3 of the CSDP states that, when development is considered to be on contaminated land, development should: ensure all works, including investigation of the nature of any contamination, can be undertaken without the escape of contaminants which could cause unacceptable risk to health or to the environment; identify any existing contaminated land and the level of risk that contaminants pose in relation to the proposed end use and future site users are adequately quantified and addressed; ensure appropriate mitigation measures are identified and implemented which are suitable for the proposed use and that there is no unacceptable risk of pollution within the site or in the surrounding area; and demonstrate that the developed site will be suitable for the proposed use without risk from contaminants to people, buildings, services or the environment including the apparatus of statutory undertakers.

Policy M3 states that development should give consideration to hazards arising from past coal mining, in particular land instability and mine gas. Where a development is located within an area with a mining legacy, an applicant will be required to prepare and submit a Coal Mining Risk Assessment and/or carry out site investigations, as necessary.

The application was duly accompanied by a Phase 1 Desk Study report. The Council's Land Contamination Officer has commented that the report includes a preliminary contamination assessment of a much wider site, but which covers the application area. The report identifies several potentially contaminative historical land uses on site, including print works, foundry, factories, warehouses, works and railway infrastructure. Potential contaminants of concern associated with identified potential contamination sources include metals, petroleum hydrocarbons, polycyclic aromatic hydrocarbons, volatile and semi-volatile organic compounds, polychlorinated biphenyls, asbestos, solvents, sulphates and cyanide. A review of previous investigation reports indicates that significant contamination has been detected on site previously. The potential risk to future site users and adjacent site users is determined to require further investigation and assessment, and a Phase 2 intrusive ground investigation is recommended.

Although the proposals for this application do not include an end-use which is particularly sensitive to the presence of contamination, the report does identify potential risks to adjacent site users, and the creation of soft landscaped areas potentially introduces new contaminant pathways. The findings of the report that further investigation and assessment should be carried out are agreed, therefore it is recommended that any forthcoming approval should be subject to the standard suite of conditions relating to site characterisation, remediation, verification, and reporting of any unexpected contamination.

CONCLUSION

In conclusion, it is considered that the change of use of the land to public realm is acceptable in principle and is likely to achieve positive improvements to the visual amenities of the area. The proposal is therefore considered to be acceptable and in accordance with saved policy NA3A.2 of the Unitary Development Plan and policies SP2, EG3, ST2, ST3, HS3, M3 and BH1 of the Core Strategy and Development Plan.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a) tackle prejudice, and
- (b) promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

RECOMMENDATION:

The deadline for the receipt of representations does not expire until 26 March 2024, after the preparation of this report but before the meeting. Should any further representations be received before the expiry date, these will be reported to the meeting. Otherwise, for the reasons given above, it is recommended that, in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992, Members be minded to **GRANT CONSENT** for the proposal subject to the conditions listed below.

Conditions:

- 1 The development to which this permission relates must be begun not later than three years beginning with the date on which permission is granted, as required by section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004 to ensure that the development is carried out within a reasonable period of time.
- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - location plan received 4/3/24;
 - site plan received 4/3/24;

in order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.

- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping and treatment of hard surfaces. The development shall then be carried out in accordance with the approved scheme and maintained as such thereafter, in the interests of visual amenity and to comply with policy BH1 of the UDP.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with a timetable to be submitted to and agreed in writing by the LPA, 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 a similar size and species, unless the Local Planning Authority gives written consent to any variation, in the interests of visual amenity and to comply with policy BH1 of the CSDP.

- 5 Development, other than demolition, shall not commence until a suitable and sufficient ground 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 investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced and submitted for the approval of the LPA. The report of the findings must include:

- i a survey of the extent, scale and nature of contamination;
- ii an assessment of the potential risks to:
 - o human health;
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - o adjoining land;
 - o ground waters and surface waters;
 - o ecological systems;
 - o archaeological sites and ancient monuments; and
- iii where unacceptable risks are identified, an appraisal of remedial options, and proposal of the preferred option(s).

The Investigation and Risk Assessment shall be implemented as approved and must be conducted in accordance with the Environment Agency's "Land contamination: risk management".

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 Paragraphs 180f and 189.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site and the environment.

- 6 Development, other than demolition, shall not commence until a detailed Remediation Scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) has been submitted to and approved in writing by the Local Planning Authority.

The Remediation Scheme should be prepared in accordance with the Environment Agency's "Land Contamination: Risk Management" and must include a suitable options appraisal, all works to be undertaken, proposed remediation objectives, remediation criteria, a timetable of works, site management procedures and a plan for validating the remediation works. The Remediation Scheme must ensure that as a minimum, the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

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 Paragraphs 180f and 189.

The details are required to be submitted and approved in advance of works commencing on site to ensure the development is undertaken in a manner to protect future users of the site.

- 7 The Approved Remediation Scheme for any given phase shall be implemented in accordance with the approved timetable of works for that phase.

Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building in that phase, 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.

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 Paragraphs 180f and 189.

- 8 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 in accordance with the requirements of the Environment Agency's "Land Contamination: Risk Management" and where remediation is necessary a Remediation Scheme must be prepared and submitted to the Local Planning Authority in accordance with the requirements that the Remediation Scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Once the Remediation Scheme has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme.

Following completion of measures identified in the Approved Remediation Scheme a verification report must be prepared and submitted in accordance with the approved timetable of works. Within six months of the completion of measures identified in the Approved Remediation Scheme and prior to the occupation of any building, a validation report (that demonstrates the effectiveness of the remediation carried out) must be 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 Paragraphs 180f and 189.

- 9 No development shall take place until a scheme of working has been submitted to the satisfaction of the local planning authority; such scheme to include days and hours of working, siting and organisation of the construction compound and site cabins, routes to and from the site for construction traffic, and measures to ameliorate noise, dust, vibration and other effects, and so implemented, in the interests of the proper planning of the development and to protect the amenity of adjacent occupiers and in order to comply with policy BH1 of the CSDP.

Reference No.: 24/00405/FU4 Full Application (Reg 4)

Proposal: **Erection of temporary public structure (The Pavilion).**

Location: Land At Keel Square Sunderland

Ward: Millfield

Applicant: Siglion Developments

Date Valid: 11 March 2024

Target Date: 6 May 2024

PROPOSAL:

The application proposal seeks permission to erect a temporary public structure (The Pavilion) on land at Keel Square.

The site is located in the heart of Sunderland City Centre on Keel Square which serves as a vibrant thoroughfare, conveniently situated between City Hall and Culture House (currently under construction).

The selection of the temporary pavilion's location has been informed by a thorough understanding of both the constraints and opportunities presented by the site, including the context of the conservation area and the presence of adjacent listed buildings. The scale and massing of the Sunderland Pavilion has been designed to ensure a subordinate presence relative to the adjacent buildings, thereby minimising potential impact. This consideration is evident in both its building height and roofscape features. The development has a total floor area of 242 square meters.

The vision for this project is to showcase pioneering innovative concepts for the future home beyond 2030 in Sunderland. We aim to celebrate advancements in the construction industry, technology, and collaborative methodologies through the realisation of the Sunderland Pavilion.

The application form also confirms that 'temporary' is for a period of 2 years and it is partly being sought to obscure the construction activity associated with Culture House, where demolition has taken place, and the construction of Culture House is now under way.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Cllr Andrew Wood
Cllr Niall Hodson
Cllr Julia Potts
Planning Implementation
Network Management

Unit 4 Holiday Inn Keel Square Sunderland SR1 3DS
Unit 3 Holiday Inn Keel Square Sunderland SR1 3DS
Keel Tavern Unit 2 Holiday Inn Keel Square Sunderland SR1 3DS
Unit 1 Holiday Inn Keel Square Sunderland SR1 3DS
Holiday Inn Keel Square Sunderland SR1 3DS
Vacant Property 275 High Street West Sunderland SR1 3DZ
Vacant Property First Floor 275 - 276 High Street West Sunderland SR1 3DZ
Flat The Peacock 287 High Street West Sunderland SR1 3ES
The Peacock 287 High Street West Sunderland SR1 3ES
Hays Travel Gilbridge House 29 High Street West Sunderland SR1 3HL
Magistrates Court Gill Bridge Avenue Sunderland SR1 3AP

Final Date for Receipt of Representations: **09.04.2024**

REPRESENTATIONS:

Representation and consultation

The application was subject neighbour notifications, site and press notices.

No letters of objection or representation have been received to either of the consultation periods.

Built Heritage

Consultation response confirming that the proposal is acceptable as a temporary installation.

Transportation Development

The Council's highway engineers provided only observations in sense of advising on the contact details of relevant Officers within the Local Highway Authority who deal with any temporary works in the public highway, dilapidation surveys and temporary closures. These details and their potential shall be reiterated by way of an informative on the decision notice.

POLICIES:

Sunderland Core Strategy and Development Plan 2015-2033 adopted January 2020 and

Sunderland Unitary Development Plan (adopted September 1998).

COMMENTS:

Legislation

The Town and Country Planning Act 1990 and the Planning and Compulsory Purchase Act 2004 are considered relevant to the consideration of this application.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with the statutory development plan unless material considerations indicate otherwise.

National Planning Policy Framework

The Government's planning policies for England are set out in the National Planning Policy Framework (NPPF), which states that the purpose of the planning system is to contribute to the achievement of sustainable development. Planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Development Plan

The Core Strategy and Development Plan 2015-2033 (CSDP) adopted in January 2020 supersedes the previous Unitary Development Plan (UDP) and sets an overarching strategy, strategic policies and strategic allocations and designations for the future change and growth of Sunderland. This Plan also includes local policies for development management purposes.

The Application Site is entirely located within the City Centre, as defined by the Policies Map of the CSDP. Policy VC1 focuses development proposals for main town centre uses within designated centres, including the City Centre. It confirms the City Centre as being the principal location for major retail, leisure, entertainment, cultural facilities, and services. It is therefore considered that the application proposal complies with a key strategic policy associated with the site given its entertainment focus.

Moreover, it is noted that the site is within the Urban Core: Policy SP2: a strategic policy which seeks to transform the Urban Core into a place where people gather to socialise, work, live and play. It states, as per VC1, that the area of the Urban Core will be promoted for culture led mixed development. Similarly, it considered the application proposal supports the aims of this key strategic policy.

It is also noteworthy that Keel Square, along with St Marys Boulevard, was developed following the approval of application ref. 12/02578/LAP. As part of the reasoning for that development the project scheme was, in part, designed to provide Keel Square as a major new public space, capable of accommodating a wide range of events and activities. The applicable Unitary Development Plan (UDP) Alteration No. 2 Policy SA55B.2 that existed at the time of the consideration of that application, and which is still of relevance until such time as the Council adopts the Allocation and Designation Plan, also supports the diversification of the cultural opportunities in the area, including the application site.

In terms of more recent policy guidance, the adopted Riverside Sunderland Supplementary Planning Document and Masterplan identifies the site as forming the 'Heart of the City' zone, appropriate for a range of uses. It sets out to revitalise and reinvent the area via a new urban quarter seeking to combine a rich mix of people, enterprises and activities into vibrant streets and spaces.

Moreover, the aim of increasing the number of visitors to Sunderland will support other hospitality, catering, and leisure businesses through linked trips, thereby supporting the economic growth of Sunderland. The proposal will help to promote the city as a tourism and leisure destination, thereby supporting the aims of the Sunderland Business Improvement District (BID) and the North East Economic Plan; whilst helping to realise the Council's 'Our City Plan' aim for Sunderland to be a more dynamic and vibrant City.

In conclusion, given the temporary nature of the proposal and considering continued evolution of Keel Square as a public open space, it is considered that it is acceptable in principle

1. Principle of Development

The Application Site, which is located within/adjacent to the Bishopwearmouth Conservation Area is bounded as follows:

- o To the west by the Magistrates Court (Grade II listed) and the adjacent, more modern, Gilbridge House;
- o To the south by the proposed site of Culture House with the Grade II listed Peacock beyond; the High Street West with its mix of shops and food and drink offer;
- o To the east by High Street West with its mix of shops and food and drink offer, as well as the newly built Keel Square Hotel;
- o To the north by St Marys Boulevard, including Riverside Sunderland and the ongoing redevelopment of Vaux.

The application has been supported by an application form, relevant plans and elevations.

Design/Scale and Massing

The proposed Pavilion has a total 242 square meters.

The proposed temporary pavilion will feature a lightweight steel frame built off-site, ensuring efficient assembly while minimising disruption to Keel Square. This approach allows for swift installation and ensures that all structural components are easily moveable and removable, facilitating a flexible space that can accommodate various configurations for diverse uses.

The pavilion's steel structure will be demountable, comprising moveable partitions designed to interlock using a clamping system atop a floor deck supported by reusable ground screws. The design ensures easy disassembly, enabling the pavilion to be removed without significant disruption to Keel Square. This enables the pavilion to be reassembled elsewhere for further use.

The primary front elevation, facing north, will feature extensive glazing on its ground floor and serve as the main entrance to the pavilion. This design choice ensures clear visibility of the entrance from Keel Square, allowing passersby to catch glimpses of the activities within and guiding those drawn to the immersive screen fixed above. Such a layout optimally positions the pavilion for maximum exposure to viewers from all angles of Keel Square and beyond, extending to the A182 and City Hall to the north.

To the west, the layout offers shelter, strategically positioned to support the main foot traffic along the Keel Line. This design encourages increased interaction with the pavilion as pedestrians pass underneath. Additionally, it facilitates access to an accessible, DDA-compliant ramp, ensuring ease of entry for the public.

The east elevation, connecting to High Street West, features a pitched roof and an external viewing platform. This design choice aims to establish a strong presence, attracting the largest possible audience from High Street West.

The overarching principle guiding the layout design is to foster ongoing interaction between the public and the pavilion on Keel Square, while also accommodating adaptable spaces capable of meeting diverse needs and aspirations during Expo Sunderland.

Internally, the design promotes an outwardfacing layout, creating dynamic facades to attract passersby into the pavilion. Consequently, the sections nearest to the glazed facades serve as focal points, acting as vibrant hubs where the interior seamlessly merges with the exterior. To reinforce this concept, the layouts have been carefully arranged to establish a strong connection with the surrounding elevations.

This approach is particularly crucial for the north-facing elevation, which enjoys the highest foot traffic in Keel Square. Secondary to this, the west elevation which serves as a prominent thoroughfare along the Keel Line toward City Hall and the River Wear, where the sheltered walkway is provided. The east elevation also holds, importance, connecting to High Street West.

External Surfacing

The applicant has confirmed while minor adjustments such as temporary removal of paving stones may be necessary to accommodate ground screws for structural support, the existing external hard surfacing surrounding the area will be preserved and treated with utmost respect during installation. Notably, the Keel Line, adjacent to the temporary pavilion, will remain untouched. This work would require a permit from the Local Highway Authority and as such upon removal the area will be inspected by the Local Highway Authority Inspectors and should any remedial works be required the applicant would be responsible to ensure this work was carried out.

Advertisement on structure

The advertisements will be determined under planning application 24/00406/ADV for advertisement consent and such is not a consideration in the determination of this planning application.

An immersive screen will be face-fixed onto the Sunderland Pavilion at Keel Square. The proposed screen is a semi-transparent outdoor LED panels measuring 1000mm x 500 mm each. It is designed to offer an immersive experience for viewers close to the pavilion, while also captivating the attention of most of Keel Square. Comprising three distinct screen elements, including two wings measuring 5m x 5m each and a central screen spanning 10m x 5m, it boasts a powerful 4K resolution (38040 pixels) horizontally. Utilising cutting-edge low-power consumption components and boasting an IP67 rating for durability, this screen is engineered to immerse people.

An audio system will be integrated with the screen and positioned strategically across Keel Square, enriching the visitor experience with immersive soundscapes. To ensure optimal enjoyment, sound control measures will be implemented to adjust noise levels as needed.

2. Highway engineering considerations

Policies ST2 and ST3 seek to ensure that development has no severe adverse impact on the local road network and provide safe and convenient access for all road users, in a way which would not compromise the free flow of traffic on the public highway, pedestrians or any other transport mode.

Given the commodious nature of Keel Square and the location of the temporary structure, at a distance from surrounding built development, it is considered that the application proposal is acceptable in terms of highway engineering considerations and in accordance with Policies ST2 and ST3 of the CSDP.

3. Design and Built Heritage

Keel Square is located within Bishopwearmouth Conservation Area and framed by the grade II listed Magistrates Courts and Peacock Public House. As the City Centre's newest civic space, it has been a focus for activities and events since it was landscaped with this purpose in mind several years ago.

The applications are supported by a Heritage Statement that in accordance with the requirements of NPPF paragraph 194 and CSDP Policy BH8 has described the significance of the above heritage assets and assessed the impact of the proposal on their significance.

The Heritage Statement concludes that the proposed temporary Pavilion structure will not have any adverse impact on the character and significance of the conservation area and surrounding listed buildings. This is agreed, the enhanced setting that Keel Square has provided the Conservation Area, Magistrates Courts and Peacock PH and the manner in which they now are experienced includes the temporary installations and structures associated with the programme of activities that animate the square and gives this part of the Conservation Area and City Centre a vibrant character. This is consistent with the cultural offer of most public squares in other historic City and Town centres.

Furthermore, the proposed Pavilion with associated advertisement displays is of an interesting and quite striking lightweight contemporary design for a temporary structure, visually it will have a more positive role in screening the construction works for Culture House than the existing LED screen.

On balance the proposals are considered to have an overall neutral impact on the now established setting of the Bishopwearmouth Conservation Area and the listed buildings within it. The significance of these heritage assets will therefore be conserved, satisfying the requirements of CSDP Policies BH7 and BH8 and NPPF Paragraphs 197 and 199.

4. Amenity

CSDP Policy HS1 requires that new development should demonstrate that it will not result in unacceptable adverse impacts on quality of life and amenity, whilst Policy HS3 requires appropriate remediation is undertaken when developing contaminated land.

It is noted that the Council's Environmental Health section have confirmed no objections to the application proposal.

In terms of amenity and given its location within the public Keel Square, it is not considered to be unduly impactful on the nearest residential development, particularly the tower blocks and other residential accommodation within the City Centre.

In terms of ground conditions, it is noted, as with the highway and built heritage considerations, that the proposal will be temporary and have limited physical impacts.

It is therefore considered that the proposal accords with the objectives of these policies and is acceptable in respect of its amenity impacts.

Equality Act 2010 - 149 Public Sector Equality Duty

During the detailed consideration of this application/proposal an equality impact assessment has been undertaken which demonstrates that due regard has been given to the duties placed on the LPA's as required by the aforementioned Act.

As part of the assessment of the application/proposal due regard has been given to the following relevant protected characteristics:-

- o age;
- o disability;
- o gender reassignment;
- o pregnancy and maternity;
- o race;
- o religion or belief;
- o sex;
- o sexual orientation.

The LPA is committed to (a) eliminating discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

In addition, the LPA, in the assessment of this application/proposal has given due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This approach involves (a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The LPA has taken reasonable and proportionate steps to meet the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities, as part of this planning application/proposal.

Due regard has been given to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves. Particular consideration has been given to the need to?

- (a)tackle prejudice, and
- (b)promote understanding.

Finally, the LPA recognise that compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

Conclusion

Based on the above, there is considered to be no conflict with the abovementioned policies and as such it is recommended that planning permission should be granted.

RECOMMENDATION

It is recommended that the application be **GRANT CONSENT** in accordance with Regulation 4 of the Town and Country Planning (General Regulations) 1992 (as amended) for a period of two years and subject to conditions listed below, the expiry of the Press Notice on the 9th of April 2024 and no objections being received introducing new material planning consideration which haven't been addressed in the main agenda report.

Conditions:

- 1 This permission shall be granted for a limited period of 2 years from the date hereof and the use authorised shall be discontinued and the land reinstated to their former condition at or before the expiry of the period specified in this permission unless the permission is renewed.

Reason: To define the consent and maintain the attractiveness and vibrancy of the Urban Core, in accordance with CSDP policy SP2.

- 2 The development hereby granted permission shall be carried out in full accordance with the following approved plans:
 - Location Plan S4377-BDN-01-00-PL-A-0005_P1 received 01/03/2024.
 - Proposed Elevations S4377-BDN-01-00-PL-A-0003_P1 received 01/03/2024.
 - Proposed Site Plan S4377-BDN-01-00-PL-A-0002_P1 received 01/03/2024.
 - Proposed Floor S4377-BDN-01-00-PL-A-0001_P1 received 01/03/2024.

In order to ensure that the completed development accords with the scheme approved and to comply with policy BH1 of the Core Strategy and Development Plan.