

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

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| Reference No. | 21/02835/LP3 Local Authority (Reg 3) |
| Proposal | Demolition of buildings at 275, 278-284 High Street West, an area of seating at Keel Square and an area of hardstanding currently hoarded off and used for storage. Erection of a landmark library building (Use Class F1(d)) with an indoor city square (Use Class F1(e)), creative spaces (Use Class F1(b)), event space (Use Class sui generis), a cafe (Use Class E(b)), space for business entrepreneurs (Class E)/retail (Use Class E), and faith space (Use Class F1(f)), known as "Culture House", including stopping up of public highway at Middle Street and High Street West (as amended to include demolition, 4 February 2022) |
| Proposal | Land south of High Street West, Sunderland SR1 3DZ |
| Ward | Millfield |
| Applicant | Sunderland City Council |
| Date Valid | 16 December 2021 |
| Target Date | 4 April 2022 |

Proposal

The Application seeks planning permission for

“Demolition of buildings at 275, 278-284 High Street West, an area of seating at Keel Square and an area of hardstanding currently hoarded off and used for storage. Erection of a landmark library building (Use Class F1(d)) with an indoor city square (Use Class F1(e)), creative spaces (Use Class F1(b)), event space (Use Class sui generis), a cafe (Use Class E(b)), space for business entrepreneurs (Class E)/retail (Use Class E), and faith space (Use Class F1(f)), known as "Culture House", including stopping up of public highway at Middle Street and High Street West (as amended to include demolition, 4 February 2022)”

at

Land south of High Street West, Sunderland, SR1 3DZ

The site lies within the city centre and has an irregular plan form, covering around 0.3 hectares. The site broadly comprises a two - three storey detached building at 278-284 High Street West (recent operators include a restaurant and a bar / nightclub), a two – three storey end terrace at 275 High Street West (i.e. attached onto The Bridges) and an “L” shaped piece of open land (currently surrounded by hoarding). The site also includes an area of Keel Square and sections of highway including High Street West, Middle Street and West Street. The surrounding land uses include to the north Keel Square, to the east The Bridges Shopping Centre, to the south High Street West and to the west a public house (The Peacock) and Gilbridge House.

The proposed development would have a broadly square shaped plan form (except for an area to the south eastern corner) and provide 7,366 square metres of floorspace. The proposed building would have a height of around four storeys, finished from buff brick and clay roof tiles.

Publicity

Neighbour notifications (sent to 131 properties): 21 December 21 and 15 February 22)

Press notices: 29 December 21 and 22 February 22.

Site notices: 11 January and 14 February 22

Consultees

Ward Councillors: Millfield

Council Officers: ecology consultant, Environmental Health, land contamination consultant, Lead Local Flood Authority, Local Highway Authority

Regional: North East Ambulance Service, Northumbria Police, Northumbria Water, Tyne & Wear Fire & Rescue,

National: Environment Agency, Historic England

Representations

There have been four representations submitted which are described in the report below.

Comments

Principle of the Development

The Core Strategy, at policy SP1 (Development Strategy), includes wording which says that the Council will "ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs", will "deliver the majority of development in the Existing Urban Area" and also "emphasising the need to development in sustainable location in close proximity to transport hubs".

The proposed development would contribute towards the above policy by providing new social infrastructure (a library) within the Existing Urban Area that lies in close proximity to transport hubs (such as buses on Fawcett St and the metro / rail station).

The site lies within the "Urban Core", as defined by policy SP2 (Urban Core) of the Core Strategy. The policy itself includes wording which says that the Urban Core will be "regenerated and transformed into a vibrant and distinctive area" by "growing the leisure, tourism and cultural economy".

The proposal would contribute towards the above policy by providing a new cultural facility within the Urban Core.

The site lies within the "City Centre", as defined by policy VC1 (Main town centre uses and retail hierarchy). The policy itself includes wording which says that the city centre will be the "principal location for major retail, leisure, entertainment, cultural facilities and services"

The proposal would contribute towards the above policy by providing a new cultural facility within the city centre.

The site also lies within the “Primary Shopping Area”, as defined by policy VC3 (Primary shopping areas & frontages) of the Core Strategy. The policy identifies that the end terrace to be demolished forms part of a “Primary Frontage” and says that “proposals for non-A1 use within primary shopping areas will normally be resisted” if they would result in “more than 15% of each Primary Frontage thoroughfare in Sunderland City Centre being in non-A1 retail use”. The element of the proposal relating to the demolition of the end terrace would therefore be contrary to the above policy and will be given consideration in the conclusion to the principle of the development.

The same policy further identifies that the northern and western elevations of the detached building to be demolished form part of a “Secondary Frontage”. The policy says that within Secondary Frontages “a more diverse range of uses will be supported”, including “retail, service, leisure, entertainment facilities, offices, arts, culture, tourism and residential uses”. The element of the proposal relating to the demolition of the detached building would contribute to the above policy by providing a cultural facility within the Secondary Frontage.

The Core Strategy, at policy VC5, includes wording which says that “community facilities and local services will be protected and enhanced by 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”. The Core Strategy, within the Glossary 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”.

In terms of material considerations for the paragraph immediately above, the National Planning Policy Framework does say that to “provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship)” (paragraph 93). The same paragraph of the Framework also says that planning decisions should “guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs”.

The wording within the Framework provides a broader definition of the uses that can fall within the category of “social, recreational and cultural facilities”. The detached building to be demolished does provide space on the ground floor for both an established restaurant (currently trading) and a former bar / nightclub. The most recent planning permission for the end terrace to be demolished also included provision for a three storey café / bar (ref: 00/00436/FUL). The proposed demolition would therefore appear to involve the loss of premises that could potentially fall within the category of community facility and will be given consideration in the conclusion to the principle of the development.

The Core Strategy says, at policy VC6 (Culture, leisure and tourism) that “Development of cultural, leisure and tourism proposals will generally be supported”.

The proposal would contribute to the above policy by providing a new cultural facility.

The UDP2, at policy SA74A (Evening Economy development within the City Centre), identifies the site as forming part an area where the “City Council will support the diversification of licensed premises within the City Centre in order to create an evening economy for all groups”. The proposed development does, however, not propose a wholly licensed premises and the policy in question should therefore carry very little weight when determining the current Application.

The above commentary shows that the proposed development would be in accordance with the development plan; except for the demolition of the end terrace that forms part of a Primary Shopping Frontage and the loss of community facilities. These matters will be given consideration in the conclusion for the principle of the development.

In terms of material considerations, the Council, after the adoption of the Core Strategy, adopted a Supplementary Planning Document entitled "Riverside Sunderland". The Document, at section 2.1, describes the area as

"It is a large (approximately 38 ha) site, which overlaps with and extends beyond the traditional commercial core of the City Centre. The site, which straddles the River Wear, extends from High Street West in the south, across St Mary's Boulevard to the former Vaux Brewery site which overlooks the Wear. On the south bank of the river, the site also includes the riverside, Galley's Gill, Farringdon Row and Ayre's Quay. On the north bank it includes the riverside and the Sheepfolds area, which lies adjacent to the internationally recognised Stadium of Light, home to Sunderland Association Football Club."

The Document, at paragraph 1.1, says that

"Sunderland City Council has bold ambitions and aspirations for Riverside Sunderland which, over the next 20 years, will be established as a successful business location, a popular place to live and a focal point for civic, cultural and community life"

The Document continues by identifying, at Section 3.1, six "Riverside Sunderland Localities". The Document identifies the site as lying within the "Heart of the City", described as an area that "extends south into the historic heart of the city". The Document provides, at Section 5.5, a table showing "Acceptable Uses"; which includes a "Public Library".

The proposal would therefore contribute towards Riverside Sunderland by providing a development (a public library), within a locality identified for such a use (Heart of the City).

In terms of further material considerations, the Council after the adoption of 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 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 will also align with the Low Carbon Framework.

The Council, after the adoption of the Low Carbon Framework, also 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).

The relevant material considerations, i.e the Riverside Sunderland SPD and the Low Carbon Framework (including the associated Low Carbon Action Plan) are therefore in support of the proposed development.

The proposal, in summary, would therefore accord with the development plan and the relevant material considerations are also supportive.

The only exceptions to the above, in terms of the principle of the proposed development, would be the loss of a small area of Primary Shopping Frontage, caused by the demolition of an end terrace attached to The Bridges and the loss of community facilities (i.e. an established restaurant, a currently vacant bar / nightclub and a building that could potentially provide a three storey café). These matters will be given consideration in the planning balance at the end of the report.

The above commentary has given consideration to the principle of the proposed development. Planning Officers would also draw to attention the detailed impacts arising from the proposed development; which can be seen below.

Amenity

In terms of noise, the submitted Plant Noise Report identifies the Nearest Noise Sensitive Receptors (NSR), namely residential to the south east and the hotel currently under construction opposite the site (ref: 19/01101/FU4). The Report identifies the significant source of noise to be road traffic on High Street West and the A183. The Report continues by saying that whilst the mechanical plant has not yet been developed, the recommendation would be for any plant not to exceed the background noise level at the NSR noted above.

The Report also gives consideration to potential noise from the proposed event space, on the top floor of the building. The Report recommends minimum sound insulation and avoiding a ventilation strategy that relies on open windows. The Report concludes by saying that, subject to the Peacock public house not containing any NSRs, the “new event space is anticipated not to be a noise risk for any of the analysed noise sensitive locations, hence does not require any additional noise mitigation beyond the standard façade and ventilation strategy treatment”.

The Environmental Health Officer has advised that the “methodology and recommendations are accepted” and the “development is acceptable”; subject to conditions.

In terms of potential odour, the Agent has submitted a Risk Assessment for Odour; based upon DEFRA guidelines. The Assessment identifies that the size of the proposed kitchen could fall within the category of medium or large (i.e. 30-100 covers or more than 100 covers). The Assessment also identifies that the dispersion would be moderate (i.e. discharge at 1 metre above eaves at 10-15m/s) and the proximity of receptors would medium (i.e. the closest sensitive receptor would be 20-100 metres from the kitchen).

The Environmental Health Officer has advised that the Assessment “risk score places the installation at the low end of high (ie 21+)” and the “development is acceptable”; subject to conditions.

In terms of the impacts upon the occupiers of existing land and buildings, the proposed development to the north would look across Keel Square and the hotel currently under construction (around 20-21 metres). Planning Officers consider, within the context of a city centre, that these separation distances mean that there would not have a material impact upon the amenity of existing / future occupiers.

The proposed development to the east would look across the gable end of The Bridges. The wall does not have any windows other than some at first floor level which appear to serve a store room for an operator within The Bridges. Planning Officers consider, given these

arrangements within the context of a city centre, the proposed building would not have a material impact upon the amenity of these occupiers.

The proposed development to the south would look across a road and towards a two storey retail building with windows at first floor level (around 32 metres). Planning Officers consider that the separation distance in question ensures there would not be a material impact upon the amenity of these occupiers.

The proposed development to the west would look across to The Peacock (approximately 11.5 metres) and Gilbridge House (approximately 15 metres, at the nearest point). In terms of material considerations, there has also been a representation from an occupier of Gilbridge House saying that the proposed development would lead to "loss of light and overshadowing" and "overlooking and an intensity of development".

Planning Officers would acknowledge that, compared to the current situation, the proposed development would lead to a reduction in day light and an increase in overlooking for occupiers of both The Peacock and Gilbridge House. The matter will be given consideration in the planning balance at the end of the report.

In the absence of any other material considerations to the contrary, the proposal accords with policies HS1 (Quality of life and amenity) and HS2 (Noise-sensitive development). The exception would be the impacts upon the occupiers of The Peacock and Gilbridge House; which will be given consideration in the planning balance at the end of the report.

Design

The submitted Design and Access Statement says that the proposed development seeks to "break up the singular mass form and create a split footprint of 8 smaller houses" and the design "adopts a pitched roof to the three corner block creating an eaves line that responds more successfully with the scale of the neighbouring buildings". The Statement continues by saying that the proposed development will "utilise a combination of masonry, brick and clay materials".

Although the comments were made within a heritage context, Planning Officers consider the comments from the Conservation Officer are also relevant when considering the design of the proposed development. The comments include:

"The design of the new library building is of high quality and will provide a well-crafted contemporary building that compliments its historic setting but also makes a striking design statement in its own right at a key City Centre location. It will help to further frame the key civic space of Keel Square

All-in-all the proposed scheme introduces a high quality and visually striking contemporary building at prominent City Centre site"

Historic England have also provided comments, albeit within a heritage context, relating to design which are repeated below:

"Importantly Culture House would complete Keel Square with a building of landmark quality and public focus. This would greatly enhance the quality of the square"

In terms of material considerations, there have been representations received on the grounds of design which are summarised below.

A Landscape Architect involved in the design of Keel Square has said, in terms of the raised paved area to the south, that "it is right to challenge the form and function of this feature as it was designed when a completely different building was its immediate neighbour. In favour it does offer informal seating".

The representation further says they "object to the complete disregard for the line of the existing buildings in the creation of a north elevation", the "frontage angles into the Square and creates a discordant angle when approach from the east" and that the north elevation would be forward of the historic line of the medieval High Street. A further representation from the same person says that "by ignoring the historic street line this development, if approved, will intrude into Keel Square and cause irretrievable damage". The representations also says that various views would be blocked.

The Sunderland Civic Society have stated that the

"intended appearance is monolithic and will give the look more of a forbidding institution rather than a welcoming destination. Apart from its scale being intimidating, the design leaves much to be desired. Window openings are sparse in number and erratically / randomly placed so there is no rhythm set up to provide visual interest".

The Civic Society have further said that they consider the proposed towers "are squat rather than having any elegance" and query whether the building should be red brick, rather than buff colour brickwork. The Civic Society continued by saying that the "proposed building will protrude at a somewhat awkward angle into High Street West / Keel Square" and that various views would be blocked. The Civic Society suggested a solution could be "rotating it slightly anti-clockwise".

A further representation has said that the main entrance should face the corner of the plot.

In terms of further material considerations, the Riverside Sunderland SPD identifies the site as lying within the "Heart of the City". The SPD says, at Section 5.5, that development should "enhance and integrate with Keel Square" and provides an "indicative height parameters and densities" of "4-8 storeys".

Planning Officers would, in summary, advise that both the Conservation Officer and Historic England have made supportive comments concerning the design of the proposed development and the height would be in accordance with the adopted SPD. There has, however, also been objections on grounds which include siting (including encroaching into Keel Square), external appearance (including the detailed design and materials) and impact upon views. There has further been a representation concerning the location of the entrance for the proposed building.

Planning Officers consider that the proposed development would replace existing buildings with a new form of development; supported by both the Council's Conservation Officer and Historic England (albeit these comments were made within a heritage context). The proposed building would also be in accordance with the height suggested by the SPD. Whilst the matters raised by the representations received are acknowledged, when given consideration as a whole the Application provides a modern form of development that would sit within the context of other recent projects at Riverside Sunderland; such as the Beam, City Hall and the new hotel and in accordance with policies BH1 and BH3 of the Core Strategy.

There have also been comments from certain emergency services concerning the design of the proposed development which are given consideration below.

The Police Architectural Liaison have drawn to attention that a qualified Blast Engineer should consider the proposed glazing. The case officer has spoken to the Police who indicated that any such provision would be unlikely to materially affect the external appearance of the proposed development. Planning Officers would therefore agree with the Police that these concerns could be resolved via planning condition.

The Fire & Rescue Service have advised that they have "no objections to the proposal". The Fire Service have also asked if the building would be timber framed and attached a report relating to the Building Regulations. Planning Officers would advise that the matters in the preceding sentence relate to the Building Control; rather than Town & Country Planning.

Drainage

The submitted Flood Risk and Drainage Assessment identifies that the site lies within Flood Zone 1 (i.e. land with a low probability of flooding) and that "there are no known incidences of historical flooding at the site". The Assessment says the site "is currently considered to be fully impermeable" and that "SuDS are proposed in the form of blue roofs where the roof formation allows and permeable paving" which would also "provide a level of treatment to the surface water runoff". The Assessment says that both foul and surface water will then be discharged into the existing public sewer network.

The Lead Local Flood Authority have advised that they would "recommend approval"; subject to a verification condition.

Northumbrian Water have advised that they have "no issues to raise"; subject to a condition ensuring adherence to the submitted Drainage Layout.

In the absence of any other material considerations to the contrary, the proposal accords with policies WWE2 (Flood risk and coastal management), WWE3 (Water management), WWE4 (Water quality) and WWE5 (Disposal of foul water) of the Core Strategy; subject to the recommended conditions.

Ecology

Officers would initially draw to attention that the Natural Environment and Rural Communities Act 2006, at Section 40, 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".

The submitted Preliminary Ecological Appraisal describes the site as "buildings, paved pedestrian areas and ornamental shrub beds" and that the buildings proposed for demolition have negligible roosting potential for bats.

The Appraisal continues by saying that the habitat surrounding the site comprises "tarmac roads and paved pedestrian areas" and that there "is very poor connectivity across the urban landscape with isolated fragments of soft landscape dotted throughout the city centre".

The Appraisal further says that, within 2km, there are not any records of amphibians, there are records of 142 species of birds (19 of which are offered additional protection) and seven bat records. The Appraisal also says that there are no records of protected plant species within 2km.

The Appraisal also says that there are four Local Wildlife Sites within 2km of the site; namely Wearmouth Riverside Park / Wearmouth Colliery (around 0.2km to the north), Mowbray Park (around 0.4 km to the south east), North Docks (around 1.85km to the north east) and South Docks (around 1.77km to the north east).

The Appraisal advises that "no significant impact is anticipated on any of the site of local conservation interest as a result of the proposed development".

The Appraisal further advises that the development would lead to a Biodiversity Net Gain (BNG) of around 471%. The Appraisal says these measures could include street trees, native scrub planting and formal planting. The Applicant has also submitted a Small Sites Metric for the BNG, based upon guidelines from Natural England.

The Applicant has also submitted a Bat Risk Assessment Survey. The Survey advises that all of the buildings / structures assessed have a "negligible roosting potential for crevice or void dwelling bats". The Survey also says that "no nesting birds were recorded utilising the buildings / structures".

The Council's ecology consultant has advised that they have "no objection on ecological grounds"; subject to conditions relating to clearance of buildings and vegetation, demolition works, bat and birds boxes and a landscape plan / planting strategy.

In the absence of any other material considerations to the contrary, the proposal accords with policy NE2 (Biodiversity and geodiversity) of the Core Strategy; subject to the recommended conditions.

Energy Efficiency

The submitted Planning and Heritage Statement says that the building has been "designed to achieve a high level of sustainability reducing energy demand and targeting low carbon technologies". The Statement says that "air source heat pumps" will be a solution for "reducing both the energy and carbon demands of the development". The Statement also says that the proposed building will have "fabric elements that will exceed standards for new buildings" and "high efficiency LED lighting".

The Applicant has also submitted a Sustainability Strategy which provides further details upon the proposed sustainability strategy.

In the absence of any material considerations to the contrary, the proposal accords with policy BH2 (Sustainable design and construction) of the Core Strategy.

Groundworks

The submitted Preliminary Geoenvironmental Appraisal says that the site "is not in an area affected by shallow coal mining and that "no evidence has been found to indicate that the site has been affected by quarrying". The Appraisal continues by saying that, in terms of contaminated land, there are "potentially unacceptable risks" and that "further action should comprise an intrusive ground investigation".

The Council's land contamination consultant has advised that they broadly agree "given the proposed end use that further investigation is required to address unacceptable risks associated with contaminated land". The consultant has further drawn to attention the need to consider invasive weeds and unexploded ordnance. The consultant has concluded by recommending

conditions relating to further ground investigations, remediation, unexpected contamination during works and a verification report.

In the absence of any material considerations to the contrary, the proposal accords with policy HS3 (Contaminated land) of the Core Strategy; subject to the recommended conditions.

Heritage

Officers would initially draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Officers would also draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990 also states, at Section 72, that "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

In terms of archaeology, the submitted Archaeological Desk Based Assessment says the proposed development has the "potential to impact upon any archaeological resource that may be present through ground reduction and the construction of foundations". The Assessment also says that "no archaeological deposits have been found which require preservation in situ".

The Tyne & Wear Archaeologist has advised that the site has "some potential for archaeological remains which could be impacted by the proposed works". The Archaeologist has recommended that a "watching brief is undertaken during the proposed groundworks" and that a "historic building recording survey is undertaken prior to the demolition of the extant buildings"

In the absence of any material considerations to the contrary, the proposal accords with policy BH7 (Archaeology and recording of heritage assets) of the Core Strategy; subject to the recommended conditions.

In terms of built heritage, the submitted Planning and Heritage Statement identifies the listed buildings which could be affected by the proposed development to the public house to the west of the site (Grade II, currently named "The Peacock") and the Magistrates Court (Grade II). The Statement also identifies that a Conservation Area lies to the west of the site (Bishopwearmouth).

The Council's Conservation Officer has advised that whilst the buildings to be demolished have "some potential to contain remnants of earlier 19th century buildings" they are "largely later buildings that do not make any contribution to the character and significance of Bishopwearmouth Conservation Area".

The Conservation Officer has advised, in terms of the impact upon the setting of The Peacock and Magistrates Court, that

"Whilst the scale and massing of the building is significant and could potentially have an overbearing impact on the adjacent Peacock PH, the architectural quality of the building and careful attention to the transition of building heights and roofscape features, architectural detailing and materials, should allow it to sit comfortably next to both the Peacock and Magistrates Court, as well as the high-quality landscaping of Keel Square."

Historic England have also provided advice concerning these impacts by saying that

“whilst the Peacock is a prominent and attractive building it is not necessarily a landmark building. Rather, historic maps show it was part of a more intensively developed area in the late 19th century comprising buildings that were of similar scale. Its ornamental detailed façade is in part down to fashion but also a way of giving the building presence in such a context. This is the more important aspect of the building’s significance than its scale.

The contrast between the detail of the Peacock and the plainer western elevation of Culture House allows this aspect of the building’s significance to remain undiminished. Sufficient animation of detail and openings in the proposed buildings' western elevation ensures that the contrast is not overly dull or stark

Importantly Culture House would complete Keel Square with a building of landmark quality and public focus. This would greatly enhance the quality of the square and by extension, the contribution and appreciation of the listed buildings within it.”

In terms of material considerations, there has been an objection from Sunderland Civic Society. They have said that the height of the building

"in effect it dwarfs The Peacock, being a full storey higher than that building's roofline and two storeys higher than its eaves. The extent to which it overshadows The Peacock is further emphasised by the intention to construct squat square towers at three corners.”

Planning Officers would, in terms of the response from the Civic Society, draw to attention the generally supportive comments noted above from both the Council’s Conservation Officer and Historic England. Planning Officers therefore consider, given the above and notwithstanding the comments from the Civic Society, that the setting of these listed buildings would be preserved.

The Conservation Officer has also advised, in terms of the impact upon the Conservation Area, that

“The design of the new library building is of high quality and will provide a well-crafted contemporary building that compliments its historic setting but also makes a striking design statement in its own right at a key City Centre location. It will help to further frame the key civic space of Keel Square along with other recent and emerging developments and existing historic buildings, and generally make a positive contribution to the setting and character of the Conservation Area and surrounding listed buildings.”

Planning Officers consider, given the above, that the setting of the Conservation Area would be preserved.

The Conservation Officer has also advised that

“The appearance of the new building and its contextual relationship with surrounding historic and modern buildings could be improved by giving greater emphasis to the ground floor openings. As proposed these openings appear somewhat squat when compared to the Peacock PH, Magistrates Court, City Hall and the Hotel on Keel Square, all of which have taller ground floor openings that reinforce the traditional hierarchy of fenestration arrangements that give prominence to the proportions of street level windows and shop fronts, with upper floor windows tending to diminish in size. Greater emphasis to the height and overall proportions of the ground floor openings of Culture House would therefore be beneficial, particularly across the

north elevation and around the north western corner given its somewhat unusual alignment that projects partially into Keel Square making it prominent in views from several directions.”

The Conservation Officer has concluded by saying that

“All-in-all the proposed scheme introduces a high quality and visually striking contemporary building at prominent City Centre site that will enhance the character and significance of Bishopwearmouth Conservation Area and the settings of surrounding listed buildings and make a key contribution to the regeneration and vibrancy of the area.”

Historic England have concluded by saying that they “support the application on heritage grounds”.

The Application, in summary, has the support of both the Conservation Officer and Historic England.

The only exception would be the concern noted above from the Conservation Officer relating to the ground floor openings. The Conservation Officer has, however, otherwise expressed support for the proposed development, as can be seen in the conclusion noted three paragraphs above and the scheme has the support of Historic England. Planning Officers therefore consider, as a whole, that the settings of the relevant heritage assets would be preserved (i.e. the listed public house, Magistrates Court and the Conservation Area).

In the absence of any material considerations to the contrary, the proposal accords with policies BH7 and BH8 of the Core Strategy; subject to the recommended conditions.

Highway

The submitted Transport Assessment says that the location of the site within the city centre "offers the opportunity to integrate with the existing pedestrian and cycle networks" and that "high-quality public transport services (bus, metro and rail) are accessible within close proximity of the site". The Assessment continues by saying that delivery and servicing would be "undertaken from the existing service / delivery area, adjacent to the south east corner of the building" and that refuse collection "will also take place from the rear service / delivery area". The Assessment says that further details will "be set out in a Delivery and Servicing Management Plan".

The Assessment continues by giving consideration to potential traffic flows and says that the "proposed development will be satisfactorily accommodated on the local highway network without resulting in any unacceptable or severe impacts on the safe and free-flow of traffic".

The Assessment further draws to attention that the "proposed building will impact on existing areas of adopted public highway on High Street West, Browtree Road, West Street and Middle Street" and that "the applicant will apply for a Stopping Up Order, under Section 247 of the Town and Country Planning Act". The Agent has submitted a preliminary Stopping Up Plan; which has been uploaded onto the public access website.

The Applicant has also submitted an Interim Travel Plan. The Plan says that the aim would be to "identify opportunities for the effective promotion and delivery of sustainable travel initiatives" and that the "subsequent Final Travel Plan, can be secured via condition".

The Local Highway Authority have advised that "the site is in a sustainable location, with excellent links to public transport" and "given that the site is well served by existing public

transport services as well as having good cycle and pedestrian connectivity, it is accepted that the proposed development will be car free". The Local Highway Authority have further advised that "it appears the traffic impacts of Culture House will be satisfactorily accommodated, with any additional vehicle trips spread across a number of different routes and car parks in the city centre. It is therefore considered that the impact of the proposed development on the operation of the highway network will likely be negligible".

The Local Highway Authority have also recommended conditions for a Construction Environment Management Plan (CEMP) and a Final Travel Plan. The Local Highway Authority have continued by providing advice which can be included as informatives relating to stopping up of the highway, cycle storage within the highway, planters within the highway and an agreement under Section 38 of the Highway Act.

In terms of material considerations, there has been an objection from an Agent who represents the owners of The Bridges. The objection says that the proposal "may potentially impact our client's the ability to access Primark and Iceland's loading bay at the Shopping Centre". The objection continues by saying that there "no vehicle tracking is present in the transport assessment to demonstrate how the proposal may impact the loading bay". The objection asks for a copy of the computer files for the site layout.

The Agent, around the same time as the objection noted in the paragraph immediately above, submitted a swept path assessment for a 12 metre rigid truck. The drawing shows a proposed loading bay adjacent to Culture House and the manoeuvring for the existing loading bay serving Iceland and Primark (as noted in the representation from the Agent representing the owner of The Bridges).

Planning Officers would further advise that, on the afternoon before the publication deadline for the report, the Agent noted two paragraphs above submitted a further detailed objection; including a tracking drawing. The opening paragraphs of the letter provide a summary of their concerns and have been repeated below.

"As the LPA will be aware, AEW own The Bridges Shopping Centre on a long leasehold from Sunderland City Council. The Shopping Centre is a key asset for not only for AEW and the City Council but also for the local population of Sunderland as it is a major shopping destination that ensures the vitality and viability of the City Centre.

The application proposal negatively affects the operation of the Shopping Centre and revisions are required to the application in order to ensure that the new development can operate without impacting on the existing and valuable operation of the Shopping Centre as both a substantial economic provider, service and community facility within the City Centre. At present, we consider that the application cannot be supported by the City Council as it does not accord with the development plan.

However, it is important to stress that AEW fully supports the Council's objectives to deliver new investment in the City Centre that supports its vitality and viability and provides new community facilities, but this cannot be at the expense of the operation of existing commercial and community facilities that play an invaluable role in its vitality and viability. Against that background, whilst AEW presently objects to the application, it does not object to the overall proposal and would support it once it has been amended in the way that it is required to be amended."

Planning Officers are intending to make the Applicant aware of the above objection and will provide an update report in the near future.

Other

There has been a representation received concerning the proposed name of the building "Culture House". Although these words are included within the description of the development, Planning Officers would advise that the name ultimately given to the proposed building would not be a planning matter.

Conclusion

The principle of the proposed development would accord with the relevant policies of the development plan and the relevant material considerations are also supportive.

The only exceptions to the above, in terms of the principle of the proposed development, would be the loss of a small area of Primary Shopping Frontage, caused by the demolition of an end terrace attached to The Bridges and the loss of community facilities (i.e. an established restaurant, a currently vacant bar / nightclub and a building that could potentially provide a three storey café).

In terms of the loss of a small area of Primary Shopping Frontage, Planning Officers would initially draw to attention that the ground floor of the building in question appears to have been vacant for a number of years which means there would not be a loss of an existing business. There are further construction works ongoing for a new build hotel opposite the site which provides, on the ground and first floor, new build units which could be used for retail purposes (ref: 19/01101/FU4). The proposal also accords with other policies within the development plan relating to the spatial strategy for the city (SP1), the Urban Core (SP2), the city centre (VC1) and new cultural facilities (VC6). Given the above, Planning Officers consider that notwithstanding the loss of a small area of Primary Shopping Frontage the principle of the proposed development can still be given consideration as being in broad accordance with the development plan when read as a whole.

In terms of the loss of community facilities, Planning Officers would initially draw to attention that the end terrace appears to have been vacant for a number of years which means there would not be a loss of an existing business. The same would apply for much of the ground floor of the detached building proposed for demolition. The proposed development also proposes a much larger community facility which means that there would be an overall increase of such provision.

There would, notwithstanding the comments made in the paragraph immediately above, be a loss of an established restaurant which will need to be given consideration in the planning balance below.

The table below summarises the residual impacts arising from the construction and operational phases of the proposed development; subject to the recommended conditions. Planning Officers would draw to attention that, as noted in the report above, there have been representations received concerning the impacts around amenity, design and heritage. The summary provided in the table below relating to these matters should therefore be read in conjunction with the more detailed commentary provided in the main report.

| | Positive | Neutral | Negative |
|-----------------|--|----------------|-----------------|
| Economic | Short term moderate benefit of job creation during construction. | | |

| | | | |
|----------------------|---|---|--|
| | Medium to long term significant benefit of a Major development which will increase footfall within the City Centre and a wider contribution towards Riverside Sunderland. | | |
| Environmental | <p><u>Design</u></p> <p>The height of the proposed development accords with Riverside Sunderland SPD and there are supportive comments from Conservation Officer and Historic England (albeit within heritage context).</p> <p><u>Ecology</u></p> <p>The Application proposes a biodiversity net gain of more than 400%</p> <p><u>Energy Efficiency</u></p> <p>The Application includes a detailed Sustainability Strategy.</p> | <p><u>Amenity (noise / odour)</u></p> <p>Plant Noise Report says recommends mitigation. Odour Assessment prepared in accordance with DEFRA Guidelines. Environmental Health advise "development is acceptable"; subject to conditions.</p> <p><u>Drainage</u></p> <p>Flood Risk and Drainage Assessment proposes sustainable drainage and water treatment. Lead Local Flood Authority recommend approval and Northumbrian water have "no issues to raise".</p> <p><u>Groundworks</u></p> <p>The reports submitted by the Applicant and the Council's land contamination consultant both</p> | <p><u>Amenity (overlooking / daylight)</u></p> <p>Potential overlooking and loss of day light for The Peacock and Gilbridge House.</p> |

| | | | |
|---------------|---|---|---|
| | | <p>consider that any risks can be controlled via planning conditions.</p> <p><u>Heritage</u></p> <p>The setting of heritage assets would be preserved; i.e. The Peacock (Grade II), Gilbridge House (Grade II) and Bishopwearmouth Conservation Area.</p> | |
| Social | Medium to long term significant benefit of providing a new library which will provide for all of the community. | | Loss of established restaurant on ground floor of detached building to be demolished. |

The decision taker, i.e. Members of the Planning & Highways (East) Committee, will need consider whether the benefits identified in the table immediately above outweigh the adverse impacts.

Planning Officers would draw to attention that most of the impacts have been identified as being neutral / negligible. The only adverse impacts are the potential overlooking and loss of day light for The Peacock and Gilbridge House and loss of an established restaurant.

In terms of the impacts upon The Peacock and Gilbridge House, Planning Officers do consider that the magnitude of these impacts would fall within the category of minor / moderate given the location within the city centre where higher densities of development are anticipated by the adopted Riverside Sunderland SPD. There could also be benefits for The Peacock, who may gain customers via the increased footfall within the city centre associated with Culture House. The distance to the main facade of Gilbridge House, at the nearest point of 15 metres would in the opinion of Planning Officers be consistent with a city centre location.

In terms of the loss of an established restaurant, the matter would be an adverse impact that will need to be given consideration in the planning balance.

In terms of benefits, these are summarised in the table above and largely relate to the provision of a new library for all of the community. The weight to be given to the benefit in question should be informed by the adopted City Plan which seeks a City "with opportunities for all", a "stronger city centre" and more participation "in cultural events, programmes and activities". Planning Officers therefore consider that the benefit of the proposed development would be

significant.

In terms of other benefits, the building would also be energy efficient and provide a biodiversity net gain.

Planning Officers therefore consider that the significant benefits of the scheme outweigh the moderate adverse impacts and accordingly make the recommendation below.

Planning Officers would further draw to attention that the Application has been submitted with detailed ecology reports which have been given consideration by the Council's ecology consultant who has raised no objections; subject to conditions. Planning Officers can therefore advise that determination of the Application will be in accordance with the requirements of Section 40 of the Natural Environment and Rural Communities Act 2006; i.e.

"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".

Planning Officers would also draw to attention that the report identifies the heritage assets which could be affected by the proposed development and describes the consultation responses received from both the Council's Conservation Officer and Historic England. The report concludes that the setting of these heritage assets would be preserved.

Planning Officers can therefore advise that determination of the Application would be in accordance with the relevant Sections of the Planning (Listed Buildings and Conservation Areas) Act 1990; i.e.

The "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses." (Section 66)

That "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area". (Section 72)

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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

Grant Consent under Regulation 3 of the Town and Country Planning General Regulations 1992, subject to the satisfactory solution of the outstanding highway matter and draft conditions listed below:

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:
 - Proposed Drainage Layout (Drawing No. C001); including foul flows discharge to the combined sewer at manhole 4018, surface water discharged to the combined sewer at manhole 4018 and surface water discharge rate not exceeding the available capacity of 3.5 litres per second);
 - Microdrainge Plan (Drawing No. C006);
 - Typical Details Sheet (Drawing No. C007);

- Site Plan (Drawing No 3820-FBA-XX-00-DR-A-01001, Rev P4);
- Level 00 Plan (Drawing No 3820-FBA-XX-00-DR-A-00000, Rev P11);
- Level 01 Plan (Drawing No 3820-FBA-XX-01-DR-A-00100, Rev P11);
- Level 02 Plan (Drawing No 3820-FBA-XX-02-DR-A-00200, Rev P11);
- Level 03 Plan (Drawing No 3820-FBA-XX-03-DR-A-00300, Rev P11)
- Level 04 Roof Plan (Drawing No 3820-FBA-XX-04-DR-A-00400, Rev P8);
- North Elevation (Drawing No 3820-FBA-XX-XX-DR-A-00_50, Rev P3);
- North Elevation and Section (Drawing No 3820-FBA-XX-XX-DR-A-21_50, Rev P1);
- South Elevation (Drawing No 3820-FBA-XX-XX-DR-A-00_52, Rev P2);
- South Elevation and Section (Drawing No 3820-FBA-XX-XX-DR-A-21_52, Rev P1);
- West Elevation (Drawing No 3820-FBA-XX-XX-DR-A-00_51, Rev P2);
- Section 01 (Drawing No 3820-FBA-XX-XX-DR-A-00_01, Rev P2);
- Section 02 (Drawing No 3820-FBA-XX-XX-DR-A-00_02, Rev P2);

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. No development (including demolition, site clearance and vegetation removal) shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- identification of sensitive receptors – notably users of the footpaths and highway, occupiers of neighbouring properties (note the new hotel being developed nearby) and tower blocks overlooking the site, site working times,
- site lighting,
- use of solid perimeter hoardings,
- notification of neighbouring occupiers,
- use of any mobile crusher,
- dust management including sheeting of HGVs, use of water sprays,
- monitoring of weather conditions,
- cleanliness of the highways,
- noise management – silenced plant, control of working procedures and utilisation of mobile noise barriers where necessary,
- prohibition of burning of materials
- minimisation of engine idling and vehicle queuing.

The CEMP shall also follow guidance provided by the Institute of Air Quality Management (particularly in relation to the management of dust) and BS5228:2009+A1 in relation to noise and vibration.

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

Reason: To address the potential impacts to the local environment arising from site works; in accordance with policies HS1, ST2 and ST3 of the Core Strategy and Development Plan (2015-2033).

4. No development (including demolition, site clearance and vegetation removal) shall commence until a Precautionary Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared by a suitably

qualified ecologist and detail the measures / working methods to minimise the residual risk of bats being adversely affected. The construction phase of the development shall thereafter be undertaken in accordance with the approved Statement.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved minimises impacts upon biodiversity.

5. No demolition / development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority. A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

6. No demolition, groundworks or development shall commence other than until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

7. Development 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 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. No development shall commence until 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), have been submitted to and approved by the Local Planning Authority.

The verification report(s) shall thereafter 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 Core Strategy and Development Plan (2015-2033).

10. No development shall take place above damp proof course until full details and samples of all external materials have been submitted to and approved in writing by the Local Planning Authority. The details and samples shall include bricks, bag washed bricks, roof tiles and other roofing materials, windows and doors. The development hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure, in accordance with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves high quality design and preserves the setting of local heritage assets.

11. No development shall take place above damp proof course until sample panels of different brick types fully bedded and pointed have been provided on site and approved in writing by the Local Planning Authority. The development hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure, in accordance with policies BH1, BH7 and BH8 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves high quality design and preserves the setting of local heritage assets.

12. No development shall take place above damp proof course until a plan showing the location and specification of two integrated bats boxes and two integrated bird boxes which are installed within the proposed building have been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be brought into first use until the approved boxes have been fully provided in accordance with the approved details. The approved boxes shall thereafter be retained for the lifespan of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved minimises impacts upon biodiversity.

13. No development shall take place above damp proof course until a detailed landscape plan / planting strategy has been submitted to and approved in writing by the Local Planning Authority. The landscape plan / planting strategy shall demonstrate a Biodiversity Net Gain in accordance with paragraphs 6.2-6.3 of the submitted Preliminary Ecological Appraisal. The landscaping / planting shall thereafter be provided within the first planting season following the completion of the development hereby approved.

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a Biodiversity Net Gain.

14. No development shall take place above damp proof course until a report prepared by a qualified Blast Engineer has been submitted to and approved in writing by the Local Planning Authority. The report shall include consideration of the proposed design arrangements and glazing specification. The development hereby approved shall thereafter be constructed in accordance with the approved details.

Reason: To ensure, in accordance with policy BH1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved designs out crime.

15. The development hereby approved shall not be brought into first use until a Final Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be based upon the submitted Interim Travel Plan (File Name: JN2344-Rep-0002.2 Interim Travel Plan). The operational phase of the development hereby approved shall thereafter be undertaken in accordance with the approved Final Travel Plan.

Reason: To ensure, in accordance with policy ST3 of the Core Strategy and Development Plan (2015-2033), includes an appropriate Travel Plan.

16. 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

17. No external fixed plant or ventilation and extraction systems shall be installed until an Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall demonstrate that the design of any proposal meets the noise limit in accordance with BS4142:2014 at the following relevant noise sensitive receptors (as identified in the submitted Plant Noise Report):
- Noise Sensitive Receptors 1 and 2 (residential tower blocks), rated noise levels shall not exceed the existing background LA90 of 52dB day and 39dB night
 - Noise Sensitive Receptor 3 (hotel), rated noise levels shall not exceed the existing background LA90 of 55dB day and 41dB night.

The submitted Assessment shall also include plan and elevation drawings of the proposed plant, ventilation and extraction systems; prepared to a recognised metric scale.

The approved plant, ventilation and extraction systems shall thereafter be fully provided before the development has been brought into first use.

Reason: To ensure, in accordance with policies BH1 and HS2 of the Core Strategy and Development Plan, the development hereby approved includes noise mitigation and achieves high quality design.

18. No extraction and odour abatement systems for the proposed kitchen shall be installed until a completed Odour Risk Assessment has been submitted to and approved in writing by the Local Planning Authority. The Assessment shall ensure that the discharge of cooking odours from the kitchen is adequately controlled. The submitted Assessment shall also include plan and elevation drawings of the proposed odour abatement systems; prepared to a recognised metric scale. The approved odour abatement systems shall thereafter be fully provided before the kitchen hereby approved has been brought into first use.

Reason: To ensure, in accordance with policies BH1 and HS1 of the Core Strategy and Development Plan, the development hereby approved does not have an unacceptable impact upon amenity and achieves high quality design.

19. 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 development hereby approved being brought into first use, 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

20. The building shall not be brought into use until the report of the results of observations of the groundworks pursuant to condition 6 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B11, B13 and B14.

Reference No.: 22/00244/VA3 Variation of Condition (Reg 3)

Proposal: **Variation of condition 2 (approved plans) attached to planning permission 21/00112/LP3 - new external wrap facade to previously approved multi-storey car park.**

Location: Land Bounded By Farrington Row To The West And The A1231 To The South Sunderland

Ward: Millfield
Applicant: Sunderland City Council
Date Valid: 11 February 2022
Target Date: 13 May 2022

PROPOSAL:

Introduction

The Application seeks a Minor Material Amendment to an earlier grant of planning permission for a multi-storey car park at Farrington Row, Sunderland.

The relevant history of the site can be seen below

Reference: 21/00112/LP3

Description: Erection of a building to form a multi-storey car park containing 12 split levels with vehicular access from Farrington Row, with associated earth works, landscaping, drainage and infrastructure provision (amended plans received 19 March 2020, including amendment to red line boundary shown on the location plan)
Decision: Approved (14 May 2021)

Reference: 21/02075/AM1

Description: Non-material amendment to planning application 21/00112/LP3 for projection to the south east corner of the car park to be brought in by approximately 5metres, floor to floor heights reduced on all levels, resulting in a reduction in the parapet height of the structure by approximately 1.5metres and parking numbers adjusted, providing an additional 10 spaces within the building footprint.
Decision: Approved (30 September 2021)

The previously approved elevations showed a multi-storey car park with an external wrap of "perforated metal panels" and a "green wall system". The metal panels were intended to provide the opportunity for a "graphic design". The planning permission, as initially granted, included a condition ensuring the submission of the illustration that would be provided on these panels.

The submitted covering letter for the current Application explains that, as part of the design development process, there has been an amendment to the previously approved elevations. The letter continues by saying the intension would be to "create a wave effect to the external wrap" and that the "wrap will be constructed from a high-quality silver anodised aluminium, with a crown panel at the roof line providing an undulating wave finish". The letter further says that

"Green walls provided at the north and south cores of the development will be planted in vertical patterns to imitate sea grasses".

Given the above, Planning Officers consider that the relevant planning considerations are the impacts upon design, drainage, ecology and heritage. These are given consideration below.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Northumbria Police
Millfield - Ward Councillor Consultation
Northumbrian Water
Environmental Health
Network Management
NE Ambulance Service NHS Trust
Fire Prevention Officer
Tyne And Wear Archaeology Officer
Historic England

Final Date for Receipt of Representations: **17.03.2022**

COMMENTS:

Design

The initial grant of planning permission, as noted above, included a condition for the illustration that would be provided on the cladding panels. The current submission effectively provides these details; together with an increase in the amount of cladding panels to create the "wave effect". Planning Officers consider that the proposed amendment would sit comfortably within the immediate context of other recently constructed modern buildings at Riverside Sunderland (such as City Hall).

The Police Architectural Liaison have confirmed that they "have no objection to what is proposed".

The Environmental Health Officer has asked for confirmation that there would not be an introduction of any significant reflecting surfaces onto the structure. Planning Officers are currently liaising with the Agent and will provide an update in due course.

Drainage

The Lead Local Flood Authority have confirmed that the proposed amendment does not raise any "issues relevant to our remit". In the absence of any other material considerations to the

contrary, the proposal would accord with policies WWE2, WWE3, WWE4 and WWE5 of the Core Strategy; subject to the recommended conditions.

Ecology

Planning Officers would initially draw to attention the Natural Environment and Rural Communities Act 2006 which, at Section 40, says 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".

The planning permission, as initially granted, provided a Biodiversity Net Gain (BNG) of around 25%; via both on and off site works. The Council's ecology consultant has advised that the Applicant should confirm whether the removal of the green wall affects the previous BNG. Planning Officers are currently liaising with the Agent and will provide an update in due course.

Heritage

Planning Officers would initially draw to attention that the Planning (Listed Buildings and Conservation Areas) Act 1990, at Section 66, states that the local planning authority has a "general duty as respects listed buildings in exercise of planning functions" in that the "local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The Planning (Listed Buildings and Conservation Areas) Act 1990 also states, at Section 72, that "with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

The Heritage Impact Assessment submitted with the initial grant of planning permission identified the heritage assets whose setting could have been affected by the proposed development. These heritage assets included Bishopwearmouth Conservation Area, Monkwearmouth Bridge (Grade II), Wearmouth Bridge (Grade II), the Ship Isis (Grade II) to the south east of the site and the Church of St Michael (Grade II*). The Assessment concluded by saying "Overall, the proposed development on the site will have a neutral impact on the setting of the heritage assets and will have no impact on their significance".

The Council's Conservation has advised that the "proposal external amendments will not result in any additional heritage impacts".

The Tyne & Wear Archaeologist has advised that "no additional archaeological investigation is required".

Historic England have advised that they "do not wish to offer any comments"

In the absence of any material considerations to the contrary, the proposal would accord with policies BH7 and BH8 of the Core Strategy; subject to the recommended conditions.

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:-

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

Summary

The proposed development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The only exceptions to the above would be the points raised by the Environmental Health Officer concerning the reflectivity of the proposed materials and the request from the Council's ecology consultant for an updated calculation of Biodiversity Net Gain.

RECOMMENDATION:

Grant Consent in accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report subject to:

1. The satisfactory resolution of the points raised by the Environmental Health Officer and the Council's ecology consultant.
2. The draft conditions below

Conditions:

1 The development to which this permission relates must be begun not later than three years from 14 May 2021, 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:

- Existing Site Plan (FRMSC RYD 00 ZZ DR A 0002 P8) (as approved via 21/02075/AM1);
- Proposed Drainage Layout (FRMSCP-CDL-ZZ-XX-DR-C-1401 S2) (as found within Appendix 4 of the Drainage Strategy FRMSCP-CDL-ZZ-XX-RP-C-05-0002 E) (as approved via 21/00112/LP3);
- Proposed SUDS Details FRMSCP-CDL-XX-XX-DR-C1450 S2 (as found within Appendix 5 of the Drainage Strategy FRMSCP-CDL-ZZ-XX-RP-C-05-0002 E) (as approved via 21/00112/LP3);
- Proposed Site Plan (FRMSC RYD 00 ZZ DR A 1001 P12) (as approved via 21/02075/AM1) (as approved via 21/00112/LP3);
- Landscape Site Plan FRMSC-ONE-ZZ-XX-DR-L-0001 P03 (received 19 March 2021) (as approved via 21/00112/LP3);
- Planting Strategy FRMSC-ONE-ZZ-XX-DR-L-0201 P02 (received 19 March 2021) (as approved via 21/00112/LP3);
- Indicative Levels DWG No FRMSC-ONE-ZZ-XX-DR-L-0401 P03 (received 19 March 2021) (as approved via 21/00112/LP3);
- GA Plans Levels 00 - 05 (FRMSC RYD 00 ZZ DR A 3012 P11) (as approved via 21/02075/AM1);
- GA Plans Levels 06 - 13 (FRMSC RYD 00 ZZ DR A 3013 P10) (as approved via 21/02075/AM1);
- East & North Elevation (Drawing Number: 009408-GBC-10-ZZ-DR-Y-0300 C01);
- West & South Elevation (Drawing Number: 009408-GBC-10-ZZ-DR-Y-0301 C01);
- GA Sections Sheet 1 (FRMSC RYD 00 ZZ DR A 3800 P5) (as approved via 21/02075/AM1);
- Strip Section AA Lift & Stair Core FRMSC RYD 00 ZZ DR A 3900 P4 (as approved via 21/00112/LP3);
- Strip Section BB FRMSC RYD 00 ZZ DR A 3901 P5 (as approved via 21/00112/LP3);
- Item 5 and 7 within the letter dated 11 March 2021 (as approved via 21/00112/LP3).

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 documents and plans below

Construction Phase Surface Water Management Plan FRMSCP-CDL-XX-XX-DR-C-1403 Stage 3 (as found within Appendix 6 of the submitted Drainage Strategy FRMSCP-CDL-ZZ-XX-RP-C-05-0002 E) (as approved via 21/00112/LP3);
Tree Protection Plan MWA MSCP TPP 002(as approved via 21/00112/LP3);
Construction Environment Management Plan (as approved via 21/02334/DIS).

Reason: To ensure that the completed development accords with the scheme approved.

4 No development shall take place above damp proof course until details and / or samples of the hard and soft landscaping materials have been submitted to and approved in writing. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design and conserves the historic environment.

5 No development shall take place above damp proof course until details and / or samples of the construction materials have been submitted to and approved in writing. The approved materials shall thereafter be used in the construction of the development hereby approved.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design and conserves the historic environment.

6 The development hereby approved shall not be brought into use until details of the internal and external lighting have been submitted to and approved in writing. The approved lighting shall thereafter be provided before the development hereby approved is first brought into use.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design, designs out crime and conserves the historic environment.

7 The development hereby approved shall not be brought into use until details of any CCTV has been submitted to and approved in writing. The approved CCTV shall thereafter be provided before the development hereby approved is first brought into use.

Reason: To ensure, in accordance with policies BH1 and BH7 of the Core Strategy and Development Plan (2015-2033), the development hereby approved achieves a high quality design, designs out crime and conserves the historic environment.

8 The development hereby approved shall not be brought into use until a verification report has been submitted to and approved in writing by the Local Planning Authority. The report shall cover the entire site and be prepared in accordance with YALPAG by a suitably qualified and competent consultant/engineer. The report shall include all recommendations as detailed in the

Cundall Ltd Remediation Strategy and validation of clean cover layer. The report shall further include chemical testing; photo evidence of cover layer installation; details of all soils disposed of or brought into site, including appropriate testing; and details of any watching brief.

Reason: To ensure, in accordance with policy HS3 of the Core Strategy and Development Plan (2015-2033), the development hereby approved demonstrates the site would be suitable for the proposed use.

9 The development hereby approved shall not be brought into use until a verification report carried out by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include

- As built drawings (in dwg / shapefile format) for all SuDS components; including dimensions (base levels, inlet / outlet elevations, 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 and adoption.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the Lead Local Flood Authority / Local Planning Authority.

Reason: To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and comply with policies WWE3 and WWE4 of the Core Strategy and Development Plan (2015-2033).

10 The development hereby approved shall not be brought into use until a Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall show that some of the standard parking spaces would be allocated as car share spaces to encourage car sharing. The development hereby approved shall thereafter be operated in accordance with the approved Plan.

Reason: To ensure, in accordance with policy ST1 of the Core Strategy and Development Plan (2015-2033), the development hereby approved improves the car parks around the ring road.

11 The development hereby approved shall not be brought into use until the Ecological Mitigation and Enhancement, as found within Section 3 (Ecological Mitigation and Enhancement) and Figure 3 (Proposed Habitat Enhancements) of the submitted Ecological Mitigation and Enhancement Plan (February 2021) (as approved via 21/00112/LP3), has been fully undertaken. The mitigation and enhancement measures shall thereafter be maintained for either the lifetime of the development or a minimum of 20 years (whichever is sooner).

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a net gain to biodiversity.

12 The planting shown within the approved Planting Strategy (FRMSC-ONE-ZZ-XX-DR-L-0201 P01) (as approved via 21/00112/LP3) shall be undertaken in the first planting season following completion of the development hereby approved. The planting shall be maintained for a period of at least five years; including watering during dry periods.

Reason: To ensure, in accordance with policy of the Core Strategy and Development Plan (2015-2033), the development hereby approved.

13 Monitoring updates for the Ecological Mitigation and Enhancement, as found within Section 5 (Monitoring and Review) (as approved via 21/00112/LP3), shall be submitted on a two year basis for the first five years and then five years thereafter for either the lifetime or the development or a minimum of 20 years (whichever is sooner).

Reason: To ensure, in accordance with policy NE2 of the Core Strategy and Development Plan (2015-2033), the development hereby approved provides a net gain to biodiversity.

Reference No.: 21/02676/OU4 Outline Application Regulation 4

Proposal: **Outline application for residential development - Class C3 - Up to 110 Units (All Matters Reserved)**

Location: Land North Of Emsworth Road Carley Hill Sunderland

Ward: Southwick
Applicant: Gentoo Group Limited
Date Valid: 12 November 2021
Target Date: 11 February 2022

PROPOSAL:

Outline planning permission is sought for residential development (up to 110 units) on land to the north of Emsworth Road, Carley Hill Sunderland.

All matters are reserved for subsequent approval therefore details of layout, scale, landscaping, appearance and access would all be subject to consideration at the reserved matters application stage.

The site in question comprises a 4.81-hectare parcel of open space which forms a green wedge between existing residential sites to the east and west, with Fulwell Quarry Local Nature Reserve adjoining the northern boundary and Emsworth Road abutting the south boundary. The residential properties to the east include the 3 storey flats of Earls Court, Euston Court and Edgeware Court, whilst the semi-detached properties and abutting rear gardens of Wentbridge lie to the west.

The gently undulating site primarily comprises open amenity grass land with areas of sporadic and more concentrated tree planting throughout. The land has a number of public footpaths running east-west and north-south which provide connectivity around the site and onto adjoining sites including Emsworth Road, Whitechurch Road, Fulwell Quarry and Eyemouth Lane. A derelict play area sits slightly east of centre.

The northern most section of the host site as delineated by the accompanying red line location plan, lies within the extent of the Tyne and Wear Green Belt.

The proposal is to develop the site for up to 110 dwellings. As noted above, all matters have been reserved for future approval. The covering letter and associated application correspondence qualifies that the proposal forms part of a wider programme of affordable home to be delivered throughout Sunderland with over 1,200 new homes set to be provided by 2026. It should be noted that the developer has outlined an intent for 100% of the housing to be affordable based on an anticipated ratio of 75% affordable rent, 10% rent to buy and 15% shared ownership.

The application has been accompanied by an indicative illustrative site plan and parameter plans (in respect of the proposed build and no build zones and vehicular access and pedestrian cycle routes) as well as technical documents which include, but are not limited to, the Planning and Design and Access Statements, a landscape appraisal, an archaeological desk based assessment, a Geo-environmental Report, Ecological Impact Assessment, a report to inform a

Habitat Regulations Assessment Flood Risk Assessment, an Air Quality Assessment, Noise Assessment, an Arboricultural Survey and Method Statement and a Transport Assessment and Travel Plan.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Public Rights Of Way Officer
Southwick - Ward Councillor Consultation
Network Management
Environmental Health
Land Contamination
Northumbrian Water
North Gas Networks
Northern Electric
Director Of Childrens Services
Flood And Coastal Group Engineer
Planning Policy
Northumbria Police
Fire Prevention Officer
NE Ambulance Service NHS Trust
Tyne And Wear Archaeology Officer
Nexus
Environmental Health

Final Date for Receipt of Representations: **28.02.2022**

REPRESENTATIONS:

The application has been advertised by means of a press notice and by site notices positioned around and within the site. In addition, a total of 124 individual notification letters were sent to neighbouring properties in the immediate area.

One response has been received by Ward Member Alex Samuels who has raised the following concerns:

1. Removal of any green space or break between the existing Carley Hill estate and Witherwack - Gentoo are also consulting with local residents about building on the land directly opposite, south of Emsworth Road on Old Mill Road. This would mean there would be no differentiating line between Carley Hill, Witherwack, Marley Pots and High Southwick.
2. The land is not designated as housebuilding land, so is not required to meet any of the council's requirements for new home building set by the Government.
3. The site appears to encroach on greenbelt land.

4. The adjacent site is a SSSI site, and the impact on nature and wildlife should not be underestimated.
5. There will be a loss of amenity in the area. The SARA project in Southwick over the last year have been carrying out a lot of work in the quarry, including specifically in this area being considered for the planning application. Volunteers have been carrying out regular litter picks and a large number of people use the area here for leisure and dog walking.
6. The site has also been considered by the North Area Committee as an area designated for improvements to green spaces. The SARA project has already planted hundreds of trees in the area and further improvements to the green spaces for both people and wildlife are being considered by the council and the project.
7. The most significant impact on residents will be due to the increased traffic flow on the Thompson Road/Carley Hill Road junction. This is considered in the Transport Assessment; however, it claims there will be no material impact on the junction and therefore no accommodation for this is suggested.
8. The junction is a significant issue for residents and one that ward councillors have long campaigned for changes to made to, only to be told by SCC Highways that no further improvements can be made due to the impact on the wider network and the position of the junction.
9. Increasing the traffic at the junction in a considerable way like this will only lead to further congestion at the junction which will exacerbate an already existing problem to which there is no solution, and this is not acceptable. Additionally, the traffic report only considers the two Gentoo planning applications for building in the area which have been currently submit, and not the potential site south of Emsworth Road. It is also based on data from 3 years ago, which is possibly not reflective of the true future use of the junction, which can't be determined currently due to the ongoing coronavirus pandemic and the impact that has on current traffic.

The issues raised above will be addressed within the main body of the report.

Statement of Community Involvement

Prior to submission, the developer undertook a leaflet drop which contained details of a website containing information on the proposals and other activities undertaken by Gentoo in the area. This leaflet, providing details of the proposals was sent to 1,500 local residents between the dates of 23rd September and 26th September. The applicant also contacted Ward Cllrs and local stakeholders, including residents' associations to inform of the proposals and to address any queries.

It should be noted that the responses to the public consultation event were done so on the basis of a fully worked up detailed scheme which has since been amended to an outline submission. Out of the 1,500 leaflets dropped a total of 24 responses were received whilst a further 15 responses were made directly via the website. The developer has confirmed that whilst direct responses to the leaflet drop were low, significantly larger engagement took place via social media posts on platforms including Facebook and twitter through 'liking a post' commenting, or 'retweeting'. The SCI, including the questions posed and responses received can be viewed online as part of the supplementary information submitted with the application.

External consultee responses

County Archaeologist - In summary, the comments from the County Archaeologist qualify that proposed development area is identified to be located in an area associated with pre-historic

activity. The desk-based assessment does however demonstrate that the site has been extensively impacted by quarrying and landscaping. Some areas of the site do retain archaeological potential therefore further information should be provided with any future detailed application to determine whether an intermittent watching brief will be required.

Nexus

No objection offered, noting access to sustainable transport through bus stops within the vicinity of the site. Comments are offered in respect of the benefits of providing a broad range of access points in and out of the development to increase likelihood of residents making use of active travel modes and that consideration be given to a safe pedestrian crossing. Nexus have welcomed the intention of the developer to provide passenger information to residents within the Residential Travel Guide and would recommend, in line with nexus Planning Liaison Policy, that the developer meets the cost of two introductory tickets per dwelling, equalling 4 weeks travel per ticket to be introduced to residents via their welcome pack. This is recommended to be achieved via the imposition of a planning condition

Northumbria Police (Designing out Crime Officer)

Raised objections to the initial indicative layout qualifying that they had concerns over resident's safety and security due to the levels of pedestrian permeability throughout the site. This included the potential inclusion of 'green fingers' and a multi-user route crossing the site. A revised 'indicative options' plan has been provided which presents a more traditional back-to-back garden arrangement and the Designing out Crime Officer has removed the objection.

Fire Safety Officer

No objections offered

Northumbrian Water

No objection is offered subject to the imposition of a condition requiring that the application be approved in accordance with Flood Risk Assessment and Drainage Strategy.

Northern Powergrid

No objections offered

Natural England

No objection offered subject to appropriate mitigation being secured with regard to ensuring upgrades to the existing footpath network adjacent to the Suitable Alternative Natural Green Space (SANGS) are in place prior to first occupation of the development and the mitigation measures set out in the Report to Inform Habitats Regulations Assessment.

Internal consultee responses

Highway Engineers

The Council's Highway Engineers have provided a response on the proposal offering comments on matters relating to site location, access, visibility and layout, pedestrian safety, pedestrian access, stopping up arrangements, on-site parking, servicing and trip generation and

distribution on the local road network, the travel plan and road safety. The comments are discussed in detail within Section 6 of this report.

Lead Local Flood Officer

No objections to the proposal subject to the imposition of a condition requiring final details need to be submitted with regards to detailed hydraulic calculations, provision of source controls SUDS and detailed drainage drawings in line with final proposals and site layout.

Environmental Health

Considers that the proposed development is acceptable in principle subject to the inclusion of conditions in relation to noise and a Construction Environmental Management Plan (CEMP).

Ecology

The Council's Ecological Consultant has offered the following comments in response to consultation:

- Habitats

Botanical surveys of the proposed development site were completed in line with current guidelines and at an appropriate time of year to allow an accurate assessment to be made of the nature of the habitats on site. The site supports locally common plant species typical of such habitats and the surrounding area and the assessment of their value as set out in the EclA is considered to be appropriate.

A high proportion of the existing tree cover within the site will be lost through the proposals, which is of value to a range of protected or notable species, as well as being of value in its own right; while it is accepted that it will not be possible to retain all of, or replace the woodland on site, tree planting should be included within the site design wherever possible, with such habitats subject to appropriate lighting strategies where features are created with the aim of benefitting wildlife such as bats and breeding birds.

A biodiversity net gain (BNG) assessment using the most up-to-date version of the metric should be provided to quantify the proposed changes, and to ensure that an overall increase in biodiversity within the site is achieved.

- Protected and Notable Species

Potential impacts upon species such as great crested newt, otter, water vole and other aquatic species were scoped out of the assessment based on the lack of accessible aquatic habitat in the area surrounding the site.

No evidence confirming the presence of badger was recorded; site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of the species being adversely affected in the event a population persists in the local area.

Evidence of squirrel activity was recorded on site, which was considered most likely to relate to grey squirrels based on the lack of red squirrel records in the area, the large number of grey squirrel records, and the lack of connectivity to known populations of red squirrel.

Bat transect surveys and remote monitoring found that the site was used by a small range of locally common species as a foraging area, with activity focused around the woodland edge

towards the centre of the site. No data was gathered from the spring period however, based on the nature of the habitats present and the results of the summer and autumn work, it is not considered that data from earlier in the year would result in any changes to the site assessment or nature of the mitigation works proposed. A small number of trees with low bat roost suitability are present which will be affected by the proposals; the residual risk of bats being present will be addressed through appropriate working methods.

It is accepted that habitats on site have some potential for reptiles, and that current anti-social activities on the site hindered the potential for survey data to be gathered. Site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of such species being adversely affected.

Populations of Dingy Skipper and Small Heath butterflies (Priority Species) were identified on site; the plans submitted with the application (Figure 5 of the EclA) should be updated to confirm where Small Heath were recorded in the event of a full planning application being made. Habitats with the potential to support both species should be retained and/or created within the site and will be subject to an appropriate management strategy for the lifetime of the development. Where it is not possible to retain such habitats in situ, turves from areas in which such species were recorded should be stripped and translocated to an appropriate location within the site.

Appropriately precautionary working methods will be required to minimise the risk of other species, such as hedgehog, being adversely affected. The site supports a small range of locally common bird species during the wintering and breeding periods, including a number of conservation concern. As the Birds of Conservation Concern (BoCC) lists were updated in early December 2021, which affected the conservation status of a number of species recorded on the site, e.g. Greenfinch moving from the Green to Red list, the reports submitted in support of any full planning application should be updated to reflect this change. However, the assessment of value as based on the number and range of species present, and the associated mitigation strategy are considered to be robust for the purposes of this assessment, with habitats suitable to support such species to be retained or created within the site through the development. The site is not considered to have the potential to support species which form the qualifying interests of the sites of ornithological importance along the coast. Japanese rose was recorded on site which should be removed through the works by an appropriately licensed contractor.

- Biodiversity Net Gain (BNG)

Based on the supplementary documents referring to BNG, the Council's Ecology advisor is satisfied with the arguments that have been presented in relation to the proposals resulting in a net gain for biodiversity which cannot be illustrated through the current version of the BNG metric. In this regard, there is a number of factors included which cannot be taken into account in the calculations, but which have the potential to be of real benefit to local ecology / wildlife. On this basis, it is recommended that the following the suggestion that part of the financial contributions from the schemes be used towards providing ecological enhancement / management of the SANG and SSSIs wherever possible due to the obvious benefits of such works and their close proximity to the proposed housing sites.

- Designated Sites

The site lies within the impact risk zone of a series of designated sites, including Carley Hill and Fulwell Quarries SSSI, and the Northumbria Coast SPA and Durham Coast SAC.

Due to the proximity of the proposed development site to another proposed residential development by the applicant (referred to as the 'Carley Hill' site for which full planning permission is currently being sought (21/02679/FU4)) the assessments submitted take into account the potential effects of both sites, in order to ensure a robust assessment and mitigation strategy are in place.

The documents submitted indicate that the proposals have the potential to result in likely significant effects as a result of indirect disturbance upon the coastal designations via increased recreational pressure in the absence of mitigation. Such impacts will be mitigated via a per unit financial contribution to the Council's Strategic Access Management and Monitoring (SAMM) strategy, and the provision of Suitable Alternative Natural Green Space (SANG) which is linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the objectives of the SANG are met, this area must be available for use prior to occupation of the first property.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition. Site design measures have been built into the indicative landscape plans to create a buffer zone between the proposed development area and the SSSI, which will support habitats of ecological value both in their own right and for a range of species, with a series of further measures designed to help reduce the effects of anti-social behaviour on the sites also included within the documents, which should be secured via condition.

No objection, subject to the implementation of the implementation of a series of planning conditions as outlined below.

Landscape Architect

No objection in principle although the comments note that given the large number of trees that are to be removed from the site, the success of the scheme will be dependent on the quality of the landscaping scheme that comes forward through the reserved matters application. In this regard, the indicative masterplan, which includes extensive tree planting throughout the site is welcomed although new trees should be planted as large specimens and there are concerns that the tree planting along the front of Emsworth Road may not be possible due to existing underground services and would request assurances that this can be carried out prior to any decision being made.

Tree Officer

Qualified that the Arb Impact assessment is a fair and accurate record of the current conditions on the site with the main harm in terms of loss of amenity resulting from the loss of the group/plantation G3 located to the front of the site adjacent to the main road. G3 comprises a semi mature group that is made up of fairly poor-quality trees that have suffered serious damage from the recent storm force winds. There is also a high proportion of Ash trees within this group which are likely to have a very short safe useful life potential as a result of Ash die back which is well established in the area. This description could be applied to all of the group plantations within the site although in terms of visual amenity are lower as they are less prominent within the street scene.

Considering the significant anticipated loss of trees on the site it will be important to secure a high quality and detailed landscape scheme which focuses on replacement tree planting on public open space areas in order to mitigate the loss of the existing tree cover. It will be

especially important to focus on the front of the site adjacent to Emsworth Road. This element is key in ensuring that the amenity of the trees is properly considered.

As the proposal is outline with all matters reserved it will be necessary to provide an updated Arb impact assessment when the final design is known together with an Arb method statement and Tree Protection scheme that is designed to ensure that trees that are identified to be retained, can be protected during the construction process. Detailed soft landscaping proposals should accompany the reserved matters application at an early stage in order to consider whether it is sufficient to mitigate the anticipated proposed tree losses.

COMMENTS:

Planning policy background

In England there is a hierarchical structure of policy covering national and local planning. At a national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the policies in the Core Strategy and Development Plan 2015-2033 (CSDP) together with saved policies from the City Council's Unitary Development Plan (UDP). The Draft Allocations and Designations Plan is emerging planning policy and as it progresses through the adoption process will gain further weight in the assessment of applications.

National Planning Policy Framework (NPPF)

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. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and 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.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Core Strategy Development Plan

The following CSDP policies are material to the consideration of this application:

CSDP Policy BH1 - Design quality
CSDP Policy BH2 - Sustainable design and construction
CSDP Policy BH9 - Archaeology and recording of heritage assets
CSDP Policy SP1 - Development Strategy
CSDP Policy SP4 - North Sunderland
CSDP Policy SP7 - Healthy and safe communities
CSDP Policy SP8 - Housing supply and delivery
CSDP Policy H1 - Housing mix
CSDP Policy H2 - Affordable housing
CSDP Policy HS1 - Quality of life and amenity
CSDP Policy HS2 - Noise sensitive development
CSDP Policy HS3 - Contaminated land
CSDP Policy NE2 - Biodiversity and geodiversity
CSDP Policy NE3 - Woodland's hedgerows and trees
CSDP Policy NE4 - Greenspace
CSDP Policy NE6 - Green Belt
CSDP Policy NE9 - Landscape character
CSDP Policy WWE2 - Flood risk and coastal management
CSDP Policy WWE3 - Water management
CSDP Policy WWE4 - Water quality
CSDP Policy WWE5 - Disposal of foul water
CSDP Policy ST2 - Local road network
CSDP Policy ST3 - Development and transport
CSDP Policy ID1 - Delivering infrastructure
CSDP Policy ID2 - Planning obligations

Saved Unitary Development Plan Policies

The following retained or partially retained UDP policies are material to the consideration of this application.

UDP Policy NA20 - Recreational and cultural facilities

UDP Policy NA7.6 - Land for housing

Supplementary Planning Documents (SPD)

Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs) or saved UDP policies. SPDs are a material consideration in the assessment and determination of any planning application. The following SPDs are considered relevant to this application.

- o The Development Management SPD (Sections 3 and 4)

- o Planning Obligations SPD

Planning Assessment

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

1. Principle of the development including land use implications
2. Housing policy
3. Design, layout and visual impact;
4. Residential amenity;
5. Health and wellbeing;
6. Highways and transportation;
7. Landscape and ecology;
8. Flood risk;
9. Land contamination and stability;
10. Archaeology;
11. Sustainability;
12. Economic impacts; and
13. Planning obligations

1. Principle of the development/land use implications

Strategic 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 deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It further states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the existing urban area and emphasising the need to develop in sustainable locations.

CSDP Policy SP4 'North Sunderland' states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability.

CSDP Policy SP7 'Healthy and safe communities' sets out that the council will seek to improve health and wellbeing in Sunderland through a range of measures, stipulating that large scale development should be accompanied by a Health Impact Assessment (HIA)

CSDP Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

CSDP NE6 'Green Belt' protecting Green Belt from inappropriate development.

With regard to the above, it is considered that the proposed development would be in a sustainable location with good access to public transport, and for the purposes of housing delivery it would assist in meeting the Council's housing requirement. In this regard the proposal would accord with Policies SP1 SP4 and SP8 of the adopted CSDP. With regard to Policy SP7, the developer has submitted a HIA with the application. The purpose of a HIA is to undertake an analysis of the positive and negative impacts that might result from a development (for example the creation of jobs/being a positive or the generation of pollution being classed as a negative).

A matrix has been provided which offers an assessment on a variety of themes including populations, access to healthy foods, access to open space and nature, accessibility to healthy travel, social cohesion, air quality and noise, crime reduction and community safety, access to work, climate change and use of resources.

This document has been considered by the Council's Public Health Team and is discussed in further detail within Section 5 of this report.

As set out within the Council's Planning Policy teams consultation response, the eastern most section of the land is subject to a longstanding UDP allocation for housing under the partially saved policy HA7.6 with the majority of the remainder of the site designated as greenspace under partially retained UDP Policy NA20. The most northern part of the redlined site (as presented by the submitted location plan) is allocated as Green Belt. The site in its entirety (forming part of a large swathe of greenspace) is considered to form natural or semi natural greenspace within the Council's Greenspace Audit (2020).

Going forward, the Council's emerging Allocations and Designations Plan (A & D Plan) (December 2020), proposes to allocate the site (save the northern section which is retained as Green Belt) for housing under draft Policy H8.27. In terms of how much weight to give the draft policy, the provisions of the NPPF are relevant. The NPPF, at paragraph 48, states that;

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to the above, the Planning Policy section of the Council's website confirms that:

"The Council consulted on the Draft Allocations and Designations Plan between 18 December 2020 and 12 February 2021. Representations are currently being logged and taken into consideration".

In addition, the A & D Plan, at paragraph 1.7, outlines

"The Plan has been prepared in accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and legislation"

In this regard, the A & D Plan is not currently an adopted Council document and, whilst it is clear from the draft land use allocation that the Council's aspirations are for the site to be brought forward for housing, it can only be afforded limited weight at this time.

Although it is acknowledged that the site is identified as amenity greenspace in the Council's Greenspace Audit 2020, it is noted, at chapter 6 of the Audit, that recommendations for those sites which could be released for development (i.e., those which are proposed to be allocated as housing sites within the Draft A&D Plan), could be deemed acceptable providing that an improved quality of greenspace for the area can be provided. This position is clear insofar that

the release will only be deemed to be acceptable on the basis that upgrades/contributions towards open space improvements within Fulwell Quarries are provided.

The above position aligns appropriately with CSDP Policy NE4 which sets out at criterion 3 that all major residential development will provide:

- I. A minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- II. A financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

And at criterion 4 of policy NE4 that;

Development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. The proposal is accompanied by an assessment which identifies it as being surplus to requirements; or
- II. A replacement facility which is equivalent in terms of usefulness is provided; or
- III. A contribution is made to the Council for new offsite provision.

With regard to criterion 3, the site in its entirety amounts to some 4.81-hectares and based on the build zone parameters plan, the proposals will seek to retain some 1.9 hectares of greenspace. Evidently the scheme is in outline form and therefore certainly over final bedspaces cannot be provided at this time, however, based on typical estimates of 4 and even 5 bed spaces being provided per 3-bedroom dwelling, both the illustrative and parameter plans indicate that there is more than sufficient scope to provide onsite greenspace to meet the requirements of criterion 3 (i).

With regard to criterion 4 (iii), the applicant has agreed to make a financial contribution to improve local open space provision. This will be directed to Fulwell Quarry.

In light of the above, it is considered that the policy requirements of NE4 have been met and that appropriate mitigation has been secured to ensure that the development will not have detrimentally adverse impact on the amenity and recreational impacts of the area.

As has been touched on above, it is observed that the 'red line' of the planning application includes land which is beyond the boundary of the housing allocation identified by policy H8.27 of the emerging Allocations and Designations Plan. The area in question represents an area of 0.6 hectares or some 12.5% of the overall site, running horizontally to the north. The purpose of including this strip of land into the site's boundary is to enable substantially improved landscaping to take place, to create a robust and recognisable border to the built form and to clearly define a defensible Green Belt boundary for the future. It is unequivocally set out within the planning submission that the area of Green Belt included within the red line will not contain any built form (as highlighted on the Build Zone Parameters Plan) but will be enhanced through improved planting and though its role as a landscape buffer to Fulwell Quarry SSSI.

The planting of trees, plants, shrubs and grass and general improvements to soft landscaping do not constitute development for planning purposes and therefore such works do not require planning permission from the Council as Local Planning Authority nor do they require to be assessed under Green Belt Policies set out under CSDP Policy NE6 or the NPPF. Subject to arriving at a positive recommendation, the Build Zone Parameters Plan would be conditioned thereby ensuring that there would be no built encroachment into the Green Belt.

Conclusion in respect of land use implications

The proposal accords with the strategic aims set out within Policies SP1, SP4, SP7 and SP8 insofar that it will provide regeneration and housing delivery within a sustainable location with good access to public transport.

With regard to CSDP Policy NE4, the loss of open space has been appropriately mitigated through the provision of a financial contribution which will serve to provide the enhancement of nearby open space in Fulwell Quarry.

The developable build zone will not extend into the adjacent area of Green Belt and thus the proposal will not conflict with Green Belt Policy.

As such, the principle of utilising the site for new residential homes is considered to be broadly acceptable, subject to appropriately addressing the matters below.

2. Housing policy

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

With regard to the above, the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies potential housing sites and the likely timeframe for their development. This assists with demonstrating a sufficient supply of land for housing to meet the identified need, and, in respect of this site, the SHLAA sets out that there is potential to accommodate around 100 dwelling houses at a density of 33 dwellings per hectare. Within this context it does need to be recognised that the (SHLAA) report is not a policy document and whilst identifying land with the potential to accommodate housing, it does not determine whether a site should be allocated for housing as part of the Local Plan or be granted planning permission for housing, nor does it dictate a definitive density.

As touched on within the open space section above, the draft Allocations and Designations Plan will, subject to formal adoption, allocate the site for housing going forward but only limited weight can be given to the A & D plan at this time.

CSDP Policy H1 advises that residential development should create mixed and sustainable communities by;

- o contributing to meeting affordable housing needs, market housing demand and specialist housing needs as identified through the Council's Strategic Housing Market Assessment (SHMA) or other evidence,
- o providing a mix of tenures and sizes which is appropriate to its location;
- o achieving appropriate density for its location which takes into account the character of the area and level of accessibility;

In addition, and where development is appropriate and justified, policy H1 also seeks to ensure that there is a choice of suitable accommodation for older people and those with special housing needs, including bungalows and extra care housing.

Additionally, Policy H2 of the CSDP states that all developments of 10 or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. As a general rule, such affordable housing should be provided on-site in order to help achieve mixed and balanced communities, however, exceptionally, offsite provision or a financial contribution made in lieu, can may be considered acceptable where it can be justified. The housing needs to be retained in affordable use in perpetuity and reflect the latest available evidence with regards to the tenure split and size of dwellings.

The applicant, Gentoo, has set out within their submission that they are planning to deliver a 100% affordable housing scheme on this site subject to receipt of funding from Homes England and Homes England have qualified that the scheme appears to meet the over-arching principles of their Affordable Homes Programme (AHP) and that it has been included in their pipeline of projects to potentially receive funding subject to support from the Local Authority.

The AHP grant is made available only for affordable housing projects and without the grant the development would not be viable and so would be unlikely to come forward for delivery as affordable housing.

The potential for the creation of 100% affordable housing across the site is welcomed and substantial weight is given to this accordingly, whilst site is also accessible by public transport and is in a sustainable location with regard to access to local shops, services, recreational and community facilities.

In this regard there is considered to be no conflict Policies H1 and H2.

3. Design, layout and visual impact

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high quality architecture, detailing and building materials.

The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF goes on to state that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor

design that fails to take the opportunities available for improving the character and quality of an area.

Within appendix 1 of the emerging Allocations and Designations Plan the site-specific policy requirements are set out. Again, qualification must be given that only limited weight can be given to this document, but it does nonetheless provide appropriate parameters and best practice for the future development of the site. In terms of design and layout such measures include ensuring that;

- o a suitable buffer is provided to the existing residential properties to the east and west
- o an active frontage is provided to Emsworth Road
- o the layout responds to the topography and long distant views of the site
- o that the design and layout are informed by ecological mitigation hierarchy
- o that the tree belt to the western and southern edges and hedgerows are maintained where possible

Given the outline nature of the submission, detailed designs and layouts have not been worked up at this time. Notwithstanding, it is incumbent on the developer to satisfactorily demonstrate that the site has the potential to be developed appropriately taking into consideration all relevant constraints including densities, spacing, levels of internal amenity and those areas as highlighted within the A&D Plan.

In this respect the application has been accompanied by indicative layouts and illustrative masterplans and landscape plans as well as a parameter plan which defines the areas within which the future built development will be restricted to.

In terms of density, it is noted that the maximum number of dwellings sought by the developer on the land is 110 which is broadly in line with the recommendation of 100 as set out within the SHLAA and the emerging A&D Plan.

The submission in terms of evaluating how the layout of the development could come forward, has been revised to accommodate initial concerns expressed by Northumbria Police by way of their designing out crime officer as set out within the consultee comments above. Whilst this revision demonstrated that the concerns relating to permeability through the site could be overcome from a safety/security perspective, the revised design and layout as presented, is not definitive and is likely to be subject to changes within the reserved matters submission.

With regard to the comments above, it is also important that established footpath links should be retained to provide a connection into the existing network, in order to create a legible and permeable development and provide routes to adjacent areas for recreational use, including the allocated site of alternative natural green space (SANG) which lies to the east of the site. In this regard the proposed footpath links shown on the New Access, Pedestrian and Cycle Routes Parameters Plan and Illustrative Site Plan demonstrate that there are ample opportunities for recreational walks whilst seeking to mitigate the impact of the development upon the nearby site of special scientific interest (SSSI). These aims, will need to be balanced against the comments offered by the designing out crime officer when producing the final site layout at the reserved matters stage.

The illustrative layouts demonstrate that the individual plots would likely benefit from good levels of amenity with appropriately sized gardens whilst it has also been established within the open space section of this report that an adequate level of on-site amenity open space can be provided within the development. This would include new areas of landscape and planting which is discussed further in section 7.

The site is set within a largely residential area with residential properties located to the east, west and on the opposing side of Emsworth Road and development for housing would be in keeping within this context.

In light of the above reasoning, it is considered that a suitable scheme can be brought forward at the density sought with the indicative plans demonstrating that a workable layout can be both achievable and appropriate to the character and context of the area. In this regard the proposal is considered to be in accordance with the NPPF and Policy BH1 of the CSDP.

4. Residential amenity

Policy BH1 of the Council's Core Strategy and Development Plan also seeks to achieve positive improvement by retaining acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

This is reinforced through Paragraph 127 of the NPPF which states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

The NPPF continues that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life (in accordance with the Noise Policy for England).

As has been set out in Section 3, it is considered that the density sought through this submission can be accommodated appropriately within the context of the site thus providing reassurance that satisfactory on-site amenity for future residents can be provided. This would manifest through appropriate plot sizes and through the developer's assurances that all new dwellings will meet national space standards.

The indicative layout also provides assurances that a suitable physical buffer can be retained between the existing residential developments to the east and west in line with spacing standards set out within the Council's adopted Development Management SPD to ensure adequate levels of light and outlook will be retained.

In terms of noise, the Council's Environmental health Officer is satisfied that appropriate living conditions can be achieved on site. A condition would need to be attached to any consent granted to ensure that a detailed scheme for noise mitigation measures is submitted for

agreement and approval of the Local Planning Authority prior to commencement of works on site.

In order to mitigate impacts arising during the construction phase, it will be necessary for a Construction Environmental Management Plan to be submitted prior to works commencing on site and this would also need to be a condition of approval.

In considering the above, it is considered that the future residential development of the site can provide appropriate amenity for prospective residents and coexist satisfactorily with adjacent residential occupiers, in accordance with the requirements of policy BH1 and HS1 of the CSDP and the NPPF.

5. Health and wellbeing

CSDP SP7 'Healthy and safe communities' seek to improve health and wellbeing in Sunderland by ensuring that new developments are;

1. age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
2. have a strong sense of place which encourages social interaction;
3. are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space;
4. promote improvements and enhance accessibility to the city's natural, built and historic environments;
5. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
6. appropriately address any contaminated land to an acceptable level (Policy HS3); and
7. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

With regard to the above, it is considered that indicative layouts and supporting information provide qualification as to the sustainable location close to open space, transport hubs and local amenities, offer sufficient assurances that the future development of the site can satisfactorily support the aims and objectives of Policy SP7.

In accordance with criteria 7, the application has been supported by HIA which has been scrutinised by the Council. Some additional clarifications were requested from the developer on matters pertaining to the accessibility and adaptability of the future properties, whether the dwellings would meet nationally prescribed spacing standards, capacity within nearby schools and medical centres and whether there will be apprenticeships and real living wage paid to employees involved in the construction works.

In response it has been confirmed that the homes will meet M4(2) accessibility requirements which is the Building Regulation standard met when a new dwelling provides reasonable provision for most people to access a dwelling and includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users.

Confirmation has also been received that the dwellings to come forward at the reserved matters stage would meet national spaces standards as a minimum.

With regards to schools and nearby medical centres, the Councils Education Officer has confirmed that the Council has already created the places at the new Willow Wood Primary School in 2021 that would be required to facilitate the projected increase in pupil numbers as a consequence of this development, whilst the NHS who routinely monitor new residential development submissions have sought not to offer any observations to this proposal.

With regard to the final point for clarification the applicant has confirmed that, whilst not a planning policy requirement, it is appreciated that weight is placed on this in the City Plan to ensure more local people have better qualifications and skills as part of Sunderland being a Dynamic Smart City with a goal for Sunderland to be a Real Living Wage city. In this regard they have qualified that all Gentoo employees are paid the Living Wage and the company is an accredited Living Wage Employer. The response also highlights that Gentoo is committed to providing employment and training opportunities through an apprenticeship programme and since being formed in 2001, Gentoo has created 277 apprenticeship opportunities and 90% have gone on to secure a full time, permanent job with the company. The response advises that there are currently 24 people in apprenticeships at Gentoo in both trades (gas, electric, plumbing etc.) and office-based roles (paralegal, business admin, human resources, procurement etc.). Gentoo also encourages its contractors to provide apprenticeships across various disciplines including bricklaying, plumbing, plastering, engineering and quantity surveying. Contractors are also encouraged to engage with young people in the local area during construction through careers talks, workshops and other activities in both primary and secondary schools to develop knowledge and skills.

With regard to the above, the developer has qualified that the Fulwell Quarry and Carley Hill developments will safeguard apprenticeships both within Gentoo and its contractors. Furthermore, Gentoo's Wise Steps programme also provides specialist support to help tenants take positive steps towards securing employment. Last year, 72 tenants were supported by the programme.

Overall, it is considered that the development meets the aims and objectives of improving health and wellbeing in Sunderland in line with CSDP SP7.

6. Highways and transportation

Policy ST2 of the Council's CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- o new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- o they deliver safe and adequate means of access, egress and internal circulation;
- o where an existing access is to be used, it is improved as necessary;
- o they are assessed and determined against current standards for the category of road;
- o they have safe and convenient access for sustainable transport modes;
- o they will not create a severe impact on the safe operation of the highway network.

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

- o appropriate opportunities to promote sustainable transport modes can be taken up;
- o that safe and suitable access to the site can be achieved for all users; and
- o that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 112 goes on to advise that within the context of paragraph 110, applications for development should:

- o give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- o address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- o create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- o allow for the efficient delivery of goods and access by service and emergency vehicles;
- o be designed to enable charging of plug-in and other ultra-low emissions vehicles.

The submission in its current outline form, does not set out a fixed point of access to the site although an access parameters plan has been provided which provides key areas along the southern curtilage of the site within which vehicular access could be taken as well as setting out key pedestrian links (north-south axis and east-west axis) which will be provided as part of the future reserved matters submission. The internal road layout associated with the development will be also be determined as part of a reserved matter.

With regard to the access parameters plan and indicative layout, the Council's Highway Officer is satisfied that both a suitable access point can be achieved from Emsworth Road and an appropriate level of internal parking can be provided based on the quantum of development proposed and when taking highway safety matters into perspective. The Highway Officer has however stipulated that a ghost island right turn lane along with a pedestrian refuge should be provided on Emsworth Road. A condition would therefore be placed on any outline consent granted to ensure that satisfactory visibility splays (in respect of the access point) and a right turn lane ghost island and pedestrian refuge within the existing carriageway of Emsworth Road are provided and in situ prior to first occupation of the development.

Through the access parameters plan and more prescriptively through the indicative site layouts, the submission demonstrates that appropriate access points and routes through the development can be achieved. An order authorising the stopping up of any highway rights will need to be made and the new routes provided on site, which will be defined at the reserved matters stage and will be dedicated as highway under Section 38 of the Highways Act. The parameters plan also set out deterrent measures for illegal motorcycle access with the scheme proposing to incorporate an 'A Frame' entrance feature to prevent such access through the site to the SSSI/Quarry.

The Highway Officer has qualified that the site is sustainably located, situated within easy walking distance of bus stops and relatively close by to a metro station and the facilities and amenities available in the local area.

A Transport Statement (TS) has been submitted with the application. The proposed trip generation from the development is predicted to generate 48 and 53 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The highest impact would be on Old Mill Road, where approximately 30 two-way vehicle trips would be generated during the weekday AM and PM peak hours. On average this equates to less than one additional vehicle on the network every two minutes in both directions during both peak hours. This is considered to be acceptable.

The Council's Highways Officers also requested that a sensitivity assessment was undertaken to account for the cumulative impact of the proposed development and the proposed residential development comprising 115 dwellings at Carley Hill, located approximately 500m to the east of the proposed development site for which a separate full planning application has been submitted. The assessment was undertaken with specific regard to the impact on operation of the Carley Hill Road / B1291 Thompson Road / Carley Road four-arm priority junction located to the south east of the site.

It is noted that the table within the TS indicates that the proposed developments are predicted to have a cumulative impact of 27 and 30 two-way vehicle trips at the junction during the weekday AM and weekday PM peak hours, respectively. This equates to a cumulative impact of approximately one additional vehicle at the junction every two minutes during the weekday AM and PM peak hours.

The Highway Officer has confirmed that this would not represent a material impact on the operation of the junction.

With regard to the above and whilst it is noted that concerns have been expressed by a local Ward Member in relation to traffic generation, the Council's highway officer is satisfied that the cumulative traffic impact of both developments would be accommodated satisfactorily on the existing local highway network and would not represent a material impact on the operation of the Carley Hill Road / B1291 Thompson Road junction.

Whilst the results of the requested sensitivity testing note that traffic generated by the proposal will increase demand on use of the Carley Hill Road / Thompson Road junction during peak periods and result in some additional queuing on the Carley Hill Road leg during peak demand, the residual cumulative impacts of the proposed development are not considered severe within the context of Paragraph 111 of the NPPF and on this basis no objection has been offered by the Highway Officer.

An outline Travel Plan has been submitted with the application which has been amended in line with comments from Nexus and the Council's Highway Officer to provide assurances that they will meet the costs of two introductory tickets per dwelling equalling four weeks travel per ticket to be introduced to residents via their welcome pack. This will serve to encourage a greater take up of public transport overall and will be offered to residents as part of the Residents Welcome Pack. The Travel Plan will be conditioned as part of any consent granted.

The Highways Officer has welcomed the intention to provide each new home with a dedicated electric vehicle charging point, or wiring suitable for an electric vehicle charging point, to encourage the uptake of electric cars. A condition will be placed on any consent granted to confirm final details of these installations.

7. Landscape and ecology

CSDP Policy NE3 supports the retention and protection of valuable trees within development proposals whilst CSDP NE9 states that proposals should incorporate high quality landscape design, implementation and management.

The application has been accompanied by a Landscape Appraisal which offers analysis and overview of the site and surrounding context. The site lies within the wider extent of Landscape Character Type 8 (Coastal Limestone Plateau as set out within the City of Sunderland Landscape Character Assessment 2015) and was previously a quarry and landfill site which has

since been remediated and restored. Currently the site comprises natural and semi natural greenspace with extensive blocks of mature mixed tree and shrub planting blocks around the edges and in the central area of the site within unmanaged grassland. The most visually prominent area of tree planting is found along the southern curtilage of the site adjacent to Emsworth Road although a further tree belt runs adjacent to the western boundary.

Although the proposed landscaping of the site is reserved for subsequent approval, the application does make it clear through the build zone parameter plan and indicative layouts that future residential development of the site would be dependent on the removal of the southern and western tree belts. In this regard, advice from both the Councils landscape architect and tree consultant has been sought to ascertain the landscaping implications of this approach.

In response to consultation, the landscape architect has noted that the proposals will result in the removal of almost all of the existing trees on site, qualifying that the trees are important, attractive features within the landscape and contribute to the landscape character of the area and its visual amenity. In addition, the response also notes that the proposal would result in the removal of an existing well-maintained hedge and estate railing which run alongside an existing public footpath along Emsworth Rd. It is considered that these features are also important landscape features contributing to the visual amenity of the site and the landscape character.

Following inspection by the Council's Tree consultant they have confirmed that the Arboricultural Impact Assessment provides a fair and accurate record of what is on the site whilst noting that the main harm in terms of loss of amenity will arise from the loss of the group/plantation G3 located to the front of the site adjacent to the Emsworth Road. The Council's consultant has however noted that individually, this semi mature group is made up of fairly poor-quality trees that have suffered serious damage from the recent storm force winds. The comments also note that there is a high proportion of Ash trees within this group which are likely to have a very short safe useful life potential as a result of Ash die back which is well established in the area. This description could be applied to all of the group's plantations within the site although in terms of visual amenity are lower as they are less prominent within the street scene.

Both the Council's landscape architect and tree officer have stipulated that the significant anticipated loss of trees on the site will need to be mitigated by a high quality and detailed landscape scheme which focuses on replacement tree planting within public open space with particular regard given to the frontage of the site.

The provision of a high-quality replacement planting scheme, particularly across the frontage of the site would be crucial and, in this regard, the indicative landscape masterplan demonstrates that there is scope to provide extensive areas of tree planting throughout the development which would be welcomed. This includes a formal row of trees to the front of the development, notable lengths of new hedging and significant landscaping improvements within the Green Belt buffer to the north of the site. Assurances have been sought and received from the developer that the land to the front of the site on Emsworth Road is capable of accommodating new trees. Both the Council's landscape architect and tree officer have stated that new trees within the public domain should be planted as large specimens to ensure that the trees provide visual and amenity compensation of those to be removed and this will be expected to be laid out as part of a future reserved matter submission.

Overall, whilst the loss of trees from the site, particularly across the frontage, is regrettable. Both the Council's landscape architect and tree officer are satisfied that a high-quality landscaping scheme submitted at the reserved matters stage can provide appropriate mitigation. In this

regard, the proposal, insofar this will be required to provide a quality compensatory planting scheme, is considered broadly reflect the aims and objectives of CSDP Policies NE3 and NE9.

In turning to ecological matters, the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. The NPPF continues that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied a raft of assessments, comprising of an Ecological Impact Assessment (EclA), an Ornithological Assessment, a Walkover Assessment, a Report to Inform a Habitats Regulation Assessment and a planning note and metric regarding biodiversity net gain calculations in respect of pre and post development of the site. The documents have been considered by the Council's consultant Ecologist who has offered comment on the proposals impacts on habitats, protected and notable species and designated sites.

In this regard the consultation response reiterates observations offered by the Council's Landscape Architect and Tree Officer, noting that a high proportion of the existing tree cover within the site will be lost through the proposals, which are of value to a range of protected or notable species, as well as being of value in its own right. In this regard and whilst the response accepts that it will not be possible to retain all of, or replace the woodland on site, new tree planting should be included within the site design wherever possible, with such habitats subject to appropriate lighting strategies where features are created with the aim of benefitting wildlife such as bats and breeding birds.

In summary, the ecologist is satisfied that the submission, in terms of appropriately assessing and mitigating impacts on habitats, protected and notable species is acceptable, and a number of planning conditions have been advised to be attached to any consent granted. Conditions that would need to be imposed include the submission of an Ecological Construction Environmental Management Plan which will amongst other matters confirm the roles and responsibilities of those involved in ensuring the protection of features of ecological value during the construction phase, detail habitat and species-specific measures to reduce biodiversity impacts during the construction phase and the biosecurity protocols to be implemented to ensure the protection of those habitats, species, and sites within or in close proximity to the development area during the construction phase. The future development of the site will also be required to deliver the mitigation and compensation measures that have been set out in Sections 5.2 and 5.3 of the accompanying Ecological Impact Assessment. These mitigation measures are set out below for information.

- o Site design in relation to lighting will be sympathetic to retained and habitat features including boundary habitats and created features within the site (enabling "dark corridors"), and in accordance with highway and street lighting requirements.
- o Site clearance works will not be undertaken during the nesting bird season (March to August inclusive) unless advice is sought from a Suitably Qualified Ecologist (SQE).
- o Retained trees will be protected from damage during the construction phase in line with the recommendations in BS5837:2012.
- o Trees to be impacted by the development and assessed as being of 'low' suitability to roosting bats will be felled/pruned under a soft felling method statement.
- o Residual impacts of increased visitors to Fulwell & Carley Hill Quarries SSSI resulting from the development to be mitigated for, with the mechanism to secure to be agreed through the application. Specifically, mechanisms will be:
 - I. Barriers to be installed at the entrances of the SSSI in order to prohibit vehicular access to the site.
 - II. Installation of interpretation boards on the ecological/geological value of Fulwell Quarry SSSI within the SSSI itself
 - III. Information and awareness raising campaign conducted by Gentoo as Landlord to encourage residents to understand the value of the SSSI and to utilise the SANG.

The compensatory measures are:

- o Incorporation of opportunities for roosting bats and nesting birds via installation of bat/bird boxes. Number of boxes installed of each type should be determined by 10% of residential units proposed.
- o Hedge-line and scrub barrier on the northern edge of the development to reduce opportunities to access the designated sites of Fulwell Quarry to be planted (see Figure 3), comprising of native berry and seed-bearing species
- o A native planting strategy should be used for open areas and along northern boundary which includes areas of native woodland, scrub and wildflower meadows.

- o Planting of wildflower rich areas of grassland will use seed mixes of local provenance used such as 'Northumberland Meadow Seed Mix'.
- o An onsite habitat management plan to be drawn up and implemented by the Gentoo maintenance team which should include habitat for dingy skipper in the form of butterfly scrapes. BioC20-010 | Fulwell Quarry East ECIA Report V4 August 16, 2021 Page 26 of 56.
- o Onsite Interpretation Board to be installed within Butterfly Mitigation area to promote understanding of butterfly conservation areas.

A condition requiring an onsite habitat management plan pursuant to Section 5.3 of the Ecological Impact Assessment will also be attached for approval in writing by the Local Planning Authority to ensure the development retains the habitat creation and enhancement measures detailed above for the life of the development.

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement for an applicant to provide 10% biodiversity net gains. However, 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.

In terms of biodiversity net gain, the submitted report and metric calculations demonstrate that the current proposals for the development would result in a net loss of biodiversity units across the application site. Notwithstanding the identified loss, it is considered that this can be offset, to an acceptable level, by habitat creation (reduction in the impact on the adjacent SSSI, 10% of the new properties will have bat and bird boxes incorporated into the development, 20 butterfly scrapes, species rich grassland, native structural planting) within the areas of greenspace provided within the development and through the financial contributions being made towards both open space and HRA. Consequently, whilst it is acknowledged that the proposal, when using the Defra metric 3.0 methodology, does not provide a gain in biodiversity, the development will create numerous ecological enhancement opportunities not only the site but also within the wider area (including the adjacent SANG). These additional features whilst not forming part of the DEFRA metric are nevertheless an important material consideration in the overall planning assessment and should be seen as a benefit to the scheme.

The site lies within the impact risk zone of a series of designated sites, including Carley Hill and Fulwell Quarries SSSI, and the Northumbria Coast SPA and Durham Coast SAC.

Due to the proximity of the proposed development site to another proposed residential development by the applicant (referred to as the 'Carley Hill' site for which full planning permission is currently being sought (21/02679/FU4)) the assessments submitted take into account the potential effects of both sites, in order to ensure a robust assessment and mitigation strategy are in place.

The documents submitted indicate that the proposals have the potential to result in likely significant effects as a result of indirect disturbance upon the coastal designations via increased recreational pressure in the absence of mitigation. Such impacts will be mitigated via a per unit financial contribution of £557.14 to the Council's Strategic Access Management and Monitoring (SAMM) strategy, and the provision of Suitable Alternative Natural Green Space (SANG) which is linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the

objectives of the SANG are met, this area must be available for use prior to occupation of the first property.

Members should note that the applicant has agreed to make a financial contribution to this value and the making this contribution also addresses the concerns raised in Natural England's consultation response.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition.

As has been identified in the mitigation and compensatory measures above, site design measures have been built into the indicative landscape plans to create a buffer zone between the proposed development area and the SSSI, which will support habitats of ecological value both in their own right and for a range of species, with a series of further measures designed to help mitigate direct and indirect impacts of the development and reduce the effects of anti-social behaviour provided within the submitted documents. These include the provision of barriers to be installed at the entrances of the SSSI in order to prohibit vehicular access to the designated sites, the installation of interpretation boards on the ecological/geological value of Fulwell Quarry SSSI and an information and awareness raising campaign conducted by Gentoo as Landlord to encourage residents to understand the value of the SSSI and to utilise the SANG.

In conclusion, the Council's consultant Ecologist has raised no objection, advising that the proposal is acceptable in principle, subject to the implementation of a series of planning conditions in order to secure the protection and enhancement measures required to ensure features of ecological value within and around the site are protected through the development.

8. Flood risk

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- (b) the development is appropriately flood resistant and resilient.
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- (d) any residual risk can be safely managed.
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment which provides an overview of all potential sources of flood risk at the development site, including, coastal (no risk), fluvial (no risk), surface water (very low risk), groundwater (low risk) sewer (no risk) and infrastructure (no risk).

The drainage strategy is outline in nature and the final details will be approved through a subsequent reserved matter approval. The indicative drainage strategy comprising permeable paving, detention basin and a storage tank has been prepared to indicate how the site could possibly be developed and drainage provided. However, it is acknowledged that this will likely need to be reassessed once the final scheme details come forward in due course.

The submissions have been considered by the Council's Lead Local Flood Officer who is satisfied that an appropriate strategy can be provided on site. A condition will therefore need to be attached requiring final details to be submitted with regards to detailed hydraulic calculations, provision of source controls SUDS and detailed drainage drawings in line with final proposals and site layout. The condition will also ensure that foul flows and surface water pursuant to the drainage scheme are discharge to the combined sewer in Emsworth Road and that the surface water discharge rate shall not exceed the available capacity of 5.1 l/sec that has been identified in this sewer.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

9. Land contamination and stability

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

Paragraph 178 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase I Geo-Environmental Report, the conclusions of which have been accepted by the Local Planning Authority. In this regard there is considered to be no impediment to the development of the land based on ground conditions, subject to the imposition of planning conditions regarding the characterisation of the site (phase II report), the submission of a remediation scheme, confirmation of the implementation of the remediation scheme and reporting any unexpected contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

10. Archaeology

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policy BH9 states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ. However where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

As qualified by the County Archaeologist in their consultee response, the proposed development area is identified to be located in an area associated with prehistoric activity.

A ditched enclosure was identified in 1990 c.120m east of the proposed development area and radio-carbon dating has suggested that the site was occupied in the Bronze Age. A Roman figure was also identified during quarrying near the proposed development area and nearby Neolithic barrow was re-used for a Roman period inhumation. In the post-medieval period the northern extent of the proposed development area was quarried. A wagonway was constructed northwest-southwest through the eastern section of the site.

In 2020, Vindomora Solutions produced an archaeological desk-based assessment for land at the former Fulwell Quarry, Carley Hill. In the report, it is estimated that quarrying has removed some 82% of the proposed development area, and subsequent reclamation, landscaping and tree planting has led to the potential loss of 94% of the proposed development area and this may have been impacted by subsequent landscaping and road construction works. In this

regard, the report concludes that it is unlikely that further archaeological work will be required unless the north verge of Emsworth Road will be impacted by the proposed works or the narrow corridors either side of the western north-south pedestrian footpath.

In essence, whilst the proposed development site is located within an area associated with a number of significant archaeological records, the desk-based assessment provided as part of this application has demonstrated that the site has been subject to extensive quarrying and landscaping in the past. As such and whilst there remains some archaeological potential in certain areas of the site, the County Archaeologist has noted that the illustrative site plan provided with the outline submission suggests that the majority of the works will be located within the parts of the site which have low archaeological potential.

Notwithstanding, the County Archaeologist has qualified that further information should be submitted with future detailed applications associated with the development of this site to determine whether an intermittent watching brief will be required for any groundworks located in areas of the site that have some archaeological potential. Conditions to cover this would need to be attached to decision notice if consent is granted.

Subject to the imposition of the conditions, the proposal is considered to be acceptable from an archaeological perspective and in accordance with the requirements of the NPPF and CSDP Policy BH9.

11. Sustainability

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CSDP Policy BH2 requires that sustainable design and construction should be integral to development, highlighting mechanisms by which this can be achieved, including maximising energy efficiency and integrating the use of renewable and low carbon energy, reducing waste and promoting recycling during construction and in operation and to include a sustainability statement setting out how the development incorporates sustainable resource management and high environmental standards.

The application is in outline form therefore the information provided at this stage is limited. Nonetheless, the Design and Access Statement qualifies that the developer has the ambition to deliver low carbon housing, highlighting that the properties would be designed with significant carbon savings over current building regs standards as part of Sunderland City Council's aim to be carbon neutral by 2030. The submission also highlights that there are a number of sustainability upgrades identified which would be considered for the final scheme which include air source heat pumps, triple glazing, improved insulation, smart metering, thermal bridging improvements, reduction in the use of plastics and high embodied carbon materials, enhanced

landscaping, reduction in construction waste, local supply chains and electrical car charging points.

With regard to the above, a condition will be required that any application for reserved matters be accompanied by a sustainability statement which fully outlines details and mechanisms outlining how the development will minimise energy demand and to reduce whole life CO2 equivalent emissions.

Taking all of the above into account it is considered that the development is in accordance with the NPPF and CSDP Policy BH2.

12. Economic impacts

The NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Strategic CSDP Policy SP1 aspires to support sustainable economic growth and meet people's needs by amongst other things, the delivery of new homes and new jobs and by ensuring that sufficient physical, social and environment infrastructure is delivered to meet identified needs. Policy SP1 continues that such development will primarily be delivered within sustainable urban locations close to transport hubs and by utilising those sites allocated for new homes in the A&D Plan.

The application has been accompanied by an Economic Benefits Statement which sets out that direct and indirect construction related employment (resulting from the combined Carley Hill and Fulwell Quarry sites could support approximately 286 roles on site and in the wider economy per annum over the average build out time (predicted to be slight in excess of 2 years). The construction phase, in terms of the increase in the value of goods and services generated within the area, is also predicted to generate an additional £16.1 million gross added value (GVA) per annum during the construction time frame. This would potential equate to £36.3 million over the entire build phase.

The premise of 100% affordable housing contribution for both the Carley Hill and Fulwell Quarry sites (equating to up to 225 dwellings and housing over 500 people) would also provide a significant contribution towards the City Council's affordable housing target whilst generating new expenditure of in the region of £4.1 million per annum.

With regards to the above and in accordance with the Council's strategic vision outlined by CSDP Policy SP1, it is clear that the site will deliver new homes and jobs within a sustainable urban location which is close to transport hubs. The development of the site would also seek to provide 100% affordable housing and contribute to the local economy.

It is considered that the development will contribute positively to sustainable economic growth in accordance with the aspirations of both national and local policy.

13. Planning obligations

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions

or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

With regard to the above and considerations presented within this report, the following matters will need to be covered in a section 106 legal agreement to make the development acceptable in planning terms:

- o Affordable Housing
- o Contribution to the improvement of local open space provision to be directed to Fulwell Quarry. The figure will be based on the final number of bedspaces proposed by the development in line with the formula set out within the Planning Obligations SPD.
- o The developer has confirmed agreement to the figure of £557.14 per dwelling towards Strategic Access and Monitoring Measures.

An agreement to this effect has been drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the making of the decision

Summary and planning balance

On the basis of the reasoning offered above, it is considered that the principle of the residential development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

The table below summarises the residual impacts arising from the construction and operational phases of the development; subject to the completion of a planning obligation and the recommended conditions.

| | Positive | Neutral / Negligible | Negative |
|----------------------|--|--|--|
| Economic | <p>Short term moderate benefit of job creation during construction.</p> <p>Medium - long term moderate benefit of potentially more customers to support local facilities (such as the local centre at Southwick and Sea Road)</p> | | |
| Environmental | <p><u>Sustainability</u> The development is sustainably located with good access to amenities, transport hubs and recreation and will incorporate numerous sustainable measures and low carbon technologies into the new homes.</p> | <p><u>Amenity</u> Air Quality Assessment advises "no adverse air quality impacts at existing receptors".</p> <p>Noise Assessment recommends mitigation for proposed occupiers.</p> <p>No objection from Environmental Health Officer.</p> <p>Illustrative plan provides assurances that appropriate spacing between existing and prospective dwellings can be achieved and that good levels of amenity open space can be retained on site.</p> <p><u>Drainage</u> Acceptable drainage scheme can be provided. No objection from Lead Local Flood Authority and Northumbrian Water.</p> | <p><u>Ecology</u> Net loss of biodiversity across the site</p> <p><u>Trees</u> The majority of trees will be removed from the site including prominent belt fronting onto Emsworth Road.</p> |

| | | | |
|---------------|--|--|--|
| | | <p style="text-align: center;"><u>Highways</u></p> <p>Proposal provides assurances that appropriate parking standards, safe access and pedestrian networks can be provided within/linked to the site. Increase within local highway network but within acceptable parameters. No objections from Local Highway Authority.</p> | |
| Social | <u>Housing</u> | | |
| | Accommodation would be 100% affordable | | |

Conclusion

In conclusion, a view needs to be taken as to whether the benefits identified in the table immediately above outweigh the adverse impacts.

The benefits from the development are generally economic and social, arising from short term construction jobs and medium to longer term support for local facilities (economic) and the provision of affordable and accessible accommodation, although environmental benefits will arise through the developers focus on implementing low carbon housing.

The adverse impacts are generally environmental, arising from a loss of biodiversity across the site including the loss of trees.

In terms of assisting Members, consideration of whether the economic and social benefits outweigh the environmental harm, officers would draw to attention the comments below.

The proposed development, as noted within the description, would bring forward a housing scheme which will be 100% affordable, with the tenure proposed as per definition A of Annex 2 of the NPPF."

The definition noted in the paragraph above has been provided in full below.

"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least

20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

In this respect, Members are directed towards a recent planning appeal decision for 86no homes at Cragdale Gardens, Hetton-le-Hole, wherein the Planning Inspectorate noted the fact that all dwellings within that site would represent affordable homes, which would be maintained in perpetuity. The Inspectorate qualified in their decision that this represented a significant contribution to meeting the need for affordable housing, and subsequently carried significant weight in favour of the proposal.

The Agent has agreed that the provision of 1000% affordable housing on this site can be secured via a planning obligation.

Allied to the above, the Council is of the view that the development in question would be sustainably located for local amenities, recreation and transport hubs and would provide a good standard of amenity for future occupiers.

In terms of the adverse impacts, these are generally environmental, arising from the loss of trees and a loss of biodiversity across the site. In this regard, it should be noted the developer has agreed to make contributions for Strategic Access and Monitoring Measures, which will be used to offset the loss through creating biodiversity improvements and ongoing maintenance of the area of the identified SANG adjacent to the site whilst an open space contribution has also been provided to ensure the improvement and enhancement of open space in Fulwell Quarry. This has been accepted by the Council's Ecological Consultant.

In summary, officers would advise that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm; subject to the completion of a planning obligation and the recommended conditions.

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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:

Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to the satisfactory completion of the S106 and the draft conditions set out below.

Conditions:

1 (A) No Development (other than Enabling Works) shall be commenced until an application(s) for written approval of the matters reserved by this planning permission (the "Reserved Matters") in respect of the relevant part of the development/phase has been made to and approved in writing by the Local Planning Authority. The Reserved Matters application or applications shall include detailed plans, sections and elevations showing:

- Layout
- Scale
- Appearance
- Landscaping
- Means of access

(b) Application(s) for approval of the Reserved Matters must be made not later than the expiration of THREE YEARS from the date of this decision notice; and

(c) Development must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters, in the case of approval on different dates, the approval of the last such matter to be approved.

2 Prior to the commencement of development, other than enabling works, a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority. The plan shall identify the phasing of the development hereby approved. Thereafter, the development shall be undertaken in strict accordance with the approved Phasing Programme.

Reason: To ensure the satisfactory phasing of the development and to ensure that utility infrastructure is delivered in a coordinated and planned way.

3 The application(s) for approval of Reserved Matters for which outline planning permission is hereby granted shall be in accordance with the approved plans and documents. The approved plans and documents are: -

- o Site Location Plan (4022-10-01 Rev G)
- o Build Zone Parameters Plan (4022-10-03 Rev F)
- o New Access, Pedestrian and Cycle Routes Parameter Plan (4022-10-06 Rev B)

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 The Reserved Matters application(s) to be submitted under Condition 1 shall include details of the proposed boundary treatments for each dwelling in the phase, or part thereof, as approved by Condition 2, to which those Reserved Matters relate and no dwelling shall be occupied in that phase until the boundary treatment for that dwelling has been approved in writing by the Local Planning Authority and implemented, in full.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan

5 The Reserved Matters to be submitted under Condition 1, in respect of each phase of the development, or part thereof, as approved by Condition 2, shall include a schedule of all proposed external facing materials to be used in respect of each dwelling, in each phase. The development in that phase shall be carried out in strict accordance with the approved details.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

6. With the exception of enabling works, no development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which includes the following:

- i. Site layout including location of site compound, materials, and waste storage
- ii. Location of the site access during construction
- iii. Provision for workforce and visitor parking
- iv. Traffic management measures - e.g., delivery times and avoidance of queuing and idling

- v. Sheeting of wagons
- vi. Dust - provision of vacuum extraction or wet arrestment to masonry cutting equipment
- vii. Provision of mains water or suitable alternative supply
- viii. Noise - use of mobile noise barriers where necessary, particularly around compressors and generators
- ix. Site lighting - location, height, angle to ensure no spill or glare impacting off site occupiers
- x. Use of solid screens or barriers around particularly dusty activities, where applicable.
- xi. Given the location, working times should be 07.30 - 18.00 Mondays to Fridays, 0800 - 14.00 Sat. No Sundays or Bank Holidays. No working should take place outside these times without the prior agreement of the LPA and Environmental Health and this will only be in exceptional circumstances and subject to conditions.

Reason: In the interests of amenity and highway safety to accord with policies BH1 and ST3 of the Core Strategy Development Plan.

7 Prior to commencement of development in any phase, or part thereof, as approved by Condition 2, a detailed scheme setting out appropriate noise mitigation measures for that phase shall be submitted to and approved in writing by Local Planning Authority. The scheme shall identify the plots to be subject to noise attenuation measures such as enhanced glazing and ventilation specifications and any necessary acoustic barrier to ensure that the noise climate within habitable rooms and in garden areas meets the guidelines set out in BS8233:2014.

Reason: To ensure that a satisfactory level of amenity is provided to residents and to accord with policies BH1 and HS2 of the adopted Core Strategy Development Plan.

8 No development shall commence, other than enabling works, in each phase of development, or part thereof, as approved by Condition 2, until full engineering, drainage, street lighting and constructional details of the streets in respect of that phase have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development, in the phase, shall be constructed in strict accordance with the details approved by the local planning authority.

Reason: To ensure that utility infrastructure is delivered in a coordinated and planned way and to accord with the Core Strategy Development Plan

9 With the exception of enabling works, prior to the commencement of development above damp-proof course level in any phase, or part thereof, as approved by way of condition 2, full details of building and design measures to minimise energy demand and to reduce whole life CO2 equivalent emissions for dwellings within that phase, or part thereof, shall be submitted to the Local Planning Authority for formal written approval within a sustainability statement which also includes a timetable for implementation. Thereafter, the development hereby approved shall be carried out in full accordance with the agreed details.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the CSDP.

10 Other than enabling works, no development shall commence until full a detailed drainage scheme, reflecting the principles approved in the "Flood Risk Assessment and Drainage

Strategy Ref: H77124-JNP-XX-XX-RP-C-1002 PO3" prepared by JNP Group dated August 2021, has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include, detailed hydraulic calculations, provision of source controls, SUDS and detailed drainage drawings in line with the final proposals and site layout and shall ensure that foul flows discharge to the combined sewer at manhole 3401 shall not exceed the available capacity of 5.1 l/sec that has been identified in this sewer.

Reason: To ensure, in accordance with policies WW2 and WWE3, the development hereby approved considers the effect on flood risk, on-site and off-site and to accord with Policies WWE2, WWE3 and WWE5 of the Core Strategy Development Plan.

11 No groundworks or development shall commence except for in the areas marked as 'disturbed area' in Figure 15 of the Archaeological Desk Based Assessment prepared by Vindomora Solutions Ltd (report 324-20-DBA), until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9.

12 The dwellings shall not be occupied except for those located in the areas marked as 'disturbed area' in Figure 15 of the Archaeological Desk Based Assessment prepared by Vindomora Solutions Ltd (report 324-20-DBA), until the report of the results of observations of the groundworks pursuant to condition (11) 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9

13 No dwellings shall be occupied until the site access on Emsworth Road has been constructed and is made available for use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Such details shall include for the avoidance of doubt the provision of:

- i. satisfactory visibility splays;
- ii. a right turn lane ghost island and pedestrian refuge within the existing carriageway of Emsworth Road.

Thereafter the development shall not be carried out other than in accordance with the approved details.

Reason: To ensure that the development provides safe access arrangements for all users and in order to comply with Policy ST3 of the Core Strategy Development Plan.

14 The Reserved Matters application(s) to be submitted under Condition 1 shall include details of car parking for all dwellings and visitor parking, in each phase, or part thereof, as approved by Condition 2, and no dwelling shall be occupied in that phase, or part thereof, until the car parking for that dwelling and associated visitor parking bay(s) have been approved in writing by the Local Planning Authority and provided in full. Thereafter, all such car parking arrangements shall remain in place at all times.

Reason: In the interests of highway safety and to comply with policy ST3 of the Core Strategy

15 All car use reduction, monitoring/action plan measures and travel ticket initiatives set out in Section 5 of the Travel Plan (Fore Consulting Ltd, Version 5 dated 14 March 2022) must be adopted in full and in accordance with the timescales set out in the action plan (tables 3 and 4).

Reason: In order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

16 No development shall commence until a Phase II: Site Investigation report which ascertains whether the land in that phase is contaminated has been submitted to and approved, in writing, by the Local Planning Authority. The Phase II report(s) shall be based upon the findings of the approved Phase I report undertaken by JNP Consulting Engineers, and any additional comments provided by the Local Planning Authority and shall be completed in accordance with a recognised code of practice for site investigations, such as BS 10175:2001 and shall include:

- i) a survey of the extent, scale and nature of contamination
- ii) an assessment of the potential risks to:
 - a. human health
 - b. property (existing or proposed) including building, crops, livestock, pets, woodland and service line pipes
 - c. adjoining land
 - d. groundwaters and surface waters
 - e. ecological systems
 - f. archaeological sites and ancient monuments
- iii) a site-specific risk assessment and an appraisal of remedial options and proposal of the preferred options if a hazard or hazards are identified on the site from any form of contaminant.

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 183d and Policy HS3 of the Core Strategy Development Plan.

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.

17 No development shall commence until a detailed Remediation Scheme for that phase to bring the land 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 for each phase 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 for the phase has been approved in writing by the Local Planning Authority it shall be known as the Approved Remediation Scheme for the phase.

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 and Policy HS3 of the Core Strategy Development Plan.

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.

18 The Approved Remediation Scheme 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 and Policy HS3 of the Core Strategy Development Plan.

19 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 and Policy HS3 of the Core Strategy Development Plan.

20 As part of the site development any on-site stands of Schedule 9 invasive non-native plant species will be removed by an appropriately licensed contractor.

Reason: To prevent the spread of the species and to comply with policy NE2 of the Core Strategy Development Plan.

21 No works shall commence on site until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will include:

- I. confirmation of the roles and responsibilities of those involved in ensuring the protection of features of ecological value:
- II. details of habitat and species-specific measures to reduce biodiversity impacts during the construction phase, and:
- III. biosecurity protocols to be implemented to ensure the protection of those habitats, species and sites within or in close proximity to the development area during the construction phase.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

22 Prior to commencement of development a detailed scheme setting out the precise details to deliver the mitigation/compensation measures and where appropriate, a timetable for their implementation, as set out within sections 5.2 and 5.3 of the Ecological Impact Assessment prepared by Biodiverse Consulting (Reference BIOC20-010 V4.0) shall be submitted to and approved by the Local Planning Authority.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

23 No development shall commence, other than enabling works, until an onsite habitat management plan as referenced in Section 5.3 of the Ecological Impact Assessment prepared by Biodiverse Consulting (Reference BIOC20-010 V4.0) must be submitted to and approved in writing by the Local Planning Authority to ensure the development retains the habitat creation

and enhancement measures detailed in Section 5.2 and 5.3 of the approved Ecological Impact Assessment (Reference BIOC20-010 V4.0) for the life of the development.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

24 No dwelling house within any phase, or part thereof, approved by way of Condition 2, shall be occupied until details of the location, specification, and number of bat and bird boxes within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved boxes shall thereafter be provided and retained in strict accordance with the approved details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

25 No external lighting shall be installed within any phase, or part thereof, as approved by way of Condition 2, until details regarding the siting and design of such lighting, including details on how such siting and design will minimize impacts on bats within and adjacent to the phase have been submitted to and approved in writing by the local planning authority. Thereafter the external lighting shall be installed and maintained in strict accordance with the approved details.

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

26 With the exception of enabling works, no development, removal of vegetation or felling of trees, shall be undertaken, in any phase, or part thereof, as approved by way of Condition 2, between 1 March and 31 August unless a suitably qualified ecologist has first confirmed that no bird's nests are being built or are in use, eggs or dependent young will be damaged or destroyed.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

27 The Reserved Matters application(s) for each phase, or part thereof, approved by way of Condition 2, shall include an updated Arboricultural Impact Assessment, Arboricultural Method Statement, a scheme of landscaping, planting, and treatment of hard surfaces for each approved phase which shall include indications of all existing trees and hedgerows on the land, details for their protection during the course of development and how the development has been informed by their presence.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1, NE2 and NE4 of the adopted Core Strategy Development Plan.

28 No properties shall be occupied until all internal footways and pedestrian networks have been completed to ensure accessibility to the SANG.

Reason: In order to minimise potential impacts upon surrounding designated sites and to comply with Core Strategy Development Plan policy NE2.

Reference No.: 22/00140/LP3 Local Authority (Reg 3)

Proposal: **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.**

Location: Land South of Millennium Way/Hay Street Sunderland SR5 1BG

Ward: Southwick

Applicant: Mr David Allred - Sunderland City Council

Date Valid: 31 January 2022

Target Date: **2 May 2022**

PROPOSAL:

The application seeks approval for the conversion, restoration and re-purposing of the existing structure on-site, the former Engine Shed (a non-designated heritage asset), which is currently unused and unkempt in appearance. In addition, a two-storey extension to the east seeks to create a workshop building that runs perpendicular to the existing building and Hay Street.

As part of the design, it is proposed to introduce a link between the existing building and proposed addition to create a hybrid structure with a gross internal floor area of 6,028 square metres. (1.569 square metres at first floor level). Externally pockets of outdoor green social space is proposed along with 6 No. accessible parking bays and vehicular access for deliveries and refuse collection.

In terms of functionality, the building aims to create double-height workshops and social hub, a variety of learning and breakout spaces of differing scales for students and staff, along with restaurant and kitchen area. In terms of staffing, it is anticipated that the facility will employ 15 full time members of staff and have an intake of up to 400 full time students and 200 part time students.

The site is located on the corner of Hay Street and Millennium Way opposite The Stadium of Light, to the north. Although the site is currently largely bound by industrial uses and buildings the Riverside Sunderland Masterplan seeks to develop 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 east of the site.

The proposal is a collaborative application submitted on behalf of Sunderland City Council (SCC), Education Partnership North East (EPNE) and the Ministry of Building Innovation and Education (MOBIE).

The application has been subject to pre-application discussions and supported by the following documents:

- Design and Access Statement;
- Heritage Statement;

- Health Impact Assessment;
- Transport Assessment and Travel Plan;
- Ecological Survey;
- Noise Impact Assessment;
- Phase 1 Geotechnical Study;
- Archaeological Desk Based Assessment;
- Drainage Strategy;
- Asbestos Survey Report.

CONTEXT:

The proposed Housing Innovation and Construction Skills Academy (HICSA) seeks to be a National centre for an innovative industry-led partnership which seeks to transform the way in which the next generation of students are taught about building design and construction.

In providing a hub for the provision of new and emerging approaches to Modern Methods of Construction (MMC) the HICSA aims to provide a facility to showcase the future methods of construction to both its students and with the industry of housebuilders and construction companies. Via the promotion of sustainable construction methods the hub ultimately will provide a facility that promotes the reduction of carbon footprints of future development sites.

As a collaboration between Sunderland City Council, Sunderland College, MOBIE and Industry the hub seeks to act as a conduit for future graduates into the workplace.

TYPE OF PUBLICITY:

Press Notice expired 08.03.2022.

Site Notice expired 11.03.2022.

Neighbour Notifications expired 22.02.2022. (42 letters).

CONSULTEES:

Flood And Coastal Group Engineer
 Network Management
 Southwick - Ward Councillor Consultation
 Land Contamination
 Environmental Health
 Northumbria Police
 Northumbrian Water
 Northern Electric
 Tyne And Wear Archaeology Officer
 Fire Prevention Officer
 Business Investment
 Planning Policy

Final Date for Receipt of Representations: **04.04.2022**

REPRESENTATIONS:

Third Party Representations - No letters of representation were received as a result of the expiry of the consultation period.

County Archaeologist

An archaeological desk-based assessment has been produced by Archaeological Services Durham University (2022). In the report no evidence for prehistoric or Roman activity was identified within the proposed development area or within the vicinity of the site.

The proposed development area was part of the medieval monastic estate of Monkwearmouth. In the report it is suggested that the site could have been used for agriculture and then farmland up until the post-medieval period. In the earlier 19th century, the line of a lime kiln wagonway went through the site which was later replaced by railway sidings. In the mid-19th century the site was occupied by part of a ropery building, terraced housing and railway sidings. These were later removed, and the site was developed as a railway goods yard. In the report it is identified that air raid shelters were visible on aerial photographs within the site's redline boundary. The remains of these may still survive below ground. In the report it is concluded that the proposed development area has the potential to impact below ground archaeological resources through ground reduction, service trenches and foundation trenches.

In the report it is recommended that the goods shed and goods yard boundary wall are subject to Historic England Level 2 building recording.

In Solmek's phase 1 desk-top survey it is suggested that the use of strip or pad foundations may be required and 'where loose made ground or soft/loose natural deposits are encountered foundations will need to be taken through the made ground/disturbed ground into underlying natural, strata of adequate bearing capacity. As deep made ground is expected, consideration may need to be given to a piled foundation option.' (Solmek 2021, page 1) and that phase 2 investigations are required to inform the foundation design (ibid 2021,12).

Recommendations: The County Archaeologist is pleased that the proposed works involve the restoration and re-purposing of the extant Goods Shed. If the proposed works are approved, Historic England Level 2 building recording of the goods shed and goods yard boundary wall will be required.

An archaeological watching brief is recommended to be undertaken during groundworks that may impact below ground archaeological resources. The scale and scope of the archaeological monitoring required will depend on the nature of the groundworks required as part of the works, such as but not exclusive to, the foundation design and any other ground reduction activities.

If test pits are excavated as part of phase 2 ground investigation works, it is recommended that an archaeological watching brief is undertaken.

Archaeological Building Recording Condition.

No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority.

A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

Archaeological Watching Brief Condition.

No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

Archaeological Watching Brief Report Condition The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition () 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

Land Contamination.

The following documents have been reviewed:

- Solmek Limited. Phase 1: Desk Study – HICSA, Sunderland. Ref. S210641, dated June 2021.
- Solmek Limited. Phase 2: Site Investigation – HICSA, Sunderland. Ref. S210641, dated September 2021.

Phase 1: Desk Study, Solmek Limited, June 2021 A Phase 1 Desk Study report has been submitted in support of a planning application at the above site. Proposals are understood to be commercial in nature, comprising the refurbishment and extension of an existing engine shed and its conversion to an educational facility. The stated purpose of the report is to evaluate likely ground conditions and significant environmental issues at the site and to plan the scope of subsequent phases of investigation.

Reference is made to the EA's LCRM.

Section 3 provides a site description based on the findings of a site walkover. There are two buildings recorded onsite, one a large warehouse type building in the northwest and a long rectangular brick building which runs along the northern boundary. It is stated that the warehouse building appears to incorporate asbestos containing materials within its structure (cladding and roofing). The remainder of the site is recorded as consisting of hardstanding, with some material/ waste along the site perimeter. A railway is indicated as being present immediately to the east, with the River Wear 250m to the south.

Section 4 describes the site history, with reference to historical maps and ordnance survey plans. In summary, the earliest plans (1857) record the site as comprising housing and a railway in the

east. The majority of housing is demolished by 1897, at which time further railways and a goods shed are constructed. The goods shed is reported as a warehouse by 1919. No significant further changes to the site are recorded until the 1990s when the railways are dismantled. By 2000, a building is constructed in the centre of the site, which is subsequently demolished by 2021.

Potential contamination sources identified within 250m of the site on historical plans are listed as made ground, construction/ demolition waste, roads/ parking areas, a timber yard, depots, railway contamination, electrical substation, infilled ponds, mining waste, a gasometer and garages/ filling station.

Section 5 describes the environmental setting of the site, with reference to an Envirocheck report, BGS mapping and BRE211 (Radon). It is stated that there are no registered or historical landfill sites within 500m. There are three Waste Transfer sites within 500m, the nearest of which is 37m northwest (dated 1996). There are four Waste Treatment and Disposal Sites located within 500m, the nearest of which is located onsite (dated 1992). There are nine Licensed Waste Management Facilities located within 500m of the site, the nearest of which is located onsite and is reported as surrendered. There are two recorded fuel sites within 500m, the nearest of which is located 59m southeast and is reported as obsolete.

The geology is described as consisting of glaciolacustrine soils in the northern portion of the site and glaciofluvial deposits in the southern portion overlying Dolostone bedrock of the Roker Formation. A coal seam (Maudlin) is recorded to run through the site.

The site is indicated as being located within a Coal Mining Affected Area as defined by the Coal Authority but outwith a Development High Risk Area and as such a Coal Mining Report was obtained. In summary and based on the findings of the Coal Mining Report, the Desk Study concludes that no further investigation into historical coal mining is necessary.

It is noted that the mine gas emission report highlights that there are three mine gas vents northwest of the site. These vents are connected to abandoned mine workings via shafts. One of the vents is owned by the Coal Authority, the others are owned by Sunderland Football Club. The mine gas emission report concluded stating that the monitoring points are all visited quarterly or six monthly by contractors on behalf of the Coal Authority.

With reference to the EA's Policy and Practice for the Protection of Groundwater, the report classifies the solid geology as a Principal Aquifer and the superficial deposits as a Secondary A aquifer. The site is not recorded as being located within a Source Protection Zone. It is stated that there are two water abstractions located within 1km, with the nearest located 882m west of the site. The nearest surface water to the site is described as the River Wear 285m to the southwest of the site.

With reference to the Envirocheck report, it is stated that the site is not at risk from flooding or extreme flooding from rivers or seas and that there is a limited potential for groundwater flooding to occur. The site is not recorded to lie within 2km of any designated environmentally sensitive sites.

The site is described as being located in an area where no radon protection measures are necessary for new buildings or extensions. In accordance with LCRM guidance, a Conceptual Site Model (CSM) has been produced outlining plausible pollutant linkages at the site as summarised below:

- Potential link between asphyxiating or explosive ground gases and future site users (moderate/ low risk) and construction workers (low risk) via migration through permeable soils

- and inhalation;
- Potential link between areas of contamination and future site users (low risk) and construction workers (moderate/ low risk) via inhalation, dust ingestion and dermal contact;
- Potential link between areas of contamination and users of surrounding sites (low risk) via inhalation and dust ingestion;
- Potential link between areas of contamination and the principal bedrock aquifer (moderate/ low risk) and the Secondary A superficial aquifer (low risk) via leaching of mobilised contaminants;
- Potential link between areas of contamination and offsite surface water features (low risk) via drainage, lateral migration and accumulation of contaminated sediment;
- Potential link between areas of contamination and vegetation (very low risk) via root uptake and leaf surfaces;
- Potential link between areas of contamination and construction materials, e.g. concrete and service fabric (high risk) via direct contact.

Section 7 states that a Phase 2 site investigation should be undertaken to verify the assumptions made in the Preliminary CSM and to provide data for foundation design. It is stated that the intrusive investigation should be undertaken with the sampling strategies outlined within BS10175 and CLR4. It is stated that a targeted approach will be taken to prove and delineate the extent of potential contaminant hotspots associated with historical railway lines, with a non-targeted approach recommended across the remainder of the site. The report recommends that a future scope of works should include hand dug trial pits, small percussive boreholes, cable percussive boreholes, installation of gas and groundwater monitoring wells and chemical and geotechnical testing.

Comments. SCC Land Contamination consultants are broadly in agreement with the findings and recommendations of the desk study. However, the following comments are provided:

- No correspondence appears to have been undertaken with the Local Authority contaminated land or petroleum licensing departments. It is considered that they may hold information that could prove useful in the design of an appropriate scope of ground investigation, including details on the historical operations of the site. It is therefore recommended that consultation is undertaken with regulatory authorities to determine whether all potential contamination sources at the site have been considered in full by both this desk study and the subsequent intrusive investigation.
- No reference is made in the report with regards to the potential for invasive species at the site. An assessment should be undertaken prior to construction and/ or any additional site investigation works required at the site.
- No assessment of the potential for UXO has been undertaken. This should be provided prior to construction and/ or any additional site investigation works required at the site.

Phase 2: Site Investigation Report, Solmek Limited, September 2021 Following on from Phase 1 Desk Study, Phase 2 ground investigation works, designed by Solmek, were carried out at the site in support of the proposed development. The investigation scope of works is outlined. It is stated that the investigation was undertaken in general accordance with BS10175, BS5930, CIRIA C665 and BS8485 and that the report forms part of a Stage 1 Risk Assessment (Generic Quantitative Risk Assessment) with respect to the EA's LCRM.

The site description is provided which accords with that presented in the Phase 1 report. The intrusive works are reported to have comprised the following:

- 4 No. cable percussive boreholes (BHC – BHF) to depths of between 10.0m and 17.95m below ground level (m bgl);
- 2 No. small percussive boreholes (BHA and BHB) within the footprint of the existing engine shed to a maximum depth of 6.45m bgl;

- Installation of 3 No. gas/ groundwater monitoring standpipes in boreholes BHB, BHD and BHF (spaced at 25m-50m distance);
- 3 No. hand excavated pits to a maximum depth of 0.4m bgl; and
- Chemical and geotechnical testing of soils. It is stated that gas monitoring was ongoing at the time of reporting and will be reported separately as an addendum. Ground conditions were recorded to comprise the following:
 - Made ground - Encountered to depths of between 1.40mbgl and 4.50mbgl and consisting of concrete and reinforced concrete over very loose to loose ashy slightly clayey and gravelly sand and sandy gravel with cobbles. The gravel fractions comprised slag, timber, brick rubble, concrete and natural stone with cobble size fragments of brick and sandstone. A hydrocarbon odour was noted in borehole BHD to the bottom of the made ground (4.50mbgl). A layer of very soft consistency sandy gravelly clay was proven below the granular deposits in BHD from 2.50m bgl to 4.50m bgl.
 - Natural deposits - Consisting of firm to stiff slightly sandy to sandy slightly gravelly to gravelly medium to high strength clay to depths of 10.00m bgl (BHE) and 10.50m bgl (BHD).

Stiff laminated slightly sandy slightly gravelly very high strength clay was encountered in the two deepest boreholes to 13.50m bgl and 10.40m bgl onto very stiff consistency slightly sandy slightly gravelly very high strength clay.

Medium dense slightly clayey and slightly gravelly sand encountered in BHA from 2.20m bgl to 6.45m bgl. • Bedrock - Highly weathered dolostone/limestone was encountered at 17.00m bgl in BHE and 17.30m bgl in BHD.

Groundwater was encountered at depths between 3.00m bgl and 3.40m bgl. No groundwater was encountered in the trial pits or BHB, BHC and BHE during the fieldwork.

No coal seams were encountered.

A total of 6 No. samples of made ground were selected for a suite of testing including metals (6 No.), asbestos (6 No.), speciated TPH (3 No.) and speciated PAH (6 No.). 2 No. samples were also subject to WAC testing. The report states that the samples selected are considered to provide coverage of the various made ground strata from across the site that would be most likely to be exposed during future site works.

The results were compared against S4ULs and C4SLs for a commercial end use, with the majority of contaminants at concentrations below respective threshold values. The exception to this was water soluble sulphate which was recorded to exceed human and BRE Special Digest values for risks to human health and concrete respectively.

Asbestos was not recorded in any of the samples tested. The results of the WAC testing recorded several determinands at concentrations in excess of inert waste thresholds. A conceptual model is provided, which identified potential pollutant linkages present at the site based on source-pathway-receptor relationships. A summary is provided below:

- Users of the site once development is complete (Low/ Moderate Risk Rating) – On the basis of the soil contamination testing undertaken to date, the report states that the levels of contamination are generally unlikely to pose a significant risk to future users of the site. It references the localised area of WS sulphate contamination beneath the existing floor of the engine shed and argues that this poses little or no risk if the floor is to remain. However, should the floor require renewal then the report states that risks of short-term contact by construction workers can be managed through use of appropriate PPE and adopting safe hygiene practices;

- **Construction Workers and Users of Surrounding Sites (Low Risk Rating)** – The report states that as good practice, full PPE must be employed in accordance with HSE guidance and safeguards should be taken to limit dust during ground works, and access to the public should be restricted. Construction workers should be made aware of the high levels of sulphates potentially beneath the floor of the engine shed should this be exposed. Workers should use gloves as a precaution when handling any fill materials and provision of suitable hygiene facilities are needed for site workers. The report further states that although asbestos was not detected from the soil samples tested, the possibility exists for previously undetected asbestos containing materials may still be present on site and currently lie undetected and therefore advises that a watching brief is undertaken during the initial site strip and any excavation works and advice sought if asbestos is found or suspected. The report recommends that an asbestos survey of the existing building is undertaken. The report also recommends that monitoring of dust concentrations during construction should be given careful consideration to ensure occupational exposure levels are not exceeded.
- **Vegetation (Moderate Risk Rating)** – The report states that during the initial site strip, proposed soft landscaped areas should be excavated to 0.60m bgl and replaced with a suitable growing medium of clean imported topsoil (300mm) and subsoil (300mm) and that all materials forming the cover system must be tested, installed and verified in accordance with YALPAG verification.
- **Ground and Surface Water (Low Risk Rating)** - Given the lack of shallow groundwater and low soil contamination results, the report states that mobilisation of contaminants is unlikely to cause a substantial risk to the site or controlled waters especially as the natural deposits generally comprise extensive clays of very low permeability. The risk of ground and surface water contamination has therefore been assessed as low and no specific recommendations are provided.
- **Construction Materials (Moderate Risk Rating)** – The report recommends that future concrete at the site should be specified to meet DS-3 AC-3 requirements and that the use of PE and copper water supply pipes should be avoided. It is stated that, as a minimum, all services should be laid in clean trenches. The report then outlines procedures to be followed in the event that unexpected contamination is encountered during initial site strip or subsequent construction works. The report states that ground gas monitoring (6 No. visits) is ongoing at the time of reporting and will be reported as an addendum once complete.

The addendum report will recommend suitable gas protection measures based on the levels observed during monitoring.

Comments. SCC Land Contamination consultants have provided the following comments in relation to the ground investigation undertaken and the subsequent assessment:

- a) Please provide further comment/ justification that the number of exploratory holes advanced at the site meets the requirements for a main investigation under BS10175 and that the investigation undertaken to date is sufficient to fully characterise the ground conditions and the potential for contamination across the site. Rebuttal - **The borehole positions were located to target the proposed extension and internal renovation of the existing engine shed only. All testing and interpretation was therefore concentrated on these specific areas and based on the site end use.**
- b) With reference to a) above, it is noted that no exploratory locations have been advanced either in the southern area where green space is proposed, nor along the eastern boundary where aerial mapping and the Phase 1 Desk Study indicates the presence of

potential waste materials. Please provide further comment that the potential for contamination has been considered in these locations and that potential risks to future site users and other receptors has been given appropriate consideration. Rebuttal - **All positions were to target the existing building and extension only, no further investigation was undertaken for areas outside this zone. Given the commercial end use of the site, low soil test results, PPE for construction workers, implementing protocols for encountering unforeseen sub surface contamination, transient occupancy by adult receptors, covering of the site with either hardstanding or clean cover systems for proposed soft landscaped areas, adopting suitable surface water drainage and leaving the current groundwater regime unchanged the various aspects of contamination on the site have been appropriately addressed.**

- c) It is noted that neither leachate analysis nor groundwater testing has been undertaken as part of the investigation. Low risks have been allocated to Controlled Waters receptors with regards to contamination on the basis that the natural superficial deposits are predominantly of a cohesive nature. However, we note the presence of granular made ground soils and granular superficial deposits, within which groundwater has been recorded. Please provide comment/ justification that the investigation has considered the potential for offsite contaminant migration in shallow groundwater via granular made ground or superficial deposits, particularly given that potential hydrocarbon contamination has been recorded and the relative proximity of the River Wear. We consider that there would be benefit in undertaking both soil leachability analysis and groundwater assessment to better understand risks to offsite receptors. Rebuttal - **The low risk to controlled waters was based on the fact that the soil test results indicated low levels of contamination both from inorganic and organic compounds, the groundwater encountered between 3.00 and 3.40mbgl (below potential construction/excavation depths,) low surface water infiltration due to existing hardstanding and the underlying drift being a Secondary Aquifer with the site being outside of a Source Protection Zone. The River Wear lies well over 250m from the site and given this distance the impact on the water body from the low levels of contamination recorded on site will be very low.**
- d) It is noted that hydrocarbon odours were recorded in borehole location BHD within two horizons of made ground at depths of between 0.15m and 4.5mbgl. However, only a single soil sample from one of the made ground horizons was subjected to dry soils analysis (i.e. no leachate analysis). Please provide further comment/ justification that the testing undertaken to date is sufficient to characterise the contamination potential of these horizons and the potential risks posed to both human health and controlled waters receptors. Rebuttal - **The sample from BHD was taken from the lower made ground stratum (3.00-3.45mbgl) and above the natural clay layer. All hydrocarbon (TPHCWG & PAH) results were below the commercial LQM threshold values and were even below limits of detection. Given the very low soil results and the fact that over 12.00m of natural clay was present below the made ground, within that particular borehole, the risk to controlled waters was assessed as low and as such no further analysis was undertaken.**
- e) It is noted that none of the samples tested as part of the investigation were subject to analysis for VOCs or SVOCs. Given the site history and the positive confirmation of odours within the made ground in borehole location BHD, it is considered that the potential for vapour ingress into future built development has not been given appropriate consideration. We consider that there would be benefit in undertaking further analysis to

better understand risks in this regard. Please provide further comment/ justification. Rebuttal - **The primary analysis of TPHCWG and PAH indicated no raised levels, indeed the majority of the results were below the limits of detection. The adoption of this analysis was based on the most likely potential contaminative sources identified from the desk study. Regarding VOC vapour Solmek are due to undertake further works at the site for the client in order to expose the pad foundations of the existing building. Part of this works will be to monitor the gas installation within the building and obtain VOC readings from a PID meter. These results will be reported in an updated gas report.**

f) It is noted that 3 No. gas monitoring standpipes have been installed at the site, all located in a line in the centre of the site. It is noted that no ground gas monitoring wells have been installed in the north of the site, despite potential sources (made ground) having been identified in this location and the desk study having identified the presence of potential offsite gas sources and historical mine gas remedial works to the north/ northwest. Please provide further comment/ justification that the number and location of gas monitoring standpipes installed at the site is sufficient to suitably characterise the ground gas risk at the site and the requirement (or otherwise) for ground gas protection measures in future built development. Rebuttal - **The gas pipes were placed in the boreholes were the made ground was deepest (BHD, 4.50m & BHF 3.50m) and thus where the potential for gas generation is likely to be highest. The attached gas report to date indicated low levels of ground gases over a variety of atmospheric pressures (<1000mb) and over differing regional trends.**

g) Further to f) above, it is noted that gas monitoring and assessment is ongoing and to be provided as an addendum. This should be provided for review when available. Rebuttal - **The attached gas report is to be updated with gas readings taken from within the building that previously were not accessible during the monitoring visits when the site was being used as a Covid testing station. The internal gas readings will be undertaken as part of the further works requested by the client whereby hand dug pits will be excavated within the building to assess the formation level of the existing pads.**

Recommendations: It is recommended that approval of this application is not granted until the comments provided in relation to the Phase 1 Desk Study report have been addressed. Once comments have been satisfactorily addressed, it is anticipated that Planning Conditions CL01, CL02, CL03 and CL04 would be required in a Decision Notice.

Environmental Health.

Environmental Health has considered the submitted documentation and has no objection to the proposed development subject to the inclusion of the following conditions on any consent:

Noise mitigation measures.

Prior to commencement of construction a noise mitigation scheme shall be submitted for the approval of the LPA. The scheme shall identify the position and specification of noise barriers to the eastern boundary of the site. For the avoidance of doubt the scheme shall refer to section 8 and Figures 2 and 3 of the Noise Assessment reference 8595.3 dated 26 August 2021. The scheme shall be implemented before first use of the development. Noise from fixed building services plant 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.

Ventilation and odour control.

Prior to commencement of operation of the main kitchen an odour risk assessment, scheme of extract ventilation and odour abatement shall be submitted for the approval of the LPA. The scheme shall identify all elements of the extract ventilation, any noise attenuator required, and the final point of discharge to air.

Construction Environmental Management Plan (CEMP) Prior to commencement of works on site a CEMP shall be submitted for the agreement of the LPA. The Plan shall identify all potential impacts upon the local environment and nearby occupiers arising from site clearance and construction and shall set out the mitigation measures proposed to prevent or minimise those impacts.

Conservation Team.

The Engine Shed subject to this application is not listed but is of historic interest, in planning terms it is considered a non-designated heritage asset.

The building was built as a Warehouse/Goods Shed for the North Eastern Railway (NER), rather than an Engine Shed, at the northern end of Hays Road towards the end of the 19th century in the area formerly occupied by the Hay's Ropery that dates from the mid-19th century.

Archaeological remains associated with the ropery may be preserved along the west side of the former NER goods yard, the current boundary wall to Hay Street may comprise part of the surviving west wall of the ropery structure.

The application site is also in close proximity to the grade II* listed former Monkwearmouth Station directly to the east, comprised of a complex of former railway buildings of high significance with which the HER warehouse would have historically had strong associations. The grade II listed Hebron Church is likewise in relatively close proximity. Both these listed buildings are key local landmarks and prominent in views from the application site. The Wearmouth Road and Railway Bridges are also visible further to the north.

An Archaeological Desk Based Assessment and Building Recording Report by NAA has assessed the former NER warehouse and boundary wall to Hay Street to be of moderate significance. It describes the Warehouse as being typical of railway architecture and x retains some evidence of its original function, but it is quite late in date and not of comparable interest to the associated listed former NER stables to the west.

Appraisal of Proposals The application is supported by a Heritage Statement which has in accordance with the requirements of CSDP Policy BH8 and NPPF Paragraph 194 described the significance of all heritage assets directly affected by the proposals and whose settings may be affected (former NER Warehouse, grade II* listed former Monkwearmouth Station Museum, grade II listed Hebron Church, Barclay Lodge and Wearmouth Road and Rail Bridges), and has assessed the impact of the proposals on their significance.

This assessment is considered proportionate to the impact of the proposals and its conclusions are agreed, as described below.

The proposed re-use and adaptation of the NER Warehouse for the Housing, Innovation and Construction Skills Academy is supported as it will conserve the heritage asset and re-purpose the building in a sensitive manner for modern innovative industrial and educational use, sustaining its significance into the future and a key element of the area's industrial railway history.

The approach to converting and adapting the building is on the whole sensitive to its historic character. The use of the Warehouse for the main entrance and café for the college is considered an appropriate arrangement as it will suitably utilise the building's traditional large goods entrance to Hay Street and help enliven the street scene in a wider sense.

The re-use of the existing brick headed arched windows is also encouraging, whilst the new projecting dormer style windows are sensitive contemporary additions that signal the new innovative usage of the warehouse.

The proposed new building to the rear of the warehouse is a substantial building that will have some impact on the setting of the listed former Monkwearmouth Station Museum and Hebron Church given the strong intervisibility between the site and these listed buildings. However, the building's scale and form is compatible with surrounding development and its innovative design approach inspired by the area's industrial heritage will allow it to sit comfortably behind the warehouse and within the wider settings of surrounding listed buildings.

The design precedents and indicative materials palette shown in the Planning Statement give confidence of a contextually appropriate and high-quality design approach. Ultimately, the final choice of materials for the cladding of the elevations and aluminium roofing finish will be key to the appearance and success of the scheme.

Full details and samples of all external materials should therefore be conditioned.

Full details of the proposed array of photo voltaic panels, including their type and finish should also be conditioned.

Recommendation and Conditions.

Overall, the proposals are strongly supported as they will re-purpose in a sensitive manner and secure the future in sustainable uses an historic building of industrial heritage importance, whilst developing a new building that respects and enhances the settings of surrounding listed buildings. The proposals therefore satisfy the requirements of NPPF paragraphs 197, 199, 203 and 206 and CSDP Policies BH7 and BH8 and will make a positive contribution to local character and distinctiveness and the wider regeneration of Riverside Sunderland.

The following conditions should be applied for the approval of the Conservation Team:-

- Full details and samples of external materials 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.
- Full details of photo voltaic panels, including their type and finish.
- Archaeological conditions recommended by the Tyne and Wear Archaeology Officer for a watching brief and Level 2 building recording of the goods shed and goods yard boundary wall.

Northumbria Police Architectural Liaison Officer. (PALO).

Northumbria Police support the redevelopment of this site and the broad aspirations of the proposal. PALO would like further detail of the boundary treatment and question the desirability of a recessed entrance from Hay Street, Generally we find that deep recesses attract problems and given the proximity of the football ground this could become a feature of concern. Taking into account the status and use of this building, and given its location, we would ask the applicant to consider working with us to achieve the Secured By Design Commercial Award for it. It would seem appropriate that a site dedicated to Housing Innovation & Construction Skills should be designed and secured in an exemplary manner, showcasing the highest standards available.

The Fire Authority.

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

Northumbria Water Ltd. (NWL).

NWL confirm that a pre-planning enquiry was submitted to us by this applicant requesting allowable discharge rates and connection points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application.

Our pre-planning enquiry response (ref: 289012393282) stated that foul water should discharge to the existing public combined sewer at manhole 4802 and surface water should discharge to the existing public combined sewer at manhole 4802, at a restricted rate of 15 l/sec. Because the applicant has not submitted a drainage scheme which reflects our pre-planning enquiry advice, we request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

NWL recommend that the applicant updates the drainage strategy accordingly and submits it with the planning application for consideration. The strategy should be in line with the comments included in Northumbrian Water's pre-planning enquiry response. Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Only then can an application be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

POLICIES:

Core Strategy Development Plan policies VC5, SP7, HS1, HS2, HS3, BH1, BH2, BH8, BH9, NE1, NE2, WWE2, WWE3, WWE4, ST2 and ST3 are relevant to the consideration of the application.

UDP policies NA3A.2, B12 and B13 are relevant to the consideration of the application.

CONSIDERATION OF APPLICATION:

By virtue of section 38(6) of the Planning and Compulsory Purchase Act, 2004, the starting point for consideration of any planning application is the saved policies of the development plan. A planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

However, since the publication of the National Planning Policy Framework (NPPF), which, as paragraph 2 therein makes clear, is a material consideration for the purposes of Section 38(6) of the Act, the weight that can be given to the development plan depends upon the extent to which the relevant policies in the plan are consistent with the more up to date policies set out in the NPPF. The closer the relevant policies in the development plan to the policies in the NPPF, the greater the weight that can be given to the development plan.

The NPPF provides the Government's planning policy guidance and development plans must be produced, and planning applications determined, with regard to it. At paragraph 7, the NPPF sets out that the purpose of the planning system is to contribute positively to the achievement of 'sustainable development' which is defined as 'meeting the needs of the present without compromising the ability of future generations to meet their own needs'. Meanwhile, paragraph 8 states that in order to achieve sustainable development, the planning system has three overarching objectives - an economic objective, a social objective and an environmental objective - and these are to be delivered through the preparation and implementation of plans and the applications of the policies within the NPPF.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development and states that in respect of decision-making, this means authorities should:

- c) Approve applications that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

With regard to paragraph 11 d) i) of the NPPF, footnote 6 states that the areas and assets of particular importance referred to relate to habitats sites, Sites of Special Scientific Interest, Green Belts, Local Green Space, Areas of Outstanding Natural Beauty, National Parks, Heritage Coasts, irreplaceable habitats, designated heritage assets and areas at risk of flooding or coastal change.

Paragraph 12 of the NPPF goes on to advise that the presumption in favour of sustainable development set out by paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted.

In terms of the more detailed planning policies of the NPPF, of importance in considering the current application are those which seek to:

- Build a strong, competitive economy (section 6).
- Promote healthy and safe communities (section 8).

- Make effective use of land (section 11).
- Achieve well-designed places (section 12).
- Meet the challenge of climate change, flooding and coastal change (section 14).
- Conserve and enhance the natural environment (section 15) and
- Conserve and enhance the historic environment (section 16).

With reference to the above national and local planning policy background and taking into account the characteristics of the proposed development and the application site, it is considered that the main issues to examine in the determination of this application are as follows:

1. Land use considerations.
2. The implications of the development in respect of the amenity of the locality.
3. The impact of the development in respect of highway and pedestrian safety.
4. The impact of the development in respect of ecology and biodiversity.
5. The impact of the development in respect of flooding and drainage.
6. The impact of the development in respect of ground conditions.

1.Principle of development.

The site is located within the Saved Unitary Development Plan (UDP) allocation NA3A.2 (approximately 7.9ha). It indicates that the area is identified as mixed-use development at Sheepfolds. B1 and C3 is considered a required use for the allocation.

Acceptable land uses include retail, assembly and leisure, non-residential institutions and hotels.

The saved allocation states that proposals for land uses not referred to above will be considered on their individual merits having regard to other policies of the UDP. In addition, NA3A.2 sets out criteria in relation to environmental, access and design requirements.

Alongside the above, the site's location within Riverside Sunderland forms part of the adopted Riverside Sunderland Supplementary Planning Document (SPD) dated 18th December 2020. The SPD splits the Riverside Sunderland area into subareas. The site is located within the Sheepfolds subarea. The SPD explains that:

“Sunderland City Council has bold ambitions and aspirations for Riverside Sunderland which, over the next 20 years, will be established as a successful business location, a popular place to live and a focal point for civic, cultural and community life.”

The purpose of the SPD is to:

- Facilitate the implementation of the Riverside Sunderland masterplan in a comprehensive and coordinated way.
- Provide a basis for informed and transparent planning decisions; and
- Establish development principles and design guidance.

Acceptable uses within Sheepfolds include education uses and training centres (Use Class F1).

The site is situated within the Urban Core. CSDP Policy SP2: Urban Core indicates that the Urban Core will be regenerated and transformed into a vibrant and distinguished area. The site falls within the Stadium Village area of change, an accessible area of the Urban Core, close to St Peters Metro Station. The CSDP indicates this area of change to be leisure led mixed use.

However, this does not preclude the use proposed in this development. In addition, the policy states that development within the Urban Core should:-

- i. make improvements to connectivity and pedestrian movement to the urban core;
- ii. provide a high quality of public realm to create attractive and usable spaces;
- iii. protect and enhance heritage assets and;
- iv ensure high standard of design that integrates well with the existing urban fabric.

The proposal (due to its education use) would be considered a community facility and therefore, CSDP Policy VC5 Protection and Delivery of Community Facilities and Local Services is considered relevant. At Criterion 2 it indicates that supporting development of new and extended community facilities would generally be supported.

Developments for new community facilities should be located in accessible neighbourhood and centre locations. Given the sites location within the Urban Core and its close proximity to St Peters Metro Station, the proposal is considered to align to this policy.

In summary, the application relates to the development for an education led development within Sunderland Riverside. It is considered that the proposal would form an acceptable land use, in relation to both UDP Alteration 2 and guidance contained within the Riverside Sunderland SPD. In relation to UDP Alteration 2, (which states uses not listed would be assessed on their merits) the proposal would provide for the conversion, restoration and re-purposing of the existing structure and provide a valued education and innovation centre, the merits of the proposed use are therefore considered acceptable. In addition, as the building would provide a predominantly education led use, this is considered consistent with acceptable uses contained within the Riverside Sunderland SPD.

2. The implications of the development in respect of the amenity of the locality.

Residential Amenity

Whilst it is recognised that the site is located within a predominantly commercial area, the Riverside SPD does seek to introduce residential units within the area and as such in ensuring development is acceptable in terms of amenity for both existing and future occupiers the following policies are of particular relevance.

Policy HS1 of the CSDP states that development must demonstrate that it does not result in unacceptable adverse impacts on the local community and that the existing neighbouring uses will not unacceptably impact on the amenity of future occupants of the proposed development, whilst Policy BH1 of the CSDP states that acceptable levels of privacy should be retained and a good standard of amenity for all existing and future occupants of land and buildings should be ensured.

Policy SP7 of the CSDP relates to healthy and safety communities and requires the submission of a Health Impact Assessment (HIA) which needs to suggest ways in which negative health impacts can be mitigated and positive health impacts enhanced. The submitted HIA concluded that the proposal will not lead to any negative impacts on health.

Further to consultations with the City Council's Public Protection and Regulatory Services, conditions relating to odour abatement from potential kitchen/cooking facilities have been requested to remove any concerns relating to extraction, along with a construction noise mitigation scheme to the eastern boundary of the site. With the addition, of a CEMP condition to control the conversion and the construction of the new building, the proposal is considered to

accord with the objectives of the above policies and is considered to be acceptable in this respect.

Visual Amenity

Policy BH1 of the CSDP also states that, to achieve high quality design and positive improvement, development should (amongst other requirements); be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality.

In addition to the above, the Riverside Sunderland SPD, sets out a range of applicable planning guidance for the Sheepfolds subarea. This includes guidance on; layout, open space, built form, indicative height parameters, access, movement and parking.

Policy BH2 relates to sustainable design and construction and requires all major developments to include sustainable forms of design that maximise energy efficiency and integrate the use of renewable and low carbon energy at their very heart.

The application has been supported by a Design and Access Statement which provides the ethos around the concept of the development and describes how the resulting proposal has been reached following principles that include a renewable energy strategy and environmental strategy all focusing on utilising exemplary precedents of design to reduce the developments carbon footprint.

Drawing on the site history and retaining the existing Shed building that fronts onto Hay Street, the proposal seeks to reintroduce four terrace features as a subordinate extension to this element of the proposal with a service link connecting the two elements. The four terrace features are a reflection of the buildings that were knocked down between 1855 and 1888 to make way for the railway.

The materials proposed are intentionally contrasting to the existing structure in an attempt to create a visual separation between the old and new.

Having regard to the internal layout, the Shed building seeks to provide the welcoming main entrance from Hay Street and contains the exhibition and social space with a dedicated café area and staff area, whilst the link building provides the wc facilities and circulatory space that feeds into the new building which is the centre for the double height workshop and teaching areas.

In terms of design, the massing is derived from the historical terraced housing that once stood on the site. The vernacular pitch is pushed over to form a sawtooth roof facing north to utilise the flat light for classrooms and workshop spaces, whilst maximising aesthetic environmental and structural proficiency and allowing the introduction of a photovoltaic array to the roof.

Externally, the east of the site provides an outdoor workspace adjacent to the railway line, whilst vehicular access is taken from Hay Street to the west entering a landscaped area including swales, car parking and green space.

In summary, the visual improvements provided to the existing Shed building are welcomed, whilst the design of the new building is considered to be of a high standard, drawing upon all aspects of exemplar building innovation and efficiency. The design proposal as a whole is considered to be fully aligned with the aspirations of the SPD and policy requirements of CSDP policy BH1. Furthermore, the positive contribution the proposal will bring to the site is echoed in comments received from the City Council's Conservation Team stating that the proposal will make a positive contribution to local character and distinctiveness and the wider regeneration of Riverside Sunderland in accordance with CSDP policies BH7 and BH8.

3. The impact of the development in respect of highway and pedestrian safety.

Policy ST2 of the CSDP requires new development to ensure the local road network is protected for safe and efficient movement, whilst 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; and include a level of vehicle parking and cycle storage for residential and non-residential development, in accordance with the council's parking standards.

Further to consultations with the Network Management Section the following comments have been received.

The application for the proposed development of a construction training academy is supported by a Transport Assessment and Travel Plan. The documents have been reviewed and the following comments made:

Site Access: The Riverside Sunderland masterplan includes proposals to alter the road layout and vehicular access arrangement as part of the wider redevelopment of this area. The primary vehicle access will be via Kier Hardie Way / Southwick Road / Stadium Way once introduced. The peak hour vehicle trips rates predicted by the applicant are low based on potential demand and the numbers of staff and students likely to attend.

Based on the location of the development, accessibility is considered to be high for walking, cycling and use of public transport. Pedestrian crossing improvements are recommended to both Millenium Way and Hay Street.

Car and Cycle Parking: There are two available car parks nearby which are expected to accommodate parking demand for both staff and students. The eastern car park adjacent the Stadium of Light car park provides spaces for the Aquatic Centre, Beacon of Light and Black Cat House. Non-matchday parking associated with Sunderland football club is mainly located within the western car park.

A small car park managed by the Council accessed via Stobart Street. The availability of non-matchday parking spaces provides capacity should a more robust assessment of trip rates be considered. Consideration will need to be given to matchday and other events held at the Stadium of Light, the Beacon of Light and potentially the Aquatic Centre which may impact on the availability of parking.

Millenium Way and one side of Hay Street are subject to parking restrictions. The eastern side of Hay Street and Sheepfolds North / Easington Street is subject to on-street parking.

Accessible parking and cycle storage facilities are proposed to be located within the development boundary. It is recommended that a proportion of the accessible bays include electric car charging points.

63 cycle parking spaces are proposed.

Public Transport and Walking/Cycling: The 700 bus service currently stops on Hay Street travelling northbound. This service links the City Centre and the two main University campuses. The service is funded and supported by the Council, the University and Nexus. It is recommended that Sunderland College join this partnership with a view to assisting funding and increase capacity / frequency of the service where applicable.

The college is located within walking distance of the City Centre and the nearby St Peter's Metro Station as well as bus stops on North Bridge Street. Improved pedestrian access will also be provided by the delivery of a new crossing over the river Wear.

Travel Plan: It is recommended that the College engage with the Council's Sustainable Transport team to develop a detailed travel plan and set deliverable targets to encourage travel and limit single occupancy car journeys.

Servicing and Deliveries: The development includes a lay by and suitable turning facilities within the boundary.

Construction Traffic Management Plan: Any traffic management or scaffolding requirements associated with the building refurbishment and new build will need to be agreed prior to commencement of works.

Conclusion There are no objections to the proposal on highway grounds. A number of recommendations are made which could be addressed by planning condition.

4. The impact of the development in respect of ecology and biodiversity.

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement for an applicant to provide 10% biodiversity net gains. However, 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.

In this particular instance, it is relevant to address the current condition of the site. The entire site is covered with a concrete slab and houses two structures, formally a scrap yard and more later a temporary car park there is limited, if any planting or vegetation on site. Notwithstanding the aforementioned, ecological surveys and biodiversity enhancements have been undertaken and form part of the delivery of the proposal under consideration within this agenda item.

Policy NE2 Biodiversity and geodiversity of the CSDP is appropriate in the consideration of the proposal, sub section 1 stating the following:

"Where appropriate, development must demonstrate how it will:

- i. Provide net gains in biodiversity; and
- ii. Avoid (through locating on an alternative site with less harmful impacts) or minimise adverse impacts on biodiversity and geodiversity in accordance with the mitigation hierarchy."

The application has been supported by an Ecological Survey including a Bat Risk Assessment of the existing Shed. A desk study was also completed and a walk over of the site.

The results of the desk study indicates that there are no internationally or nationally statutorily designated sites for bats within 2 kilometres.

The ecological survey found that the habitats in the immediate surrounding area are of low suitability for use of foraging/commuting bats, though higher quality habitats associated with the River Wear are located within 500 metres of the site to the south and west.

There are two buildings on site which were subjected to detailed external and internal inspections.

Building 1 The Shed is a disused two storey brick built engine shed constructed with a dual pitched roof. Potential roosting features include a raised roof tiles and there are access points available to the interior including missing skylights and broken windows.

Building 2 is a single storey brick structure with a mono-pitched slate roof. This building is derelict following a fire.

Building 1 is considered of low suitability for roosting bats and building 2 is considered negligible suitability for roosting bats.

The assessment has identified the following potential impacts:

- Low residual risk of disturbing bats and loss of roosts in the unlikely event that roosts are present within Building 1.
- Loss of bat foraging habitats of low value.
- Increased lighting which could impact on bats foraging and commuting habitats within and around the site.

The assessment has provided mitigation measures and compensation strategy, that includes an external lighting strategy to provide optimum levels of illumination without detriment to attracting new potential roost sites. A pre-commencement check for nesting birds, should work commence between the months of March and August inclusive and finally a working methods and best practice statement to be prepared in the unlikely event that bats are found on the site.

Whilst it is recognised that the existing site provides 2 buildings, the remainder of the site is a concrete slab, enhancements to the site are proposed in the form of areas of landscaped open spaces, swales and the installation of bird nest boxes and bat boxes within the site and its buildings.

Comments are yet to be received from the City Council's Ecology consultants, although given the negligible level of ecology identified within the site and its buildings, it is anticipated that these can be reported via a report for circulation to Members.

Subject to the imposition of an appropriate condition requiring the above mitigation and compensatory measures to be implemented along with a landscaping condition to ensure a variety of species are introduced to the site, the proposal provides an opportunity for ecological enhancements in accordance with policy NE2 of the CSDP. A summary of the Council's ecologists reports and conclusions will be provided to Members should commentary be necessary.

5. The impact of the development in respect of flooding and drainage.

The existing site comprises a large concrete slab yard with a brick workshop on area of development covering approximately 0.52 hectares.

The proposal has been subject to discussions with Northumbrian Water and the Lead Local Flood Authority and the relevant flood risk related information is listed below:

- The site lies close to the River Wear; however the site is located wholly within Flood Zone 1 and is not considered at risk of tidal or fluvial flooding.

- No works are planned to raise or lower the site ground levels at the boundaries.
- The development will make new drainage connections to the existing public sewers at connection points agreed with NWL.
- The site is currently considered to be fully impermeable and consequently the new development will not increase surface water run-off from the current situation.
- Foul water flows from the development will be discharged into the existing public sewer network.
- Surface water flows generated by the development will also be conveyed to the existing public sewer network.

Following the submission of information relating to the drainage strategy for the site the Lead Local Flood Authority are satisfied that the proposal is in accordance with relevant CSDP policy WWE2 and WWE3.

It is noted however that a condition will need to be imposed to provide a connection from the existing Shed downcomers into new receptors within the footway of Hay Street to accommodate surface water runoff that presently exists on the site. These works are outside of the development site and within the adopted highway, however they are required to prevent the ongoing lack of a receptor for the outfall.

A further verification condition shall be imposed should Members be minded to grant consent to ensure the delivery of the proposed drainage strategy infrastructure.

6. The impact of the development in respect of ground conditions.

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.

Further to consultation with the City Council's Land Contamination consultants and review of the Phase 1 Investigation Report, it recommended that conditions be attached to any planning permission to require the applicant to submit, prior to the commencement of development, a Phase 2 Site Investigation, followed by a Remediation Strategy (if necessary), and a verification report (if necessary). It is also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Additional information has been provided following the initial consultation and it is anticipated that commentary will be provided to Members via a report for circulation with regards to the inclusion of the above conditions following receipt of the City Council's Land Contamination consultants response, should an update be necessary.

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

Further to consultations with the County Archaeologist and in accordance with policies BH8 and BH9 of the CSDP it is recognised that areas of the existing concrete slab will need to be removed to facilitate drainage works and provide soft landscaping features. With this in mind, an archaeological watching brief is recommended to be undertaken during groundworks that may impact below ground archaeological resources. The scale and scope of the archaeological monitoring required will depend on the nature of the groundworks required as part of the works, such as but not exclusive to, the foundation design and any other ground reduction activities.

Conclusion

It is considered that the proposed development would be acceptable in principle at this location, and that it would be acceptable in relation to its design and visual impact (including on amenity) subject to the compliance with / discharge of recommended conditions. It would have no unacceptable impacts on residential amenity and highway safety. Subject to confirmation from the City Council's ecology and land contamination consultants to be provided in a report for circulation that the imposed conditions are necessary, matters relating to each of the topics have been adequately addressed within the agenda report. It is therefore considered that the proposed development 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).

Furthermore, it is acknowledged that the use of the site as a school/non-residential education and training facility has been established as part of the site specific design principles for Sheepfolds as set out in the Riverside Sunderland SPD.

On the basis of the above, there is considered to be no conflict with the aforementioned policies and consequently it is recommended that Members Grant Consent for the development under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the conditions below.

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: -

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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: GRANT CONSENT under Regulation 3 of the Town and Country Planning (General Regulations) 1992 (as amended), subject to the draft conditions below:

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, 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:

- AL(0)01_A Location Plan.
- AL(0)02_A Existing Site Plan.
- AL(0)03_A Existing Ground Floor Plan.
- AL(0)04_A Existing First Floor Plan.
- AL(0)05_A Existing Roof Plan.
- AL(0)06_Existing North and South Elevation.
- AL(0)07_Existing East and West Elevation.

AL(0)11_F-Proposed Site Plan.
AL(0)12_N-Proposed Ground Floor Plan.
AL(0)13_N-Proposed First Floor Plan.
AL(0)14_D-Proposed Roof Plan.
AL(0)20_D- Proposed South and East Elevations.
AL(0)21_D - Proposed South and East Elevations.
AL(0)22_D - Proposed North and West Elevations.
AL(0)23_D - Proposed North and West Elevations.
AL(0)24_C - Proposed Ancillary Building Elevations.
AL(0)25_C - Proposed Ancillary Building Elevations
AL(0)30_E - Proposed Sections AA and BB.
AL(0)31-F - Proposed Sections CC and DD.

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. Notwithstanding any indication of materials which may have been given in the application, no development 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, photo voltaic panels, including their type and finish has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of visual amenity and to comply with policy BH1 of the Core Strategy and Development Plan.

4. No demolition/development shall take place until a programme of archaeological building recording has been completed, in accordance with a specification provided by the Local Planning Authority.

A report of the results shall be submitted to and approved in writing by the Local Planning Authority prior to any development or demolition work taking place.

Reason: To provide an archive record of the historic building or structure and to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

5. No groundworks or development shall commence until the developer has appointed an archaeologist to undertake a programme of observations of groundworks to record items of interest and finds in accordance with a specification provided by the Local Planning Authority. The appointed archaeologist shall be present at relevant times during the undertaking of groundworks with a programme of visits to be agreed in writing by the Local Planning Authority prior to groundworks commencing.

Reason: The site is located within an area identified as being of potential archaeological interest. The observation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, and, if necessary, emergency salvage undertaken in accordance with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

6. The building(s) shall not be occupied/brought into use until the report of the results of observations of the groundworks pursuant to condition (5) 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 investigation is required to ensure that any archaeological remains on the site can be preserved wherever possible and recorded, to accord with paragraph 205 of the NPPF, Core Strategy Policies BH8 and BH9 and saved Unitary Development Plan Policies B13 and B14.

7. Development 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:
 - human health;
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes;
 - adjoining land;
 - ground waters and surface waters;
 - ecological systems;
 - archaeological sites and ancient monuments; and
 - 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 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. 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.

10. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. 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.

11. Prior to occupation of the premises the applicant shall submit for the agreement of the LPA 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 LPA.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from operational works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

12. Prior to commencement of works on site a Construction Environmental Management Plan (CEMP) shall be submitted for the agreement of the LPA. The plan shall identify potential impacts upon the local environment and sensitive receptors arising from site clearance, preparation and construction. Suitable mitigation measures to address those impacts shall be set out in the plan and shall be implemented.

Reason: To protect nearby residents and other occupiers, and the local environment, from adverse impacts arising from operational works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

13. Prior to commencement of construction a noise mitigation scheme shall be submitted for the approval of the LPA. The scheme shall identify the position and specification of noise barriers to the eastern boundary of the site. For the avoidance of doubt the scheme shall refer to section 8 and Figures 2 and 3 of the Noise Assessment reference 8595.3 dated 26 August 2021. The scheme shall be implemented before first use of the development. Noise from fixed building services plant 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 construction and operational works; in accordance with policies HS1 and HS2 of the Core Strategy and Development Plan (2015-2033).

14. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policies WWE2 and WWE3 of the CSDP.

15. 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.15.

16. A landscape and ecological management plan (LEMP) will 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 will 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.

17. The development shall be carried out in full accordance with the HICSA Travel Plan, dated January 2022, and future annual review documents as timetabled within the document shall be submitted to the Local Planning Authority and agreed in writing, 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 ST3 of the CSDP.

Reference No.: 21/02679/FU4 Full Application (Reg 4)

Proposal: **Erection of 115no residential dwellings (Class C3)
(Amended Plan received 02.03.2022 illustrating
repositioning of plots 14 to15 and 16 to 21 and 74 to 77).**

Location: Land North Of Emsworth Road Sunderland

Ward: Southwick
Applicant: Gentoo Group Limited
Date Valid: 15 November 2021
Target Date: 14 February 2022

PROPOSAL:

Full planning permission is sought for the residential development of 115 dwellings on land comprising the site of the former Carley Hill School, Emsworth Road, Sunderland.

The site in question comprises approximately 4.2 hectares of land which previously housed Carley Hill Educational centre. The school was vacated in the mid 2000's with the centre demolished in 2012. The site has become more naturalised since this time although sporadic areas of hardstanding associated with the previous use are still evident throughout.

The topography of the site undulates, generally rising gradually from Emsworth Road to the north and is currently secured by a mixture of boundary treatment including low level railing on Emsworth Road.

The site is bound by residential development to the north in the immediate form of Eversley Crescent, whilst areas of vegetation and open space bound the eastern curtilage. To the south lies Emsworth Road and a two-storey office building with associated parking which lies to the south-east. Residential development continues to the south and west across Emsworth road. Beyond the residential development to the north/north-east lies Fulwell Quarry Nature Reserve.

The proposal seeks to develop the site to provide 115 new homes. The covering letter and associated application correspondence qualifies that the proposal forms part of a wider programme of affordable homes to be delivered by the developer throughout Sunderland with over 1,200 new homes set to be provided by 2026. It should be noted that the developer has outlined an intent for 100% of the housing to be affordable based on an anticipated ratio of 75% affordable rent, 10% right to buy and 15% shared ownership.

The 115 dwelling scheme is to comprise the following;

- o 17no two bed bungalows
- o 38no two bed houses
- o 48no three bed houses
- o 8no four bed houses
- o 4no three bed apartments

The application has been accompanied by a wide range of supporting information, appraisals and technical documents which include, but are not limited to, the Planning and Design and Access Statements, a landscape appraisal, an archaeological desk based assessment, a Geo-environmental Report, Ecological Impact Assessment, a report to inform a Habitat Regulations Assessment, Flood Risk Assessment, an Air Quality Assessment, Noise Assessment, an Arboricultural Survey and Method Statement and a Transport Assessment and Travel Plan.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Natural England
Land Contamination
Nexus
Environmental Health
Network Management
Southwick - Ward Councillor Consultation
Planning Policy
Northumbrian Water
Northumbria Police
Fire Prevention Officer
Environmental Health
Flood And Coastal Group Engineer
Director Of Childrens Services
NE Ambulance Service NHS Trust
City Arboricultural Officer
Northern Electric
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **17.03.2022**

REPRESENTATIONS:

The application has been advertised by means of a press notice and by site notices positioned within the vicinity of the site. In addition, a total of 70 individual notification letters were sent to neighbouring properties in the immediate area.

As a result of the publicity given, two representations were received from two occupiers of individual properties on Eversley Crescent. The representations raise concerns in respect of the following matters.

Representation from No.48 Eversley Crescent -

I don't object to the development, what I object too is the fact that we will lose our view of the city along with us having a new housing development crammed in front of us. We are at the ideal elevation to get cracking views of the city and its coastline. The front of the street has always been open and spacious, even with the school being there. Building so close to our

already small front gardens will make it feel as though we are closed in. Maybe if the development was moved back away from our homes, giving us some greenbelt, and sunk down into the hill, to allow us to still enjoy good views and maintain a spacious feel.

Representation from No. 28 Eversley Crescent -

While the need for more affordable housing is appreciated and the project itself is not objectionable, it will create more noise and disruption to the area. This is especially problematic given that there are already many houses being built in the surrounding areas within earshot and sight of the planned development. This means the residents will have to deal with more construction traffic and noise for the foreseeable future.

As will be discussed in further detail in Sections 3 and 4 of the report, the scheme has been amended and updated plans received. Consequently, the application has been subject to a second round of consultation. This further consultation period has expired prior to the preparation of this report and no further representations have been offered.

Statement of Community Involvement

Prior to submission, the developer undertook a leaflet drop which contained details of a website containing information on the proposals and other activities undertaken by Gentoo in the area. This leaflet, providing details of the proposals was sent to 1,500 local residents between the dates of 23rd September and 26th September. The applicant also contacted Ward Cllrs and local stakeholders, including residents' associations to inform of the proposals and to address any queries.

The public consultation leaflet and website contained a questionnaire and comments section, allowing nearby residents and businesses to comment on the proposed development. Due to the proximity of the land at Fullwell Quarry and the site at the former Carley Hill School, responses to both developments were asked for on the same questionnaire.

Out of the 1,500 leaflets dropped a total of 23 responses were received whilst a further 12 responses were made directly via the website. The developer has confirmed that whilst direct responses to the leaflet drop were low, significantly larger engagement took place via social media posts on platforms including Facebook and twitter through 'liking a post' commenting, or 'retweeting'. The SCI, including the questions posed and responses received can be viewed online as part of the supplementary information submitted with the application.

External consultee responses

County Archaeologist

In 2020, Vindomora Solutions undertook an archaeological desk-based assessment (Event 5201) at the site of the former Carley Hill Primary School. In the report it is highlighted that the proposed development area is located in an area known for prehistoric and Roman activity. A post-medieval wagonway is also recorded going through the proposed development area. In the report it is estimated that only 23% of the proposed development area has potential for the survival of archaeological remains due to extensive quarrying and modern building coverage. Subsequently, ten archaeological evaluation trenches were excavated within the areas of the site previously identified to have not been disturbed by quarrying, the construction of the former school and tree planting. In trench 1 the base of a 20th century building was noted. The building had been constructed on reclaimed quarry ground. Trenches 3 and 7 were located along the

route of a late Georgian wagonway which is shown on the 1862 Ordnance Survey map. In trench 7 a section of the wagonway was identified. The wagonway was described as having been dismantled and incorporated into a later field boundary shown on historic maps by 1897. The truncated remains of the trackbed were observed and the sleepers and rails were identified to have been removed. Trench 3 was also targeted on the route of the wagonway but remains associated with the wagonway were not identified. In the report no further archaeological investigation is recommended in association with the proposed works as the site has been severely impacted by quarrying, the construction of the school, landscaping and tree coverage. Based on the condition of the wagonway it was concluded that further investigations would be unlikely to reveal additional information about the wagonway.

Based upon the findings outlined in the provided archaeological desk-based assessment and evaluation trial trenching report, no further archaeological investigation is required in association with the proposed works.

Nexus

No objection offered, noting access to sustainable transport through bus stops within the vicinity of the site. In line with Nexus Planning Liaison Policy, it is recommended that the developer meets the cost of two introductory tickets per dwelling, equalling 4 weeks travel per ticket to be introduced to residents via their welcome pack. This is recommended to be achieved via the imposition of a planning condition which will encompass the wider recommendations/actions of the travel plan.

Northumbria Police (Designing out Crime Officer)

Northumbria Police have had prior discussions regarding this development and are satisfied that the developer is seeking SBD certification and will therefore seek to provide appropriate lighting schemes for the development. Northumbria Police have confirmed no objection to the proposal.

Fire Safety Officer

No objections offered

Northumbrian Water

No objection is offered subject to the imposition of a condition requiring that the application be approved in accordance with Flood Risk Assessment and Drainage Strategy.

Northern Gas Networks

No objection offered

Northern Powergrid

No response received

Natural England

No objection offered subject to appropriate mitigation being secured with regard to ensuring upgrades to the existing footpath network adjacent to the Suitable Alternative Natural Green Space (SANGS) are in place prior to first occupation of the development and the mitigation measures set out in the Report to Inform Habitats Regulations Assessment.

Internal consultee responses

Highway Engineers

The Council's Highway Engineers have provided a response on the proposal offering comments on matters relating to site location, access, visibility and layout, pedestrian safety, pedestrian access, stopping up arrangements, on-site parking, servicing and trip generation and distribution on the local road network. The comments are discussed in detail within Section 6 of this report.

Lead Local Flood Officer

The proposed Drainage Strategy is acceptable subject to a verification condition.

Environmental Health

Environmental Health has considered the submitted documentation and considers that the proposed development is acceptable in principle subject to the inclusion of the following conditions on any granted consent:

Noise: Prior to occupation of the development a detailed scheme confirming relevant noise mitigation measures shall be submitted for the approval of the LPA. The scheme shall identify the plots to be subject to enhanced noise attenuation measures and the detailed specification to be applied as set out in the recommendations of the noise assessment reference NJD20-0082-003R dated October 2020, specifically Figures 4 and 5.

Construction Environmental Management Plan: Prior to the commencement of works on site, the applicant shall submit for the agreement of the LPA a suitable CEMP that shall identify the potential environmental impacts arising from site clearance, preparation and construction. The plan shall also identify appropriate mitigation measures to address those impacts so as to minimise the effects upon the local environment and nearby occupiers.

Ecology

The Council's Ecological Consultant has offered the following comments in response to consultation:

Habitats

Botanical surveys of the proposed development site were completed in line with current guidelines and at an appropriate time of year to allow an accurate assessment to be made of the nature of the habitats on site. The site supports locally common plant species typical of such habitats and the surrounding area; the habitats present are widely replicated and can be readily

recreated, and the assessment of their value as set out in the EclA is considered to be appropriate.

Protected and Notable Species

Potential impacts upon species such as great crested newt, otter, water vole and other aquatic species were scoped out of the assessment based on the lack of accessible aquatic habitat in the area surrounding the site. Similarly, the lack of significant woodland habitat / good quality tree cover rules out the potential presence of red squirrel.

No evidence confirming the presence of badger was recorded; site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of the species being adversely affected in the event a population persists in the local area.

Bat transect surveys found that the site was used by small numbers of locally common species as a foraging area, with bats also recorded commuting over the site. No data was gathered from the spring period however, based on the nature of the habitats present and the results of the summer and autumn work (which recorded low levels of activity), it is not considered that data from earlier in the year would result in any changes to the site assessment or nature of the mitigation works proposed. A small number of trees with low bat roost suitability are present which will be affected by the proposals; the residual risk of bats being present will be addressed through appropriate working methods.

It is accepted that habitats on site sub-optimal for reptiles, and the likelihood of such species being present is reduced by the fact the site was developed until relatively recently, and there are only historic records of such species in the surrounding area. Site clearance and construction works should follow appropriately precautionary working methods to address the residual risk of such species being adversely affected.

A population of Dingy Skipper (Priority Species) was identified on site. Habitats with the potential to support the species will be retained and/or created within the site and will be subject to an appropriate management strategy for the lifetime of the development. Where possible, turves from areas in which the species was recorded should be stripped and translocated to an appropriate location within the site.

Appropriately precautionary working methods will be required to minimise the risk of other species, such as hedgehog, being adversely affected.

The site supports a small range of locally common bird species during the wintering and breeding periods, including a number of conservation concern. Although the Birds of Conservation Concern (BoCC) lists were updated in early December 2021, which affected the conservation status of a number of species recorded on the site, e.g. Greenfinch moving from the Green to Red list, Woodpigeon from Green to Amber, the assessment of value as based on the number and range of species present, and the associated mitigation strategy are considered to remain robust. The site is not considered to have the potential to support species which form the qualifying interests of the sites of ornithological importance along the coast.

A stand of cotoneaster was recorded on site which should be removed through the works by an appropriately licensed contractor (this will be conditioned to be removed)

Biodiversity Net Gain (BNG)

Based on the supplementary documents referring to BNG, the Council's Ecology advisor is satisfied with the arguments that have been presented in relation to the proposals resulting in a net gain for biodiversity which cannot be illustrated through the current version of the BNG metric. In this regard, there is a number of factors included which cannot be taken into account in the calculations, but which have the potential to be of real benefit to local ecology / wildlife. On this basis, it is recommended that the following suggestion that part of the financial contributions from the schemes be used towards providing ecological enhancement / management of the SANG and SSSIs wherever possible due to the obvious benefits of such works and their close proximity to the proposed housing sites.

Designated Sites

The site lies within the impact risk zone of a series of designated sites, including Carley Hill and Fulwell Quarries SSSI, and the Durham Coast SSSI which overlaps part of the Northumbria Coast SPA and Durham Coast SAC.

Due to the proximity of the proposed development site to another proposed residential development by the applicant (referred to as the 'Fulwell Quarry' site for which outline planning permission is currently being sought (21/02676/OU4)) the assessments submitted take into account the potential effects of both sites, in order to ensure a robust assessment and mitigation strategy are in place.

The documents submitted indicate that the proposals have the potential to result in likely significant effects as a result of indirect disturbance upon the coastal designations via increased recreational pressure in the absence of mitigation. Such impacts will be mitigated via a per unit financial contribution to the Council's Strategic Access Management and Monitoring (SAMM) strategy, and the provision of Suitable Alternative Natural Green Space (SANG) which is linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the objectives of the SANG are met, this area must be available for use prior to occupation of the first property.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition. Site design measures have been built into the landscape plans, with a series of further measures designed to assist in generating awareness of the SSSIs which should be secured via condition.

In summary, no objection, subject to the implementation of the implementation of a series of planning conditions.

Landscape Architect

The landscape team have reviewed information submitted in relation to planning application 21/02679/FU4 and make the following comments.

In general, the response expresses some disappointment over the level of tree removal on the site whilst highlighting the contribution they make to the existing character, visual amenity ecological value of the land.

It is noted that the landscape proposals include new tree planting however these are substantially smaller than those to be removed. To offset for the loss of several mature trees on site it has been recommended that some proposed trees, in key locations are increased in size. The detailed planting plans do however include a good range of plants and plant types as well as sculptural mounds of which the details of these features should be conditioned. In addition, information on proposed levels, hard surfacing and a landscape maintenance strategy will also be required.

It is also noted that fencing to the rear of properties 12, 13 and 15 is immediately adjacent to the narrow footpath on Eversley Crescent and would recommend that this is set back away from the footpath edge to avoid creating an unattractive space.

Proposals are also submitted for the play area. Further details will be required for this area however this can also be conditioned.

COMMENTS:

Planning policy background

In England there is a hierarchical structure of policy covering national and local planning. At a national level the National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. At a local level, development plans set out planning policy for the area.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the statutory development plan unless material considerations indicate otherwise. All planning applications in Sunderland are assessed against the policies in the Core Strategy and Development Plan 2015-2033 (CSDP) together with saved policies from the City Council's Unitary Development Plan (UDP). The Draft Allocations and Designations Plan is emerging planning policy and as it progresses through the adoption process will gain further weight in the assessment of applications.

National Planning Policy Framework (NPPF)

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. To achieve this the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) - an economic, social and environmental objective. Planning policies and 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.

The NPPF has a presumption in favour of sustainable development. For decision-taking this means approving development that accords with the development plan, or where there are no relevant development plan policies or where the policies which are most important for determining the application are out-of-date, granting planning permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance (such as habitat sites, Green Belt land, Local Open Space, designated heritage

assets and areas at risk of flooding) provide a clear reason for refusing the development proposed; or
(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The Core Strategy Development Plan

The following CSDP policies are material to the consideration of this application:

CSDP Policy BH1 - Design quality
CSDP Policy BH2 - Sustainable design and construction
CSDP Policy BH9 - Archaeology and recording of heritage assets
CSDP Policy SP1 - Development Strategy
CSDP Policy SP4 - North Sunderland
CSDP Policy SP7 - Healthy and safe communities
CSDP Policy SP8 - Housing supply and delivery
CSDP Policy H1 - Housing mix
CSDP Policy H2 - Affordable housing
CSDP Policy HS1 - Quality of life and amenity
CSDP Policy HS2 - Noise sensitive development
CSDP Policy HS3 - Contaminated land
CSDP Policy NE2 - Biodiversity and geodiversity
CSDP Policy NE3 - Woodland's hedgerows and trees
CSDP Policy NE4 - Greenspace
CSDP Policy NE9 - Landscape character
CSDP Policy WWE2 - Flood risk and coastal management
CSDP Policy WWE3 - Water management
CSDP Policy WWE4 - Water quality
CSDP Policy WWE5 - Disposal of foul water
CSDP Policy ST2 - Local road network
CSDP Policy ST3 - Development and transport
CSDP Policy ID1 - Delivering infrastructure
CSDP Policy ID2 - Planning obligations

Saved Unitary Development Plan Policies

The following retained or partially retained UDP policies are material to the consideration of this application.

UDP Policy CN23 - Wildlife Corridor

Supplementary Planning Documents (SPD)

Supplementary Planning Documents (SPDs) provide detail to support policy in higher level Development Plan Documents (DPDs) or saved UDP policies. SPDs are a material consideration in the assessment and determination of any planning application.

The following SPDs are considered relevant to this application.

- o The Development Management SPD (Sections 3 and 4)
- o Planning Obligations SPD

Planning Assessment

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

1. Principle of the development including land use implications
2. Housing policy
3. Design, layout and visual impact;
4. Residential amenity;
5. Health and wellbeing;
6. Highways and transportation
7. Landscape and ecology;
8. Flood risk;
9. Land contamination and stability;
10. Archaeology;
11. Sustainability;
12. Economic impacts; and
13. Planning obligations
14. Summary and Planning Balance

1. Principle of the development/land use implications

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 deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. It further states that the spatial strategy seeks to deliver growth and sustainable development by delivering the majority of development in the existing urban area and emphasising the need to develop in sustainable locations.

CSDP Policy SP4 'North Sunderland' states that North Sunderland will continue to be the focus for regeneration and renewal whilst ensuring its future sustainability.

CSDP Policy SP7 'Healthy and safe communities' sets out that the council will seek to improve health and wellbeing in Sunderland through a range of measures, stipulating that large scale development should be accompanied by a Health Impact Assessment (HIA)

CSDP Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

The land in question comprises the historical grounds of Carley Hill Educational centre which vacated the site in the mid 2000's. Although school playing fields once formed part of the site,

they have not been used for over 15 years with the site now naturalised and comprising areas of hardstand associated with the former buildings and infrastructure. The site is not allocated as a school playing field as depicted by the online interactive Unitary Development Plan proposals map and, as the land has not been utilised as a playing field within the last 5 years, there has been no requirement to consult Sport England on this development under the regulations set out by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

It is considered that the land is sustainably located with good access to public transport, and for the purposes of housing delivery it would assist in meeting the Council's housing requirement. In this regard the proposal would accord with Policies SP1 SP4 and SP8 of the adopted CSDP.

With regard to Policy SP7, the developer has submitted a HIA with the application. The purpose of a HIA is to undertake an analysis of the positive and negative impacts that might result from a development (for example the creation of jobs/being a positive or the generation of pollution being classed as a negative). A matrix has been provided which offers an assessment on a variety of themes including populations, access to healthy foods, access to open space and nature, accessibility to healthy travel, social cohesion, air quality and noise, crime reduction and community safety, access to work, climate change and use of resources. This document has been considered by the Council's Public Health Team and is discussed in further detail within Section 5 of this report.

Going forward, the Council's emerging Allocations and Designations Plan (A & D Plan) (December 2020), proposes to allocate the site for housing under draft Policy H8.18. In terms of how much weight to give the draft policy, the provisions of the NPPF are relevant. The NPPF, at paragraph 48, states that;

"Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

With regard to the above, the Planning Policy section of the Council's website confirms that:

"The Council consulted on the Draft Allocations and Designations Plan between 18 December 2020 and 12 February 2021. Representations are currently being logged and taken into consideration".

In addition, the A & D Plan, at paragraph 1.7, outlines

"The Plan has been prepared in accordance with the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and legislation"

In this regard, the A & D Plan is not currently an adopted Council document and, whilst it is clear from the draft land use allocation that the Council's aspirations are for the site to be brought forward for housing, it can only be afforded limited weight at this time.

The site, insofar as it is naturalised and was formerly school grounds/fields, is considered greenspace as highlighted by Section 10.23 of the CSDP. The site is also identified as amenity greenspace in the Council's Greenspace Audit 2020, wherein it makes it clear, at chapter 6 of the Audit, that recommendations for those sites which could be released for development (i.e., those which are proposed to be allocated as housing sites within the Draft A & D Plan), could be deemed acceptable providing that an improved quality of greenspace for the area can be provided. This position is clear insofar that the Greenspace Audit confirms that its release will only be deemed to be acceptable on the basis that upgrades/contributions towards open space improvements within Fulwell Quarries are provided.

The above position aligns appropriately with CSDP Policy NE4 which sets out at criterion 3 that all major residential development will provide:

- I. A minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- II. A financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

And at criterion 4 of policy NE4 that;

Development will be refused on greenspaces which would have an adverse effect on its amenity, recreational or nature conservation value unless it can be demonstrated that:

- I. The proposal is accompanied by an assessment which identifies it as being surplus to requirements; or
- II. A replacement facility which is equivalent in terms of usefulness is provided; or
- III. A contribution is made to the Council for new offsite provision.

With regard to criterion 3, the proposals would result in 405 bed spaces and would generate an on-site requirement of 0.3645 hectares of open space (9sqm per bed space). The proposal provides 1.05ha of open space and landscaping across the site and it is therefore very significantly in excess of the required amount.

With regard to criterion 4 (iii), the applicant has agreed to make a financial contribution to improve local open space provision. This will be directed to Fulwell Quarry.

In light of the above, it is considered that the policy requirements of NE4 have been met and that appropriate mitigation has been secured to ensure that the development will not have detrimentally adverse impact on the amenity and recreational impacts of the area.

Conclusion in respect of land use implications

The proposal accords with the strategic aims set out within Policies SP1, SP4, SP7 and SP8 insofar that it will assist in providing growth, regeneration and housing delivery within a sustainable location.

With regard to CSDP Policy NE4, the loss of open space has been appropriately mitigated though the provision of a financial contribution which will serve to provide enhancement of nearby open space in Fulwell Quarry.

As such, the principle of utilising the site for new residential homes is considered to be broadly acceptable, subject to appropriately addressing the matters below.

2. Housing policy

Any planning application for housing must be considered in the context of the aims of section 5 of the NPPF, which is concerned with achieving the Government's objective of significantly boosting the supply of homes in England. In order to meet this objective, paragraph 59 requires local planning authorities to identify a sufficient amount and variety of land available for housing where it is needed and, at paragraph 60, it requires local planning authorities to identify the minimum number of homes needed in its area, as informed by a local housing needs assessment conducted using the standard method provided in national planning guidance.

Paragraph 67 states that local planning authorities should have a clear understanding of the land available in their area for housing development through the preparation of a strategic housing land availability assessment and should identify specific, deliverable sites which are available for development in the upcoming 5-year period. Paragraph 73, meanwhile, sets out a requirement for local planning authorities to identify and annually update a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old.

With regard to the above, the Council's Strategic Housing Land Availability Assessment (SHLAA) identifies potential housing sites and the likely timeframe for their development. This assists with demonstrating a sufficient supply of land for housing to meet the identified need. With regard to this site, the SHLAA identifies it as (Site 104) setting out that there is potential to accommodate around 40 dwelling houses at a density of 33 dwellings per hectare with a developable start within 6-10 years. It is therefore envisaged as comprising a key part of housing delivery over the CSDP plan period. However, it should be noted that the SHLAA is a background 'evidence' to inform plan-making but it is not a policy statement and whilst identifying land with the potential to accommodate housing, it does not determine whether a site should be allocated for housing as part of the Local Plan, be granted planning permission for housing or dictate a definitive density.

As touched on within the open space section above, the draft Allocations and Designations Plan will, subject to formal adoption, allocate the site for housing going forward but only limited weight can be given to the A & D plan at this time.

CSDP Policy H1 advises that residential development should create mixed and sustainable communities by;

- o contributing to meeting affordable housing needs, market housing demand and specialist housing needs as identified through the Council's Strategic Housing Market Assessment (SHMA) or other evidence,
- o providing a mix of tenures and sizes which is appropriate to its location;
- o achieving appropriate density for its location which takes into account the character of the area and level of accessibility;

In addition, and where development is appropriate and justified, policy H1 also seeks to ensure that there is a choice of suitable accommodation for older people and those with special housing needs, including bungalows and extra care housing.

Additionally, Policy H2 of the CSDP states that all developments of 10 or more, or on sites of 0.5ha or more, should provide at least 15% affordable housing. As a general rule, such affordable housing should be provided on-site in order to help achieve mixed and balanced communities, however, exceptionally, offsite provision or a financial contribution made in lieu, can may be considered acceptable where it can be justified. The housing needs to be retained

in affordable use in perpetuity and reflect the latest available evidence with regards to the tenure split and size of dwellings.

The applicant, Gentoo, has set out within their submission that they are planning to deliver a 100% affordable housing scheme on this site subject to receipt of funding from Homes England and Homes England have qualified that the scheme appears to meet the over-arching principles of their Affordable Homes Programme (AHP) and that it has been included in their pipeline of projects to potentially receive funding subject to support from the Local Authority.

The AHP grant is made available only for affordable housing projects and without the grant the development would not be viable and so would be unlikely to come forward for delivery as affordable housing.

The potential for the creation of 100% affordable housing across the site is welcomed and substantial weight is given to this accordingly, whilst site is also accessible by public transport and is in a sustainable location with regard to access to local shops, services, recreational and community facilities.

In this regard there is considered to be no conflict Policies H1 and H2.

3. Design, layout and visual impact

Policy BH1 of the Council's CSDP seeks to achieve high quality design and positive improvement by, amongst other measures, ensuring development is of a scale, massing, layout, appearance and setting which respects and enhances the qualities of nearby properties and the locality and by creating visually attractive and legible environments through provision of distinctive, high quality architecture, detailing and building materials.

The NPPF states that planning decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The NPPF goes on to states that planning decisions should ensure that developments create places which, amongst other objectives, function well and add to the overall quality of the area and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Within appendix 1 of the emerging A & D Plan the site-specific policy requirements are set out. Again, qualification must be given that only limited weight can be given to this document, but it does nonetheless provide appropriate parameters and best practice for the development of the site. In terms of design and layout such measures include ensuring that;

- o a suitable buffer is provided to the existing residential properties and footpath to the north
- o an active frontage is provided to Emsworth Road
- o the layout and architecture respond to the topography and long distant views of the site
- o that the design and layout are informed by ecological mitigation hierarchy
- o that healthy trees and hedgerows are retained where possible

In terms of the quantum of development, it is clear that the proposed density of development notably exceeds the figure of 40 set out within the SHLAA although as noted in Section 2, the SHLAA is not an allocating document to which significant material weight can be given.

Moreover, the proposed layout in terms of density sits comfortably when considering the density of surrounding residential development. Indeed, it is considered that the layout and built form will deliver a good quality housing scheme which will relate appropriately to its surroundings whilst providing residents with a good standard amenity. This is evident through level of internal landscaping and open space that is proposed within, particularly the landscaped central green spine, the provision of a 'natural' play park towards the north of the site and the large swathe of open planting which will provide a soft green buffer to Emsworth Road.

The submission has been accompanied by indicative levels, sectional drawings and a landscape appraisal which assist in evaluating the visual impact of the development within the context of the area. The appraisal reaffirms that the built form, when viewed from key views into the site, will sit appropriately within the context of the built landscape and would not be uncharacteristic of the area, whilst the proposed landscaping will develop over time to help integrate the proposals into the streetscene.

In terms of scale and layout the existing houses on Emsworth Road and Eyemouth Lane are all 2 storeys and therefore the ridgeline/building mass of the proposed dwellings being 1 and 2 storeys will sit at comparable heights as they step up the sloped site. The bungalows are shown to be placed in groups throughout the site including bookending the row of housing facing onto Emsworth road behind the proposed landscaped area.

In terms of designing out crime, Northumbria Police has offered no objections to the layout of the scheme and it is clear the developer has considered natural surveillance with all areas of open space overlooked by main facing windows.

The layout of the site has been tweaked during the consideration of the proposal to ensure that appropriate spacing is retained between certain plots to the north of the site and existing properties on Eversley Crescent. This has also served to provide a 'green buffer' between plots 12 to 15 and the existing footpath to the north as suggested within the emerging Allocations and Designations Plan.

The new buildings will utilise a palette of good quality, robust materials which will be in keeping with the context of the area. These are outlined on the submitted plans and include the use of two types of facing brick (Ibstock Alnwick and Ibstock Wylam) and dark grey roof tiles. This approach is considered to be acceptable, sitting comfortably with surrounding properties and mirroring the approach taken and the recent approval of 24no homes at the nearby Eastbourne Square site in 2020.

Details of all proposed boundary treatment, which includes a mix of 1.8m high close board fencing/masonry walls and railing/in part retaining wall, 1.1m high metal railing/in part retaining wall and 600mm high timber knee railing have been illustrated on the proposed layout plan. These are all considered to be appropriate to the context of the site.

The layout qualifies that each property will have a private bin store, with the resident being responsible to move bins to the front of properties ready for collection. Within the site, the road and pedestrian path arrangement will be designed to meet adoption standards and appropriate turning head arrangements are included for large vehicles such as refuse and emergency appliances to turn within the site and leave in a forward-facing movement.

With the NPPF's objectives regarding design quality in mind, it is concluded that the proposed development will deliver a scheme which affords an appropriate standard of design and that it will relate suitably to its context and surroundings. The proposed development therefore satisfies the requirements of the NPPF, policies BH1 of the Council's CSDP and the Council's 'Residential Design Guide' SPD.

4. Residential amenity

Policy BH1 of the Council's Core Strategy and Development Plan also seeks to achieve positive improvement by retaining acceptable levels of privacy and ensures a good standard of amenity for all existing and future occupiers of land and buildings.

This is reinforced through Paragraph 127 of the NPPF which states that planning decisions should ensure that developments create places which, amongst other objectives, have a high standard of amenity for existing and future users.

CSDP Policy HS1 states that development must demonstrate that it does not result in unacceptable adverse impacts which cannot be addressed through appropriate mitigation, arising from sources such as air quality, noise, dust, odour, illumination and land and water contamination. Where unacceptable impacts arise, planning permission will normally be refused.

The NPPF continues that planning decisions should contribute to and enhance the natural and local environment by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.

Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impact resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life (in accordance with the Noise Policy for England).

In terms of the amenity afforded to prospective occupiers of the new development, it is observed that the development comprises a variety of reasonably proportioned dwellings which, in the main, occupy good sized plots with relatively spacious rear gardens. Internally, the spacing between the new dwellings generally accord with the recommendations set out in the Council's Development Management SPD (i.e. 21 metres between elevations containing main living room windows and 14 metres between elevations containing living rooms windows and blank elevations). Due to the gradients and finished levels within the site, there are some areas where the spacing does fall a little below the recommended distances, but overall, it is considered that the proposed layout provides an arrangement which should ensure the dwellings are afforded acceptable levels of privacy and benefit from main living room windows with appropriate outlook.

In terms of the impact of the development on the amenity of existing dwellings, as has been noted earlier, the application site is bound by residential properties to the north. Some initial concerns were raised over the separation distances that would result from the positions of new build properties, (namely plots 15 and 16 to 22) due to the fact that the land at this juncture is raised above the level of the adjacent footpath and properties on Eversley Crescent. In this regard, it was also noted that a single objection had been raised from an occupier at No.48

which expressed concerns that their view of the city and coastline would be affected by the development.

In this regard, members should be note, that whilst material weight can be given to the impact of a development on outlook, which covers matters such as proximity and whether a development may appear overbearing or visually intrusive, planning considerations cannot seek to protect an individual's view across land.

Notwithstanding, in terms of assessing impact on outlook and visual intrusion, it was noted that the aforementioned plots did not meet the required spacing standards as set out within the Council's Development Management SPD. The developer has taken these concerns on board and has repositioned plots 14 and 15 (moved from a vertical layout to a horizontal layout) and has brought forward (pushed south) plots 16 to 21 to achieve the appropriate spacing. This is now considered to be acceptable and will ensure that a satisfactory level of amenity is retained for the occupiers of Eversley Crescent.

There is also an existing two storey detached building set within its own ground located beyond the south eastern corner of the site (Thornhill Park School). This building is sunk notably below the development site to the north with a sharply graded embankment rising to the rear of the grounds. Due to this exaggerated difference in ground level and the fact that the rear elevations of plots 65 to 69 are set appropriately back from the northern boundary of the lower lying site, it is not considered that there would be opportunity to impinge on the privacy of the occupants of the building by way of overlooking.

In terms of noise, a noise assessment has been submitted, with the conclusions accepted by the Council's Environmental Health Officer (EHO) subject to a requirement that the final scheme is submitted to ensure the appropriate measures are applied to dwellings as set out in the noise consultant's report. A condition to this effect will need to be applied to ensure that a suitable noise environment is provided for future occupants.

The submission qualifies that the new homes will be provided with Air Source Heat Pumps (ASHP) for which the developer has provided technical noise data for. This has also been accepted by the EHO and raises no undue concern from a background noise/nuisance perspective.

An Air Quality Screening Assessment has been provided which has again been subject to consideration by the EHO. This review suggests that effects should not be significant and should not be a prohibitive factor in the determination of the application. This position has been agreed by the EHO.

Overall and with regard to the above comments, it is considered that the development will not give rise to any harm to the amenity of existing dwellings in the vicinity of the application site whilst the development will, in the main, also afford future occupiers of the dwellings with an acceptable standard of amenity.

Comments from an occupier have also been received regarding the potential for disruption to occur during the construction phase, particularly given that there are already houses being built in the surrounding areas within both earshot and sight of the planned development. In this regard it is inevitable that there will be some level of noise and disruption associated with this type of development and as set out within the Planning Consultee section of this report, the developer will be required to submit a combined Construction Environmental Management Plan and Traffic Management Plan prior to works commencing on site. The purpose of this report will

be to outline how the development will be managed and the amenity impacts mitigated during the construction period. A condition to this effect will be placed on any consent granted.

In respect of the above, it is considered that the future residential development of the site can provide appropriate amenity for prospective residents and coexist satisfactorily with adjacent residential occupiers, in accordance with the requirements of policy BH1 and HS1 of the CSDP and the NPPF.

5. Health and wellbeing

CSDP SP7 'Healthy and safe communities' seek to improve health and wellbeing in Sunderland by ensuring that new developments are;

1. age friendly, inclusive, safe, attractive and easily accessible on foot or by bicycle;
2. have a strong sense of place which encourages social interaction;
3. are designed to promote active travel and other physical activities through the arrangement of buildings, location of uses and access to open space;
4. promote improvements and enhance accessibility to the city's natural, built and historic environments;
5. do not have unacceptable adverse impacts upon amenity which cannot be adequately mitigated (Policies HS1 and HS2);
6. appropriately address any contaminated land to an acceptable level (Policy HS3); and
7. submit a Health Impact Assessment (HIA) as part of any application for large-scale development. Where significant adverse health impacts are identified, development should be resisted unless appropriate mitigation can be provided.

With regard to the above, it is considered that indicative layouts and supporting information provide qualification as to the sites sustainable location close to open space, transport hubs and local amenities, thereby offering sufficient assurances that the future development of the site can satisfactorily support the aims and objectives of Policy SP7.

In accordance with criteria 7, the application has been supported by HIA which has been scrutinised by the Council. Some additional clarifications were requested from the developer on matters pertaining to the accessibility and adaptability of the future properties, whether the dwellings would meet nationally prescribed spacing standards, capacity within nearby schools and medical centres and whether there will be apprenticeships and real living wage paid to employees involved in the construction works.

In terms of accessibility and adaptability the applicant has confirmed that the homes will meet M4(1) accessibility requirements which is the Building Regulation standard met when a new dwelling provides reasonable provision for most people to access a dwelling, this includes features that make it suitable for a range of potential occupants, including older people, individuals with reduced mobility and some wheelchair users. 11no of these homes (house type 1) will be built to comply with the requirements of M4(2) and will meet the needs of occupants with differing needs and allow for adaptations to meet the changing needs of occupants over time. Confirmation has also been received that the dwellings would meet national spaces standards as a minimum.

With regards to schools and nearby medical centres, the Council's Education Officer has confirmed that the Council has already created the places at the new Willow Wood Primary School in 2021 that would be required to facilitate the projected increase in pupil numbers as a

consequence of this development, whilst the NHS who routinely monitor new residential development submissions have sought not to offer any observations to this proposal.

With regard to the apprenticeships the applicant has confirmed that, whilst not a planning policy requirement, it is appreciated that weight is placed on this in the City Plan to ensure more local people have better qualifications and skills as part of Sunderland being a Dynamic Smart City with a goal for Sunderland to be a Real Living Wage city. In this regard they have qualified that all Gentoo employees are paid the Living Wage and the company is an accredited Living Wage Employer. The response also highlights that Gentoo is committed to providing employment and training opportunities through an apprenticeship programme and since being formed in 2001, Gentoo has created 277 apprenticeship opportunities and 90% have gone on to secure a full time, permanent job with the company.

The response advises that there are currently 24 people in apprenticeships at Gentoo in both trades (gas, electric, plumbing etc.) and office-based roles (paralegal, business admin, human resources, procurement etc.). Gentoo also encourages its contractors to provide apprenticeships across various disciplines including bricklaying, plumbing, plastering, engineering and quantity surveying. Contractors are also encouraged to engage with young people in the local area during construction through careers talks, workshops and other activities in both primary and secondary schools to develop knowledge and skills.

With regard to the above, the developer has qualified that the Fulwell Quarry and Carley Hill developments will safeguard apprenticeships both within Gentoo and its contractors. Furthermore, Gentoo's Wise Steps programme also provides specialist support to help tenants take positive steps towards securing employment. Last year, 72 tenants were supported by the programme.

Overall, it is considered that the development meets the aims and objectives of improving health and wellbeing in Sunderland in line with CSDP SP7.

6. Highways and transportation

Policy ST2 of the Council's CSDP states that to ensure development has no unacceptable adverse impact on the Local Road Network, proposals must ensure that:

- o new vehicular access points are kept to a minimum and designed in accordance with adopted standards;
- o they deliver safe and adequate means of access, egress and internal circulation;
- o where an existing access is to be used, it is improved as necessary;
- o they are assessed and determined against current standards for the category of road;
- o they have safe and convenient access for sustainable transport modes;
- o they will not create a severe impact on the safe operation of the highway network.

Paragraph 110 of the NPPF states that in considering applications, local planning authorities should ensure that:

- o appropriate opportunities to promote sustainable transport modes can be taken up;
- o that safe and suitable access to the site can be achieved for all users; and
- o that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree;

Also relevant is paragraph 111, which states that development should only be refused on highways grounds if it would have an unacceptable impact on highway safety, or the residential cumulative impacts on the road network would be severe.

Paragraph 112 goes on to advise that within the context of paragraph 110, applications for development should:

- o give priority first to pedestrian and cycle movements and second to access to high quality public transport;
- o address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- o create places that are safe, secure and attractive, which minimise the scope for conflicts between pedestrians cyclists and vehicles;
- o allow for the efficient delivery of goods and access by service and emergency vehicles;
- o be designed to enable charging of plug-in and other ultra-low emissions vehicles.

The Highway Officer has confirmed that the site is sustainably located, situated within easy walking distance of bus stops and relatively close by to a metro station and the facilities and amenities available in the local area.

The submission sets out that access to the site is to be achieved via the creation of a new priority T junction with a ghost island right turn lane provided on Emsworth Road. The Council's Highway Engineers have confirmed that it has been satisfactorily demonstrated that this new junction is appropriate in terms of its geometric layout and will be required to be approved as part of a Section 278 Agreement.

Qualification from the Highway Officer was initially requested over technical aspects of the visibility splay from the new junction and the location of a new pedestrian refuge which was sought to assist the safe crossing of pedestrians on Emsworth Road. These details have been provided to the satisfaction of the Highway Officer and will be subject to a Grampian condition to ensure that they are delivered and in situ prior to first occupation of the development.

It has been confirmed that the proposed development will affect areas of highway (carriageway and footway), which will need to be stopped up under Section 247 of the Town and Country Planning Act 1990. Such a process will usually be made following the grant of planning permission for the development.

The submitted Transport Assessment confirms that each new dwelling will have at least 1 allocated car parking space within the curtilage of the dwelling with 3 and 4 bed dwellings having 2 spaces as a Genuo requirement. The visitor parking is based on 1 space per 5 dwellings and sufficient visitor car spaces are shown to be evenly distributed across the development. The proposed parking provision of 169 resident spaces and 22 visitor spaces is considered acceptable.

A swept path analysis has been provided for larger vehicles including servicing and refuse and these satisfactorily demonstrate that sufficient turning space will be provided within the site to allow vehicles to enter and exit the site in forward gear.

A Transport Statement (TS) has been submitted with the application. The proposed trip generation from the development is predicted to generate 50 and 55 two-way vehicle trips during the weekday AM and PM peak hours, respectively. The highest impact would be on Old Mill Road, where approximately 30 two-way vehicle trips would be generated during the weekday AM and PM peak hours. On average this equates to less than one additional vehicle

on the network every two minutes in both directions during both peak hours. This is considered to be acceptable.

The Council's Highways Officers also requested that a sensitivity assessment was undertaken to account for the cumulative impact of the proposed development and the proposed residential development comprising up to 110 properties adjacent to Fulwell Quarry, located approximately 500m to the west of the proposed development site for which a separate outline planning application has been submitted. The assessment was undertaken with specific regard to the impact on operation of the Carley Hill Road / B1291 Thompson Road / Carley Road four-arm priority junction located to the south east of the site.

It is noted that the table within the TS indicates that the proposed developments are predicted to have a cumulative impact of 27 and 30 two-way vehicle trips at the junction during the weekday AM and weekday PM peak hours, respectively. This equates to a cumulative impact of approximately one additional vehicle at the junction every two minutes during the weekday AM and PM peak hours.

The table provided within the TS demonstrates that the most common traffic movement generated by the proposed developments at the junction is between Carley Hill Road and the B1291 Thompson Road (West). In the weekday AM peak hour, 9 vehicles turn right from Carley Hill Road and in the PM peak hour, 9 vehicles turn left from the B1291 Thompson Road (West). These left-turners are not conflicting turning movements and would therefore not have an impact on the operation of the junction. This equates to a cumulative impact of approximately one additional vehicle making these movements every six and a half minutes during the weekday AM and PM peak hours. This would not represent a material impact on the operation of the junction. Taking into account the tables presented within this section of the TS, the Highway Officer is satisfied that the cumulative impact of the Carley Hill and Fulwell Quarry developments at the junction can be accommodated satisfactorily.

The Highway Officer has confirmed that this would not represent a material impact on the operation of the junction.

In conclusion, based on the results of the requested sensitivity testing, it is noted that traffic generated by the proposal will increase demand on use of the Carley Hill Road / Thompson Road junction during peak periods. Whilst this increase will add some additional queuing on the Carley Hill Road leg during peak demand, it is not considered to be severe in terms of highway safety.

A full Travel Plan has been submitted with the application which has been amended in line with comments from Nexus and the Council's Highway Officer to provide assurances that they will meet the costs of two introductory tickets per dwelling equalling four weeks travel per ticket to be introduced to residents via their welcome pack. This will serve to encourage a greater take up of public transport overall and will be offered to residents as part of the Residents Welcome Pack. The Travel Plan will be conditioned as part of any consent granted.

The Highways Officer has welcomed the intention to provide each new home with a dedicated electric vehicle charging point, or wiring suitable for an electric vehicle charging point, to encourage the uptake of electric cars. A condition will be placed on any consent granted to confirm final details of these installations.

With regard to the above reasoning, no objection is offered on highway grounds and the proposal is considered to satisfy the objectives of paragraphs 110, 111 and 112 of the NPPF and the aims and objectives of policy ST2 of the CSDP.

7. Landscape and ecology

CSDP Policy NE3 supports the retention and protection of valuable trees within development proposals whilst CSDP NE9 states that proposals should incorporate high quality landscape design, implementation and management.

The application has been accompanied by a Landscape Appraisal which offers analysis and overview of the site and surrounding context. The site lies within the wider extent of Landscape Character Type 9 (Urban Limestone Plateau as set out within the City of Sunderland Landscape Character Assessment 2015) and currently comprises groups of mature mixed tree and shrub planting within an unmanaged grassland with remnants of previous use including hard standing and steps.

As has been set out within the consultations section of this report, the views of the Council's landscape architect have been sought to ascertain the implications of the development in terms of the prevailing and prospective landscaping.

The landscape architect has expressed regret that proposals will result in the removal of a notable proportion of the existing tree coverage on site, with the submitted Tree Impact Assessment qualifying that this will include the loss of 25 category B (moderate quality) trees, 33 individual and 2 small groups of category C (low quality trees) and 7 category U (not suitable for retention) trees that should be removed regardless of design constraints.

In this regard, the view of the arborist and author of the landscape assessment is accepted insofar that the arboricultural and landscape impact will be moderate given the location and maturity of many of the trees to be removed. This impact would be somewhat limited to the immediate surroundings with none of the trees noted for removal being individually significant to the wider landscape and the majority of them being low quality. Nonetheless, it needs to be recognised that the trees to be removed do, as a group, contribute to the landscape character of the area and its visual amenity.

A number of trees within category B and C are however shown to be retained on the site and this includes clusters within the south-western corner of the site fronting Emsworth, the north western corner of the site adjacent to Eyemouth Lane and further specimens sitting centrally along the Emsworth Road frontage closer to the south eastern corner of the site.

As per the comments of the Council's Landscape Architect, it was expressed that in order to offset the loss of several mature trees on site some of the new trees planting in key locations should be increased in size from those shown on the initial landscaping/planting plan. This recommendation has been taken on board by the developer and a revised detailed planting plan has been submitted which indicates substantial areas of new tree planting throughout the development of an increased size/maturity, including good coverage along the frontage of the site fronting Emsworth Road. The planting plan also demonstrates that numerous trees will be planted in the street frontage which will offer good amenity from a street scene perspective.

The landscape architect has considered these revisions and along with the provision on new planting species and locations is satisfied that a high-quality compensatory planting scheme will be provided on site.

The locational details of the proposed naturalised children's play area have been provided with the submission however it will be necessary to ensure that the final details are provided for agreement in writing. Conditions will also be required to ensure retained trees are protected

during the course of the development, that the hard and soft landscaping scheme is implemented and managed and that details of the proposed sculptural mounds are provided.

Overall, whilst the loss of trees from the site, is regrettable, the Council's landscape architect is satisfied that a high-quality landscaping scheme is proposed that will provide appropriate compensation. In this regard, the proposal is considered reflect the aims and objectives of CSDP Policies NE3 and NE9 and is therefore, on balance, acceptable in terms of its landscape and aboricultural considerations.

In turning to ecological matters, the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and sites of biodiversity and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressure. When determining planning applications if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The NPPF continues that planning permission should be refused for development which has significant harm on biodiversity or will have an adverse effect on a Site of Special Scientific Interest (SSSI). Paragraph 177 makes it clear that the NPPF's presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

Locally, policy NE2 of the CSDP sets out measures for the protection, creation, enhancement and management of biodiversity and geodiversity, whilst proposals which would adversely affect European designated sites will only be permitted where the Council is satisfied that any necessary mitigation is included such that there will be no significant effects on the integrity of the sites and, with regard to SSSIs, will have to demonstrate that the reasons for the development clearly outweigh the nature conservation value of the site.

Also relevant with regard to ecology in the United Kingdom are the terms of the EU Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) and the EU Council Directive 92/42/EEC on the conservation of natural habitats and wild flora and fauna (the Habitats Directive). These are implemented in the UK through the Conservation Regulations, which provide for the protection of areas of European importance for wildlife, in the form of Special Areas of Conservation (SACs) designated under the Habitats Directive, and Special Protection Areas (SPAs) designated under the Birds Directive. Collectively, these are termed 'European' sites, and overall network of European sites is termed Natura 2000. It is an offence under the legislation and regulations to carry out an act which may damage a qualifying species or habitat for which the site is designated.

A Habitat Regulation Assessment (HRA) is the mechanism to be implemented to ensure the above legislation is complied with and determines whether a plan or project would adversely affect the integrity of any European site in terms of its conservation objectives. Where adverse effects are identified alternative solutions should be identified and the plan or project modified to avoid any adverse effects. The Local Planning Authority, as the Competent Authority, can adopt the plan or approve the project only after having ascertained that it will not adversely affect the integrity of a European Site.

The planning application has been accompanied a raft of assessments, comprising of an Ecological Impact Assessment (EclA), an Ornithological Assessment, a Walkover Assessment, a Report to Inform a Habitats Regulation Assessment and a planning note and metric regarding biodiversity net gain calculations in respect of the position pre and post development of the site. The documents have been considered by the Council's consultant Ecologist who has offered comment on the proposals impacts on habitats, protected and notable species and designated sites as set out in the Consultation Section of this report.

In summary, the ecologist is satisfied that the submission, in terms of assessing and mitigating impacts on habitats, protected and notable species is acceptable, and a number of planning conditions have been advised to be attached to any consent granted. These include the submission of an Ecological Construction Environmental Management Plan, the provision of bird and bat boxes to be installed on site, the submission of an ecological monitoring and management plan informed by the detailed planting scheme, the submission of a lighting scheme, vegetation and ground clearance works and ensuring sufficient gaps will be created/maintained in all boundary features to ensure that site remains permeable to species such as hedgehog.

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement for an applicant to provide 10% biodiversity net gains. However, 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.

In terms of biodiversity net gain, the submitted report and metric calculations demonstrate that the current proposals for the development of the land would result in a net loss of biodiversity units across the application the site. Notwithstanding the identified loss, it is considered that this can be offset, to an acceptable level, by habitat creation (bat roosting & bird nesting opportunities, butterfly scrapes, species rich grassland, native structural planting) within the areas of greenspace provided within the development and through the financial contributions being made towards both open space and HRA. Consequently, whilst it is acknowledged that the proposal, when using the Defra metric 3.0 methodology, does not provide a gain in biodiversity, the development will create numerous ecological enhancement opportunities not only the site but also within the wider area (including the adjacent SANG). These additional features whilst not forming part of the DEFRA metric are nevertheless an important material consideration in the overall planning assessment and should be seen as a benefit to the scheme.

With regard to the HRA, the report concludes that due to the proximity of the coast, the development site will result in an increase in recreational activity at the coastal Natura 2000 sites. This is however likely to be reduced by the availability of alternative greenspace in close proximity to the sites and the provision of meaningful greenspace on site offering dog walking opportunities.

The host site has been previously been assessed by the Council as part of the HRA which covered a number of potential housing sites in North Sunderland. This document sets out an appropriate mitigation strategy which covers Strategic Access Management and Monitoring (SAMM) at the coast and the provision of Suitable Alternative Natural Greenspace (SANG). In this regard there is an identified area of SANG located some 38m to the north/north east of this site.

The developer has therefore agreed to make a per unit financial contribution of £557.14 which be utilised to mitigate recreational impacts on the coastal Natura 2000 sites through providing biodiversity net gain and ongoing maintenance of the SANG. The SANG will be linked to the proposed development site via new footpaths, and areas of landscaping and informal footpaths within the footprint of the proposed development. In order to ensure the objectives of the SANG are met, the internal site footway links must be in situ and available for use prior to occupation of the first property.

The submitted documents also provide information on the current status of Carley Hill and Fulwell Quarries SSSI, along with the identification of areas which should be subject to management (and the broad nature of that management) in order to improve their current botanical condition. As has been noted within Section 1, the applicant has agreed to make a financial contribution to improve and manage local open space provision and this will be directed to Fulwell Quarry.

In conclusion, the Council's consultant Ecologist has raised no objection, advising that the proposal is acceptable in principle, subject to the implementation of a series of planning conditions in order to secure the protection and enhancement measures required to ensure features of ecological value within and around the site are protected through the development and managed/maintained in the future.

8. Flood risk

In relation to flooding, paragraph 155 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

To this end, paragraph 163 of the NPPF advises that when determining planning applications, Local Planning Authorities should ensure that where appropriate, applications are supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- (a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location.
- (b) the development is appropriately flood resistant and resilient.
- (c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- (d) any residual risk can be safely managed.
- (e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

Paragraph 165, meanwhile, states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- (a) take account of advice from the Lead Local Flood Authority (LLFA);
- (b) have appropriate proposed minimum operational standards;
- (c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- (d) where possible, provide multifunctional benefits.

Policy WWE2 of the CSDP sets out measures to reduce flood risk and ensure appropriate coastal management, whilst policy WWE3 states that development must consider the effect on flood risk, on-site and off-site, commensurate with its scale and impact. Policy WWE5 deals with ensuring the appropriate disposal of foul water.

The application has been accompanied by a Flood Risk Assessment which confirms that the site is located entirely in Flood Zone 1 (low risk/probability of flooding).

The drainage strategy incorporates within the proposed landscape layout use of on-line swales to treat the runoff from the various sources of runoff. The strategy has been considered by the Council's Lead Local Flood Officer and it is deemed to be acceptable subject to the imposition of a verification statement.

Subject to such a condition, it is considered that the flood risk and sustainable drainage implications of the development are acceptable, in accordance with paragraphs 155, 163 and 165 of the NPPF and policies WWE2, WWE3 and WWE5 of the CSDP.

9. Land contamination and stability

Paragraph 170 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by, amongst other measures, preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 178 of the NPPF then states that planning decisions must ensure that development sites are suitable for the new use, taking account of ground conditions and land instability, including from former activities such as mining and pollution.

Meanwhile, policy HS3 of the CSDP states that where development is proposed on land where there is reason to believe 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. Where the degree of contamination would allow development subject to preventative, remedial or precautionary measures within the control of the applicant, planning permission will be granted subject to conditions specifying the measures to be carried out.

The application has been accompanied by a Phase I Desk Top Study, Phase 2 Geo-Environmental Report and a Options Appraisal and Remediation Strategy Report, the conclusions of which have been largely accepted by the Local Planning Authority subject to some clarifications within the Ground Investigation Report and therefore conditions are recommended in respect of an updated Phase II report, the submission of a revisited remediation scheme (based on revisions to the Phase 2 Report) and confirmation of the implementation of the remediation scheme and reporting any unexpected contamination.

Subject to the conditions recommended above, it is considered that the risks posed by potential contamination and ground conditions can be adequately addressed to satisfy the objectives of the NPPF and policy HS3 of the CSDP.

10. Archaeology

Paragraph 199 of the NPPF states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly

or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.

CSDP policy BH9 states that the council will support the preservation, protection and where possible the enhancement of the city's archaeological heritage by requiring that:

- i. applications that may affect buried archaeological remains must be supported by an archaeological desk-based assessment and evaluation reports where appropriate;
- ii. assets of archaeological interest, preference will be given to preservation in situ.

However, where loss of the asset is justified in accordance with national policy, the remains should be appropriately archaeologically excavated and recorded, the findings assessed and analysed, the resulting archive report deposited with the Tyne and Wear Historic Environment Record and the physical archive deposited with the relevant collecting museum. Significant findings will also be published in an archaeological journal to make them publicly accessible and to enhance understanding.

A previous desk-based assessment was produced in 2020 and subsequently 10 evaluation trenches have been excavated. The Assessment confirmed that no further archaeological investigation was recommended in association with the proposed development works as the site had been severely impacted by quarrying, the construction of the school, landscaping and tree coverage. This has been accepted by the County Archaeologist and no further archaeological investigation is required in association with the proposed works. In this regard there is considered to be no conflict with the above-mentioned Policy requirements.

11. Sustainability

The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. In determining planning applications, local planning authorities should expect new development to: a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

CSDP Policy BH2 requires that sustainable design and construction should be integral to development, highlighting mechanisms by which this can be achieved, including maximising energy efficiency and integrating the use of renewable and low carbon energy, reducing waste and promoting recycling during construction and in operation and to include a sustainability statement setting out how the development incorporates sustainable resource management and high environmental standards.

The application has been accompanied by a Sustainability Statement which sets out key sustainable characteristics of the site including its proximity to local shopping amenities, travel hubs and recreational land. The statement also confirms that a raft of sustainable measures is to be incorporated into the new homes. These include building fabric improvements to improve energy efficiency through the installation of triple glazing and cavity wall insulation, whilst the

use of low carbon technology including Air Source Heat Pumps, Heat Battery Storage, Photovoltaics, Electric Vehicle Charging points/or dedicated wiring and Smart metring are all to be provided. A condition shall be placed on any consent granted to confirm the final details of these measures.

Taking all of the above into account it is considered that the development is in accordance with the NPPF and CSDP Policy BH2.

12. Economic impacts

The NPPF states planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Strategic CSDP Policy SP1 aspires to support sustainable economic growth and meet people's needs by amongst other things, the delivery of new homes and new jobs and by ensuring that sufficient physical, social and environment infrastructure is delivered to meet identified needs. Policy SP1 continues that such development will primarily be delivered within sustainable urban locations close to transport hubs and by utilising those sites allocated for new homes in the A&D Plan.

The application has been accompanied by an Economic Benefits Statement which sets out that direct and indirect construction related employment (resulting from the combined Carley Hill and Fulwell Quarry sites could support approximately 286 roles on site and in the wider economy per annum over the average build out time (predicted to be slight in excess of 2 years). The construction phase, in terms of the increase in the value of goods and services generated within the area, is also predicted to generate an additional £16.1 million gross added value (GVA) per annum during the construction time frame. This would potential equate to £36.3 million over the entire build phase.

The premise of 100% affordable housing contribution for both the Carley Hill and Fulwell Quarry sites (equating to up to 225 dwellings and housing over 500 people) would also provide a significant contribution towards the City Council's affordable housing target whilst generating new expenditure of in the region of £4.1 million per annum.

With regards to the above and in accordance with the Council's strategic vision outlined by CSDP Policy SP1, it is clear that the site will deliver new homes and jobs within a sustainable urban location which is close to transport hubs. The development of the site would also seek to provide 100% affordable housing and contribute to the local economy.

It is considered that the development will contribute positively to sustainable economic growth in accordance with the aspirations of both national and local policy.

13. Planning obligations

Paragraph 55 of the NPPF states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations - such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used

where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development;

Policy ID2 of the CSDP, meanwhile, states that s106 planning obligations will be sought to facilitate delivery of:

- i) Affordable housing; and
- ii) Local improvements to mitigate the direct or cumulative impact of development and/or additional facilities and requirements made necessary by the development (in accordance with a forthcoming Planning Obligations Supplementary Planning Document).

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

Paragraph: 018, reference ID: 23b-018-20190315 of the Government's Planning Practice Guidance website makes it clear that applicants do not have to agree to a proposed planning obligation, but failure to do so may lead to a refusal of planning permission or non-determination of the application.

With regard to the above and considerations presented within this report, the following matters will need to be covered in a section 106 legal agreement to make the development acceptable in planning terms:

- o Affordable Housing (the drafting of the S106 will ensure 100% affordable provision)
- o Contribution of £27,629 to the improvement of local open space provision to be directed to Fulwell Quarry.
- o The developer has confirmed agreement to the figure of £557.14 per dwelling towards Strategic Access and Monitoring Measures, biodiversity improvements and future maintenance of the area of identified Suitable Alternative Natural Greenspace.

An agreement to this effect has been drafted by the Council's Legal team and it is anticipated that the agreement will be completed shortly after the making of the decision.

14. Summary and planning balance

On the basis of the reasoning offered above, it is considered that the principle of the residential development accords with the development plan and there are not any material considerations that indicate a decision should be made otherwise.

| | Positive | Neutral / Negligible | Negative |
|----------------------|---|---|---|
| Economic | <p>Short term moderate benefit of job creation during construction.</p> <p>Medium - long term moderate benefit of potentially more customers to support local facilities (such as the local centres at Southwick and Sea Road)</p> | | |
| Environmental | <p><u>Sustainability</u></p> <p>The development is sustainably located with good access to amenities, transport hubs and recreation and will incorporate numerous sustainable measures and low carbon technologies into the new homes.</p> | <p><u>Amenity</u></p> <p>Air Quality Assessment advises "no adverse air quality impacts at existing receptors".</p> <p>Noise Assessment recommends mitigation for proposed occupiers.</p> <p>No objection from Environmental Health Officer.</p> <p>Separation distances broadly accord with DM SPD.</p> <p><u>Design</u></p> <p>The proposed density of the site generally respects the surrounding context and a good level of amenity open</p> | <p><u>Ecology</u></p> <p>Net loss of biodiversity across the site</p> <p><u>Trees</u></p> <p>Proposal would involve felling 25 trees within Category B (Moderate value)</p> |

| | | | |
|---------------|--|--|--|
| | | <p>space retained on site.</p> <p><u>Drainage</u></p> <p>Acceptable drainage scheme submitted with no objection from Lead Local Flood Authority and Northumbrian Water.</p> <p><u>Highways</u></p> <p>Proposal addresses parking standards and provides safe access. Increase within local highway network but within acceptable parameters. No objections from Local Highway Authority.</p> | |
| Social | <u>Housing</u> | | |
| | <p>Accommodation would be 100% affordable, including 17 no bungalows, secured via planning obligation.</p> | | |

Conclusion

In conclusion, a view needs to be taken as to whether the benefits identified in the table immediately above outweigh the adverse impacts.

The benefits from the development are generally economic and social, arising from short term construction jobs and medium to longer term support for local facilities (economic) and the provision of affordable and accessible accommodation, although environmental benefits will arise through the developers focus on implementing low carbon housing which will include Air Source Heat Pumps, Photovoltaics and infrastructure to facilitate electric vehicle charging points.

The adverse impacts are generally environmental, arising from a loss of biodiversity across the site including the loss of trees.

In terms of assisting Members, consideration of whether the economic and social benefits outweigh the environmental harm, officers would draw to attention the comments below.

The proposed development, as noted within the description, would bring forward a housing scheme which will be 100% affordable, with the tenure proposed as per definition A of Annex 2 of the NPPF."

The definition noted in the paragraph above has been provided in full below.

"Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...

a) Affordable housing for rent: meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent)."

In this respect, Members are directed towards a recent planning appeal decision for 86no homes at Cragdale Gardens, Hetton-le-Hole, wherein the Planning Inspectorate noted the fact that all dwellings within that site would represent affordable homes, which would be maintained in perpetuity. The Inspectorate qualified in their decision that this represented a significant contribution to meeting the need for affordable housing, and subsequently carried significant weight in favour of the proposal.

The Agent has agreed that the affordable housing on this site can be secured via a planning obligation.

Allied to the above, the Council is of the view that the development in question would be sustainably located for local amenities, recreation and transport hubs and would provide a good standard of amenity for future occupiers.

In terms of the adverse impacts, these are generally environmental, arising from the loss of trees and a loss of biodiversity across the site. In this regard, it should be noted the developer has agreed to make contributions for Strategic Access and Monitoring Measures, which will be used to offset the loss through creating biodiversity improvements and ongoing maintenance of the area of the identified SANG adjacent to the site whilst an open space contribution has also been provided to ensure the improvement of open space in Fulwell Quarry. This has been accepted by the Council's Ecological Consultant.

In summary, officers would advise that the economic and social benefits arising from the proposed development should carry greater weight in the planning balance than the environmental harm; subject to the completion of a planning obligation and the recommended conditions.

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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

Grant Consent in accordance with Regulation 4 of the Town and Country Planning General Regulations 1992 (as amended) for the reasons set out in the report and subject to the satisfactory completion of the Section 106 and the draft conditions set out 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:

RES793-BHA-ST-ZZ-DR-A-0500_P04 (Proposed Location Plan) received 15.11.2021.

RES793-BHA-ST-ZZ-DR-A-1201_P25 (Proposed Site Layout Plan as amended) received 03.03.2022.

RES793-BHA-ST-ZZ-DR-A-1410_P06 (Proposed Boundary Treatments and External Materials) received 03.03.2022.

GENHTR-GEN-01A-XX-DR-A-1001 (Proposed elevations House Type 01A) received 15.11.2021.

GENHTR-GEN-01A-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 01A) received 15.11.2021.

GENHTR-GEN-02A-XX-DR-A-1001 (Proposed elevations House Type 02A) received 15.11.2021.

GENHTR-GEN-02A-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 02A) received 15.11.2021.

GENHTR-GEN-05A-XX-DR-A-1001 (Proposed elevations House Type 05A) received 15.11.2021.

GENHTR-GEN-05B-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 05B) received 15.11.2021.

GENHEN-07B-XX-DR-A-1001 (Proposed elevations House Type 07B) received 15.11.2021.

GENHTR-GEN-07B-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 07B) received 15.11.2021.

GENHTR-GEN-10A-XX-DR-A-1001 (Proposed elevations House Type 10A) received 15.11.2021.

GENHTR-GEN-10A-XX-DR-A-2001 (Proposed floor plan and roof plan House Type 10A) received 15.11.2021.

GENHTR-GEN-10B-XX-DR-A-1001 (Proposed elevations House Type 10B) received 15.11.2021.

GENHTR-GEN-10B-XX-DR-A-2001 (Proposed floor plan and roof plan House Type 10B) received 15.11.2021.

GENHTR-GEN-11A-XX-DR-A-1001 (Proposed elevations House Type 11A) received 15.11.2021.

GENHTR-GEN-11A-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 11A) received 15.11.2021.

GENHTR-GEN-11B-XX-DR-A-1001 (Proposed elevations House Type 11B) received 15.11.2021.

GENHTR-GEN-11B-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 11B) received 15.11.2021.

GENHTR-GEN-13B-XX-DR-A-1001 (Proposed elevations House Type 13B) received 15.11.2021.

GENHTR-GEN-13B-ZZ-DR-A-2001 (Proposed floor plan and roof plan House Type 13B) received 15.11.2021.

N984-ONE-ZZ-XX-DR-L-0201 Rev P06 (Detailed Planting Plan 1 of 2) received 14.03.2022.

N984-ONE-ZZ-XX-DR-L-0202 Rev P06 (Detailed Planting Plan 2 of 2) received 14.03.2022.

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 development hereby approved, shall be carried out in full accordance with the agreed list of external materials and boundary treatments as set out within plan ref: RES793-BHA-ST-ZZ-DR-A-1410_P06, unless any variation is subsequently agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with Policy BH1 of the adopted Core Strategy Development Plan.

4 The landscaping scheme shall be carried out in full accordance with the approved plan and shall be carried out in the first planting season following the occupation of the buildings or the completion of the development whichever is the sooner. Thereafter the approved landscape works shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion and during this period any trees or plants which die or become diseased shall be replaced in the first available planting season with others of similar size and species and any grass which fails to establish shall be re-established.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1, NE2 and NE4 of the adopted Core Strategy Development Plan.

5 No development shall commence above damp proof course level, until details including specifications and timescales for the implementation of the sculptural mounds identified on approved Illustrative Landscape Masterplan Reference N984-0NE-ZZ-XX-DR-L-0801 Rev P04, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the features shall be maintained in accordance with the current version of the British Standard 4428 for a period of 5 years commencing on the date of Practical Completion.

Reason: In the interests of the ecological value of the site and visual amenity and to accord with BH1, NE2 and NE4 of the adopted Core Strategy Development Plan.

6 No dwellings shall be occupied until full details of the proposed play equipment outlined on plan approved plan ref: N984-0NE-ZZ-XX-DR-L-0801 Rev P04, have been submitted to and agreed in writing with the Council as Local Planning Authority. The submitted details must also include proposed measures for the ongoing maintenance of the equipment and a timetable for its installation. The approved equipment must then be installed and maintained thereafter in accordance with the agreed details.

Reason: in order to ensure the on-site play provision within the development is acceptable and to comply with the objectives of policy NE4 of the Core Strategy Development Plan.

7 Prior to the commencement of development, final detailed plans shall be submitted to and approved in writing by the Local Planning Authority that provide a survey of existing and proposed ground level sections across the site and details of the finished slab levels of each property.

Reason: In order to achieve a satisfactory form of development and to comply with policy BH1 of the Core Strategy Development Plan.

8 The development hereby approved shall be undertaken in complete accordance with the recommendations of the ' Arboricultural Method Statement, Carley Hill, Sunderland, Elliott Consultancy Ltd., October 2020. All recommended tree protection measures shall be installed in accordance with the timings recommended by the Method Statement and remain in situ in accordance with the recommendations of the Method Statement for the duration of construction works.

Reason: to ensure the implications of the development is acceptable relative to trees and to comply with the objectives of policy NE3 of the Core Strategy Development Plan.

9 No trees or hedges within the development shown as being retained by the submitted plans shall be felled without the prior approval of the Council as Local Planning Authority. In the event any of the trees or hedges proposed to be retained within the development are unable to be retained, or are damaged, or need to be removed in full or in part, the affected trees, hedges or sections of hedges must be replaced within the next available planting season following the damage or their removal, in accordance with a methodology which must firstly be agreed in writing with the Council as Local Planning Authority.

Reason: to ensure the continued health, amenity and ecology value of the hedges at the sites and to comply with the objectives of policies NE2, NE3 and NE4 of the Core Strategy Development Plan.

10 The development hereby approved shall be carried out in full accordance with the recommendations and mitigation measures in section 5.2 and compensatory/enhancements in section 5.3 of Ecological Impact Assessment prepared by Biodiverse Consulting (Reference BIOC20-010 V3.0).

Reason: to ensure habitats and species are not detrimentally affected by the development and to comply with the objectives of policy NE2 of the Core Strategy Development Plan.

11 No works shall commence on site until an Ecological Construction Environmental Management Plan (E-CEMP) has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this will include:

- I. confirmation of the roles and responsibilities of those involved in ensuring the protection of features of ecological value:
- II. details of habitat and species-specific measures to reduce biodiversity impacts during the construction phase, and:
- III. biosecurity protocols to be implemented to ensure the protection of those habitats, species and sites within or in close proximity to the development area during the construction phase.

Reason: In order to protect the biodiversity of the site during construction works and to comply with CSDP Policy NE2.

12 Prior to first occupation of the dwellings, the bat and bird boxes shall be installed in full accordance with the details set out in Appendix J of the Ecological Impact Assessment undertaken by Biodiverse Consulting, V3.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of Core Strategy Development Plan.

13 To ensure that the site remains permeable to species such as hedgehog, gaps measuring at least 13 x 13cm shall be created or maintained in all boundary features prior to first occupation of the dwellings.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with CSDP policy NE2 and paragraph 176 of the National Planning Policy Framework.

14 No development shall commence above damp proof course level, until an ecological monitoring and management plan has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the management plan will detail contingency measures should the habitat creation objectives shown in the landscape plans not be met, to ensure the development still delivers the fully functioning biodiversity objectives of the approved scheme, in line with the habitat creation and enhancement measures detailed within the approved planting plans and Sections 5.2 and 5.3 of the approved Ecological Impact Assessment. Details must also be included which relate to the creation and maintenance of habitats designed for Dingy Skippers in the form of butterfly scrapes.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

15 No external lighting shall be installed on site until a lighting strategy (lux contour plan) has been submitted to and approved in writing by the Local Planning Authority, which includes input from a Suitably Qualified Ecologist in line with current best practice guidelines and includes measures to ensure that features retained or created with the potential to be used by nocturnal species such as bats will be subject to appropriate lighting levels. Thereafter, all lighting shall be installed in accordance with the agreed details.

Reason: In order to protect and enhance the biodiversity of the site and its surroundings and to comply with Policy NE2 of the Core Strategy Development Plan.

16 Vegetation and ground clearance works will not be undertaken within the bird nesting period (March - August inclusive) unless a checking survey by a Suitably Qualified Ecologist (SQE) has confirmed that no active nests are present within the 5 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated by the SQE at intervals of no more than 5 days. In the event any active nests are identified, the SQE will implement an appropriate buffer zone into which no works will progress until the SQE confirms that the nest is no longer active.

Reason In order to protect the biodiversity of the site and its surroundings and to comply with Core Strategy Development Policy NE2.

17 As part of the redevelopment works, on-site stands of cotoneaster shall be removed by an appropriately licensed contractor.

Reason: To prevent the spread of the species and to comply with policy NE2 of the Core Strategy Development Plan.

18 No properties shall be occupied until all internal footways and pedestrian networks have been completed to ensure accessibility to the SANG.

Reason: In order to minimise potential impacts upon surrounding designated sites and to comply with Core Strategy Development Plan policy NE2.

19 No development shall commence above damp proof course level until full details, to include specifications, locations and a timetable for delivery, of the mitigation measures outlined in Section 6 of the Fulwell and Carley Hill Quarries SSSI, Walkover Survey for Gentoo Group, Biodiverse Consulting, V5, 21/09/21, have been submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt such details shall include:

- i. Details relating to the installation of interpretation boards on the ecological/geological value of Fulwell Quarry SSSI
- ii. Details of the information and awareness raising campaign conducted by Gentoo as Landlord to encourage residents to understand the value of the SSSI and to utilise the SANG.

Thereafter the development shall commence in full accordance with the agreed details.

Reason: In order to minimise residual impacts of increased visitors to surrounding designated sites and to comply with Core Strategy Development Plan policy NE2.

20 The development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Site Drainage Layout for Planning" dated "7 March 2022". The drainage scheme shall ensure that foul flows discharge and surface water discharge to the combined sewer in Emsworth Road. The surface water discharge rate shall not exceed the available capacity of 6.7 l/sec that has been identified in this sewer.

Reason: To prevent the increased risk of flooding from any sources in accordance with the NPPF and policies WWE2 and WWE3 of the Core Strategy and Development Plan.

21 Prior to the first occupation of the development, or in accordance with a timescale agrees in writing by the Local Planning Authority, a verification report carried out by a suitably qualified person must be submitted to and approved in writing by the Local Planning Authority, to demonstrate that all sustainable drainage systems have been constructed as per the agreed scheme. This verification report shall include:

- i. 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.
- ii. Construction details (component drawings, materials, vegetation).
- iii. Health and Safety file.
- iv. 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 Core Strategy policies WWE3 and WWE4.

22 No development other than site clearance/preparation works shall be commenced until the submitted Phase II Geo-Environmental Site Assessment has been amended/updated/expanded to satisfactorily address the comments (a to f) provided by the Council's Land Contamination Consultant response (dated 22nd December 2021).

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 HS3 of the CSDP.

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

23 No development other than site clearance/preparation works shall 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 policy HS3 of the CSDP.

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.

24 The approved remediation strategy shall be implemented in accordance with the approved programme of works. Within six months of the completion of measures and prior to the occupation of any dwelling, 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 HS3 of the CSDP.

25 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. 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

26 No development shall commence until a Construction Management Plan has been submitted to and approved, in writing, by the Local Planning Authority, which includes the following:

1. Site layout including location of site compound, materials, and waste storage.
2. Location of the site access during construction.
3. Provision for workforce and visitor parking.
4. Traffic management measures - e.g., delivery times and avoidance of queuing and idling.
5. Sheeting of wagons.
6. Dust - provision of vacuum extraction or wet arrestment to masonry cutting equipment.
7. Provision of mains water or suitable alternative supply.
8. Noise - use of mobile noise barriers where necessary, particularly around compressors and generators.
9. Site lighting - location, height, angle to ensure no spill or glare impacting off site occupiers.
10. Use of solid screens or barriers around particularly dusty activities, where applicable.
11. Given the location, working times should be 07.30 - 18.00 Mondays to Fridays, 0800 - 14.00 Sat. No Sundays or Bank Holidays. No working should take place outside these times without the prior agreement of the LPA and Environmental Health and this will only be in exceptional circumstances and subject to conditions.

Reason: In the interests of amenity and highway safety to accord with policies BH1 and ST3 of the Core Strategy Development Plan.

27 Prior to occupation of the development a detailed scheme confirming relevant noise mitigation measures shall be submitted for the approval of the LPA. The scheme shall identify

the plots to be subject to enhanced noise attenuation measures and the detailed specification to be applied as set out in the recommendations of the noise assessment reference NJD20-0082-003R dated October 2020, specifically Figures 4 and 5.

Reason: To ensure that a satisfactory level of amenity is provided to residents and to accord with policies BH1 and HS2 of the adopted Core Strategy Development Plan.

28 Final details of the sustainability measures along with a timetable for implementation pursuant to the Sustainability Statement (Gentoo October 2021) shall be submitted to the Local Planning Authority for approval in writing. Thereafter, the development shall be carried out in full accordance with the agreed details.

Reason: in order to ensure the agreed sustainability measures are incorporated into the development and to comply with the objectives of policy BH2 of the Core Strategy Development Plan.

29 No dwellings shall be occupied until the highway works identified in the proposed site access and engineering layout, plan, (ref: 100-P-002 B) and the General Arrangement Plan (ref: 100-P-001C) have been constructed and are available for use.

Reason: To ensure that the development provides safe access arrangements for all users and in order to comply with Policy ST3 of the Core Strategy Development Plan.

30 The areas indicated on the submitted plans for the in-curtilage parking of vehicles shall be laid out in accordance with the approved plans before each respective approved dwelling is occupied and the visitor parking bays laid out in accordance with the approved plans prior to the occupation of the final dwelling. The parking areas shall then be made available for such use at all times thereafter.

Reason: In the interests of highway safety and to comply with policy ST3 of the Core Strategy Development Plan.

31 All car use reduction, monitoring/action plan measures and travel ticket initiatives set out in Section 5 of the Travel Plan (Fore Consulting Ltd, Version 5 dated 14 March 2022) must be adopted in full and in accordance with the timescales set out in the action plan (tables 3 and 4).

Reason: In order to promote sustainable modes of transport and comply with the objectives of policies ST2 and ST3 of the CSDP.

Reference No.: 21/02550/FUL Full Application

Proposal: **Erection of 16 No. x 1 bed bungalows for older people - social housing within the city**

Location: Former Site Of Coutts And Findlater Ltd Hudson Road Sunderland SR1 2LJ

Ward: Hendon
Applicant: MCC Homes Ltd.
Date Valid: 26 November 2021
Target Date: 25 February 2022

PROPOSAL:

INTRODUCTION

Planning permission is sought for the erection of 16 no. one bedroom bungalows on land at the former site of Coutts and Findlater Ltd, at Hudson Road in Sunderland.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site is broadly rectangular shaped and previously developed land, positioned at the edge of Sunderland City Centre. It was formally the site of Coutts And Findlater Ltd, however this commercial use has now been removed from the site in its entirety, and the site is now grass seeded. It has a gradual west to east slope across the site and is enclosed along the northern and eastern boundaries by a low timber fence. Despite being positioned within a location at the edge of Sunderland City Centre, the immediate vicinity of the application site is primarily residential.

THE PROPOSED DEVELOPMENT

The proposed development seeks planning permission for the erection of 16 no. one bedroom bungalows. It is described as being for older people to provide a form of social housing within the city. The applicant's agent has stated that the bungalows would be occupied by people over the age of 55.

The applicant MCC Homes is a land development company, with their key focus being to provide affordable housing, and social housing to support those with additional needs. Application details state that a Registered Provider (Sunderland City Council) is involved in the scheme and will be purchasing the units.

The proposed bungalows would be 2.3 metres in height to the eaves and 5.5 metres in maximum height. They would be constructed with red brick walls (Wienerberger 'Oakwood Multi) or similar, a Marley dry ridge and dry verge tiled roof (charcoal grey in colour), white UPVC windows and French doors, dark grey RAL 7016 composite doors, white UPVC fascias and soffits, deep black flow guttering, and treated timber posts.

Each bungalow would have a lounge / kitchen, a bedroom, a bathroom and a level access entrance porch.

Proposed front boundary treatment would comprise 0.9 metre high power coated railings, rear boundary treatment would comprise a 2.4 metre high wall in brickwork to match that of the proposed dwellings and with galvanised roller shutter doors, and side boundary treatment would comprise a 1.8 metre high close boarded timber fence with capping rail.

Hard landscaping within the application site would include black tarmac car parking spaces for each bungalow and Marshall grey paving slabs. Soft landscaping areas would be grass seeded.

Recyclable and non-recyclable waste would be stored to the rear adjacent to the proposed driveways.

The application has been supported by the following documents:

- Design and Access Statement by Cummings Architects Ltd (dated 26/10/2021) received 01/11/2021
- Phase 1: Desk Top Study Report by Geo Environmental Engineering (dated 22/09/2021) received 01/12/2021
- Phase 2: Ground Investigation Report by Geo Environmental Engineering (dated 09/12/2021) received 09/12/2021
- Soil Remediation Scheme by Geo Environmental Consulting Ltd (dated 15/10/2021) received 01/11/2021
- Noise Assessment for Planning by Ark Environmental Consulting Ltd (dated October 2021) received 01/11/2021
- Habitat Regulations Assessment Screening Report by dendra (dated 20/05/2021) received 01/11/2021
- Greenfield Run-off Rate estimate by HR Wallingford (dated 04/08/2021) received 21/02/2022
- Flood Risk Assessment by Ark Environmental Consulting Ltd (dated March 2022) received 10/03/2022
- Surface Water Drainage Statement and Maintenance Plan (dated 09/03/2022) received 11/03/2022
- NWL Pre-application enquiry (dated 18/11/2021) received 21/02/2022
- Micro Drainage details received 01/11/2021
- Construction Environmental Management Plan received 01/11/2021
- Construction Phase Plan (dated 26/10/2021) received 01/11/2021
- Ecology Impact Assessment by Dendra (dated 24/02/2022) received 24/02/2022
- Habitat Plan received 28/02/2022
- Biodiversity Matrix received 28/02/2022

PLANNING HISTORY

There is no planning history of relevance to the determination of this planning application.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Hendon - Ward Councillor Consultation
Network Management
Environmental Health
Land Contamination
Planning Policy
Flood And Coastal Group Engineer
Northern Electric
North Gas Networks
Northumbrian Water
NE Ambulance Service NHS Trust
Northumbria Police
Director Of Childrens Services
Nexus
Land Contamination
Network Management
Flood And Coastal Group Engineer
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Northumbrian Water
NE Ambulance Service NHS Trust
Northumbria Police
Director Of Childrens Services
Nexus
Tyne And Wear Archaeology Officer
Network Management
Flood And Coastal Group Engineer
Tyne And Wear Archaeology Officer

Final Date for Receipt of Representations: **31.03.2022**

REPRESENTATIONS:

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

The following consultees were consulted on the application.

- Director of Children's Services
- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Built Heritage and Regeneration (the Conservation Team)
- Planning Policy
- Urban Design
- Environmental Health

- Transport Development (the Local Highway Authority)
- Landscape Officer
- Tyne and Wear Archaeology Officer
- Nexus
- Housing People Services
- Northumbria Ambulance Service
- North Gas Networks
- Northern Powergrid
- Northumbrian Water
- Northumbria Police
- Natural Heritage
- Watermans (Land contamination)
- Three Ward Councillors

Press notice expiry date: 28/12/2021

Site notice expiry date: 21/12/2021

Neighbour notifications expiry date: 21/12/2021

Consultation expiry dates: 14/12/2021, 17/02/2022, 28/02/2022, 21/03/2022, 29/03/2022 (Local Highway Authority comments were due by this date but were received on 03/03/2022) and 31/03/2022 (Lead Local Flood Authority comments were due by this latest date but were received on 14/03/2022)

Neighbour Notification Responses

None received

Internal consultee responses

Environmental Health

First representation

The proposal is acceptable in principle subject to the following condition:

- Prior to the commencement of construction the applicant shall submit for the agreement of the Local Planning Authority a noise assessment together with a specification of all mitigation measures necessary to ensure the site and internal noise climates meet the guidelines set out in BS8233:2014 and WHO Community Noise Guidelines. Where necessary the noise assessment shall incorporate an examination of noise levels associated with the operation of any external fixed plant and shall recommend suitable mitigation measures where appropriate.

The following appraisal may also be useful for the applicant when preparing additional works and information:

- The noise statement is a desk top study and not a noise assessment. Specific site layout / specifications relating to the building envelopes (e.g. glazing and ventilation) must be informed by the outcome of a noise assessment. The noise assessment shall be undertaken by a suitably qualified and experienced specialist and shall include an assessment of all noise sources impacting the site. Measured levels shall meet the good standard set out in BS8233:2014 and WHO Community Noise guidelines in relation to internal habitable rooms and external leisure/relaxation areas. Where those standards

cannot be met suitable mitigation measures must be specified and implemented. In terms of the suggested condition relating to fixed plant noise, it is suggested that the noise assessment considers heating or ventilation proposals for the dwellings and where necessary undertakes an assessment using BS4142 as part of the overall exercise. At this time, it is not clear what plant or equipment would be installed, but it would be anticipated that only the inclusion of air source heat pumps or a central biomass boiler would require such an assessment.

- The Construction Environmental Management Plan (CEMP) sets out the management structure and responsibilities, environmental policy, and a range of commitments relating to the method of working during site development. Working hours are identified as 08.00 to 16.30 weekdays, and 08.00 to 13.00 Saturdays. The CEMP and Construction Phase Plan (CPP) are accepted as properly addressing normal requirements. The applicant's attention is drawn to two matters:
- A note is included on the use of a piling rig, but no mention of piled founds. Should piling be necessary then a suitable methodology must be selected that minimises the impacts of noise and vibration upon neighbouring properties, and operating times must be restricted.
- A crusher is also noted. This can only be operated if it has its own environmental permit and will operate with water suppression. Crushers are particularly noisy and again operating times should be restricted and the crusher located in an appropriate part of the site distant from dwellings; or provided with a suitable mobile noise barrier. A copy of the permit must be forwarded to the LPA (and Environmental Health).

Case Officer Comments:

The applicant was requested to provide confirmation regarding whether a piling rig and crusher would be used. They responded by stating that a crusher would not be used, and requested that piling (if it was to be used) be controlled by way of a condition attached to any planning permission. The Council's Environmental Health Officer was requested to make further comment.

Second representation

Both matters could be informatives attached to any planning permission. The crusher notification is a requirement under the Environmental Permitting System (and so controlled by a separate regulatory regime), and it is in the applicant's own interests to address the piling methodology.

Planning Policy

The site is subject to saved Unitary Development Plan (UDP) Alteration No. 2 Policy SA55B.1. This sets out that the City Council will encourage the continued development of the Sunnyside area as a lively, mixed-use, urban quarter with a high-quality physical environment. In addition, the allocation sets out a range of acceptable uses which includes residential (C3 Housing). The allocation also states that the City Council wishes to encourage a greater concentration of living opportunities associated with a mixed-use development ethos for Sunnyside and Tavistock areas. Proposals for conversion, redevelopment and infill to provide these uses are particularly encouraged, having regard to the Policy SA74A (which relates to the evening economy).

Policy SP2 'Urban Core' is relevant and indicates that the Urban Core will be regenerated and transformed into a vibrant and distinctive area by (inter alia) promoting mixed use development in the Areas of Change. For Sunnyside, that relates to supporting residential mixed-use development. Although the proposed development does not relate to a mixed-use scheme, it is

considered that it would support the objectives of the policy by providing additional residential development in a wider area which is predominately mixed use.

Policy SP8 'Housing Supply and Delivery' of the adopted CSDP indicates that the Council will achieve its housing target by (inter alia) the development of windfall sites. The application site is considered a windfall site. Policy H1 'Housing Mix' of the adopted CSDP provides (inter alia) that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location. Criterion 2 also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows.

The proposed development would be a wholly affordable scheme. Policy H2 'Affordable housing' states that all proposals of 10 or more dwellings (or on sites of 0.5 hectares plus) should provide at least 15 percent affordable housing. Criterion 2 states that affordable homes should be retained in affordable use in perpetuity. It should therefore be ensured that the dwellings are held in affordable tenure in perpetuity in alignment with the policy.

Criterion 3 of Policy NE4 'Greenspace' of the adopted CSDP sets out criteria regarding the need for major residential development to provide for the equivalent of minimum of 0.9 hectares for every 1,000 bed spaces unless a financial contribution for the maintenance / upgrading to neighbouring existing greenspace is considered more appropriate.

Criterion 2 of Policy NE2 'Geodiversity and biodiversity' of the adopted CSDP states that development that would have an impact on the integrity on European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances. Consideration should be given to the identified mitigation set out within the published Habitat Regulations Assessment Mitigation Strategy. Criterion 1 of Policy NE2 states that proposals, where appropriate, must demonstrate how it will provide net gains in biodiversity.

Policy BH1 'Design quality', Policy BH2 'Sustainable design and construction' and Policy HS1 'Quality of life and amenity' of the adopted CSDP are all relevant. Policy ST2 'Local road network' and Policy ST3 'Development and transport' are also relevant providing criteria in relation to highways impact and access.

Conservation Team

The Conservation Team has no objections, as there would be negligible heritage impacts. Whilst the site is near to several non-designated heritage assets, including in close proximity to the attractive Emmanuel Community Church, it already sits within a mixed urban setting, and so the proposed development would have negligible impact on the local historic environment.

Flood and Coastal Team (the Lead Local Flood Authority)

Following the submission of further additional information that has been reviewed and assessed, this application can be approved with a standard verification condition applied similar to that below.

"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 hydrobrake - 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 including confirmation of Section 104 agreement with NWL for adoption of attenuation pipe.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed with the LLFA/LPA."

Case Officer Comments: Several consultee response were received from the Lead Local Flood Authority, and so it is only the most recent consultee response which is summarised above.

Transportation Development (the Local Highway Authority)

First representation

Location - The properties would be situated just outside of the Central Parking area with good links to public transport, (bus, rail, and metro).

Stopping up - It would appear that there are areas of adopted highway within the applicant's red line plan. It may be necessary to overlay the proposed site plan onto the Sunderland City Council highway adoption records so that it can be ascertained if a stopping-up is required.

Parking - 16 proposed in-curtilage parking spaces are considered satisfactory.

Vehicular access - The back lane appears narrow; the applicant should therefore provide an auto-track drawing demonstrating that vehicles can access the proposed parking spaces satisfactorily from the back lane.

Servicing - Clarification is required in relation to servicing and delivery arrangements.

Construction Environmental Management Plan (CEMP) - The CEMP is generally acceptable, however the statements contained within Section 4.3 - Site Parking are contradictory. The applicant should clarify 'otherwise parking will need to be off-site' and 'the parking of construction vehicles and private vehicles on highways outside of the construction area is not permitted'.

Cycle parking - The applicant should consider secure, covered cycle parking for the development.

Electric Vehicles - To encourage the uptake of electric vehicles the applicant should consider electric vehicle charging points, or alternatively wiring suitable for an electric vehicle charging point.

Second representation

Vehicular access - The swept path drawing demonstrates that a large car cannot reverse between the extents of the roller shutter pillars; the applicant should therefore be advised to widen the vehicular entrance.

Construction Environmental Management Plan (CEMP) - The submitted CEMP is satisfactory.

Third representation

It would appear that the larger vehicles are still overrunning the boundary features to the parking space, however it is acknowledged that the applicant has widened the access to the garage and it appears that the grass verge could be utilised for manoeuvres into the garage if required. It may mean more vehicle manoeuvres; however, this is not a highway safety issue given that it is a back lane. The swept path analysis is therefore satisfactory.

Case Officer Comments: The Local Highway Authority was made aware that:

- The applicant's agent has confirmed that bikes can be stored anywhere within the curtilage of the properties. However, given that the bungalows would be for the over 55s it is not anticipated that there would be much demand for them.
- There would be no electrical car charging points.
- The properties would be serviced to the rear in terms of bin collections.

Fourth representation

This is satisfactory

Education Officer

No education requirements with this application.

Landscape Officer

No response provided

External Consultee responses

Tyne and Wear Archaeology Officer

There are no historic environment records directly associated with the proposed development area. There are however several undesignated heritage assets listed including warehouses (HER 1737 and 1738), Bethany Memorial Chapel (HER 16762), United Methodist Chapel (HER16689) and Emmanuel Free Church (HER 13596). The proposed development area is not located within a conservation area. Historic maps and satellite imagery show that the site was previously occupied by a large brick warehouse and a series of terrace houses. These structures appear to have been demolished between 2008 and 2012. There have been no previous archaeological investigations undertaken at the site except for the site's inclusion within Sunderland Heritage Action Zone (Event 4779) which summarises the results of an assessment of aerial photographs ranged in date from 1924 to 2017.

A ground investigation report has been submitted with this application. The report demonstrates the presence of made ground comprised of demolition rubble at depths between c.0.70m and 2.40m below the current ground level. Parts of intact brick walls were

encountered. Beneath the made ground/demolition rubble, a layer of relict topsoil was identified in test pits 01, 02, 04, 05, 07, 08, 09 and 11. The deposit is described as follows: 'comprised soft to firm sandy silty clay and sand with fine roots, fragments of coal, brick, pottery, sandstone which also exhibited a slight organic peaty odour'. The relict topsoil was identified in test pits that seem to have been located outside of the footprint of the former buildings and beneath the subsequent demolition layer. It is likely that the relict topsoil was associated with the former buildings. It is proposed that the bungalows would be located towards the northern half of the site, most of this area was previously developed for terrace housing and a warehouse. The ground investigation works have also demonstrated the presence of a layer of demolition rubble and relict foundations associated with the structures that were recently demolished. With the exception of test pit 1, the relict topsoil was found in the test pits that were mostly located towards the southern extent of the site, where only limited works are proposed as part of this application.

Based on the scale and scope of the proposed works, it is considered that no archaeological investigation will be required if the proposed works are approved.

Northumbrian Water

No response provided

Northern Gas Networks

No objections to the proposal

Northern Powergrid

No objections to the proposal

Nexus

No comments to make in relation to the proposal

Housing People Services

No response provided

Northumbria Ambulance Service

No response provided

Northumbria Police

First representation

Northumbria Police support the principle of bringing brownfield sites back into viable use and particularly where the alternative use of such space is somewhat ambiguous.

- No objections to the proposal save for the alleyway between plots 6 and 7. Due to fact that the eastern block (plots 7 to 16) would be slightly canted in relation to the other block, this would have the effect of narrowing the alleyway to the frontage onto Hudson Road. This alleyway would not be gated to the front elevation relying instead on gates to the rear gardens of the two plots. This is not ideal because it potentially allows a "bad

actor" to have unobserved access to the rear of the plots. The alleyway should be gated as close to the front building line as possible, ideally in a manner consistent with both the street palate and in a manner that affords surveillance down the alleyway (i.e. open railing design without climbing aids) to a 1800mm height and the gate should be lockable with both plots being provided with keys. The alleyway should be lit.

- Given the proximity to the City Centre and the nature of the area, the properties could potentially be at risk from foraging criminality and therefore it would benefit from achieving accreditation to the Secured by Design (SBD) scheme. Approved Document Q and the SBD certification scheme are closely aligned and therefore any additional costs in achieving the higher SBD standard are now minimal, but it would ensure that the component parts (doors and windows), boundary treatments and external lighting were of a sufficient British Standard. SBD has been proven to reduce burglary and crime rates by up to 75% on new build developments.

Case Officer Comments: The applicant has agreed to erect a 1.8 metre high timber gate to the front of the alleyway between plots 6 and 7. However they would not be seeking accreditation to the Secured by Design scheme. Northumbria Police were made aware of this.

Second representation

We welcome the proposed inclusion of the gate, and whilst we consider it short sighted to not pursue Secured By Design, we are content with this outcome.

Natural Heritage

First representation

Holding objection

Insufficient information provided to allow an assessment to be made in relation to the potential impacts of the proposed development upon ecological interests of the site and the surrounding area. The presence of protected species within or adjacent to a development site, which may have the potential to be affected by works such as those proposed, is a material planning consideration. Therefore, surveys following current best practice guidelines need to be completed by a suitably qualified ecologist.

Whilst the contributions to the Coastal Mitigation Service are considered to be appropriate and proportionate to the scale of potential impacts upon the coastal European designations, and should be secured via an appropriate legal agreement, an Ecological Impact Assessment (EcIA) and Biodiversity Net Gain assessment need to be submitted prior to planning consent being granted, to ensure that the proposed development would be compliant with all relevant ecological legislation, policies and guidance.

Second representation

The associated avoidance, mitigation, compensation and enhancement strategy as detailed in Section 6 of the Ecological Impact Assessment should be implemented in full in order to minimise the residual risk of adverse impacts upon such species, and to ensure the potential benefits of the proposals for protected and notable species are implemented in full through the works.

The Biodiversity Net Gains assessment indicates that the proposals will result in a net loss of 67.83% of the biodiversity units on site. It is unlikely to be possible to achieve a net gain in

biodiversity units on site. However, based on the nature of the habitats present (species-poor grassland created via seeding a previously developed and cleared site, which was managed as amenity grassland until relatively recently, and hard standing) and the site's very limited potential suitability to support protected species, it is considered that the measures included within Section 6 of the Ecological Impact Assessment will increase the site's suitability for a range of protected and notable species. Subject to the suggested measures being implemented, it is accepted that the proposed redevelopment works will result in the enhancement of the site for biodiversity and further habitat works are not considered to be necessary.

The CEMP provides broad measures relating to requirements to conduct pre-start checks for nesting birds. The measures included are considered to be largely suitable based on the nature of the habitats present.

No objection, subject to the application of a series of planning conditions as outlined below.

- Financial contributions to the Habitat Regulations coastal mitigation strategy - agreed and secured through appropriate legal agreements.
- Works will not commence until a protected species method statement produced by a suitably qualified ecologist has been submitted to, and approved in writing by the LPA, which details the checks and working methods to be implemented through the works, in order to ensure the protection of protected and notable species during site clearance and construction works
- Implementation of avoidance, mitigation, compensation and enhancement measures as detailed within section 6 of the Ecological Impact Assessment.
- Works, including all vegetation clearance, will not be undertaken within the bird nesting period (March - September inclusive) unless a checking survey by a suitably qualified Ecologist has confirmed that no active nests are present within the 3 days prior to commencement. Where clearance works will extend over a longer period, the checks will be repeated after 3 days. In the event any active nests are identified, an appropriate buffer zone will be implemented into which no works will progress until there is confirmation that the nest is no longer active.
- A plan will be submitted to and approved in writing by the Council prior to the start of works, which confirms details regarding the specification and location of bat and bird boxes to be installed.
- Gaps measuring at least 13 x 13cm will be created or maintained in all boundary features, to ensure the site remains permeable to species such as hedgehog.

Watermans (Land contamination)

First representation

The Phase 1 Desk Top Study is broadly agreed with. However, additional information is required in relation to the submitted Phase 2 Ground Investigation - in relation to potential contaminants of concern associated with the previous use of the site as a Cabinet Works, an abandoned asbestos pipe, made ground and ground gas risk. The submitted Remediation Strategy has been based on the results of the Phase 2 Ground Investigation, which at this stage is not considered to be satisfactory. Remediation options need to be confirmed, with the Remediation Strategy updated including, if necessary, in relation to ground gas. It is recommended that conditions be attached to any planning permission relating to the submission of a Phase 2 Ground Investigation, a Remediation Strategy, a Verification Report, and in the event of any contamination being found that was not previously identified.

Case Officer Comments: The applicant's agent was made aware of the above comments and stated that they would like to address the issues (if possible) prior to the determination of the planning application. Additional information was subsequently submitted.

Second representation

Further ground investigation works remain outstanding.

- The area currently used for the storage of building equipment, and the area of notable burning should be targeted by the proposed additional ground investigation.
- The applicant should confirm their proposals for the management of risks associated with an abandoned asbestos pipe during proposed construction works.
- An updated assessment is required based on the additional gas monitoring to be undertaken.
- PID screening of soil samples and Volative Organic Compound (VOC) testing should be undertaken as part of an additional ground investigation. It is also requested that investigation of the area of burning is included within the scope of additional ground investigation.
- The potential risk due to UXO was considered in the undertaking of the ground investigation. The applicant should confirm whether any UXO mitigation measures will be implemented during the construction works

No objections to the proposal subject to conditions being attached to any planning permission in relation to a Phase 2 Ground Investigation, a remediation strategy, a verification report, and the event of any unexpected contamination being found that was not previously identified.

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) (20th July 2021) 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 residential amenity;
4. Impact on highway and pedestrian safety;

5. Impact on ecology;
6. Impact on flooding and drainage;
7. Impact in relation to land contamination;
8. Impact on archaeology;
9. Greenspace and
10. Planning obligations.

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 deliver at least 13,410 net new homes and create sustainable communities which are supported by adequate infrastructure. 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, including by diversifying the residential offer to create sustainable mixed communities.

Policy VC1 'Main town centre uses and retail hierarchy' states that the city centre and town centres will be the principal locations for major retail, leisure, entertainment, cultural facilities and services.

Saved Policy SA55B.1 of the Unitary Development Plan (UDP) states that the City Council will encourage the continued development of the Sunnyside area as a lively, mixed-use, urban quarter with a high quality physical environment. It states that various uses including housing already contribute significantly to the character of the Sunnyside area, and that they should remain prominent. It states that new development should be of a scale and design that would complement the existing scale and character which prevails within Sunnyside.

Paragraph 86 of the National Planning Policy Framework (NPPF) (July 2021) states that planning policies should f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.

The application site is located within the existing built up urban area. The proposed development would contribute to meeting a housing need, in a sustainable location with good access to public transport given that it is in a City Centre location. It would contribute to the residential offer in the City Centre and contribute to its wider mixed-use nature.

It is considered that the proposed development would accord with Policy SP1 and Policy SP2 of the adopted CSDP and saved Policy SA55B.1 of the UDP. It would also not conflict with the objectives of Policy VC1 of the adopted CSDP.

Housing Policies

Policy SP8 'Housing supply and delivery' of the adopted CSDP seeks to deliver 745 dwellings per annum through strategic sites, allocations, Strategic Housing Land Availability Assessment sites, conversions and changes of use, windfall and small sites.

Policy H1 'Housing mix' of the adopted CSDP states that residential development should create mixed and sustainable communities by contributing to meeting affordable housing needs and market housing demand. It states that residential development should provide a mix of housing types, tenures and sizes which is appropriate to its location. It also sets out that density should be appropriate to its location and that dwellings on developments of 10 or more should meet building regulations in relation to accessible and adaptable dwellings. It also encourages development to ensure there is a choice of suitable accommodation for older people including bungalows.

Policy H2 'Affordable homes' states that all developments of 10 dwellings or more, or on sites of 0.5 ha or more, should provide at least 15% affordable housing.

The application site is considered to be a windfall site. It would provide an acceptable density of development at this location, and it would contribute to meeting affordable housing needs providing a housing type, tenure and size that would be appropriate for this location. The proposed bungalows would be designed to be accessible and adaptable in accordance with building regulations, and would provide a choice of suitable accommodation for older people.

The proposed development is described as being a scheme providing solely social housing. However only two bungalows are required to be classed as affordable dwellings (15% of the development) in order to make the development acceptable. The applicant has entered into a Section 106 agreement with the Council which confirms that the proposed development would deliver two affordable dwellings in accordance with Policy H2 of the adopted CSDP.

Subject to the completion of a Section 106 legal agreement to secure the provision of two affordable dwellings, it is considered that the proposed development would accord with Policy SP8, Policy H1 and Policy H2 of the adopted CSDP.

Summary

Given the above assessment, it is considered that the proposed development would be acceptable in principle.

2. Design and impact on visual amenity, and on non-designated heritage assets

Policy BH1 'Design quality' of the adopted CSDP seeks to achieve high quality design and positive improvement; to meet this objective, development should:

- Create places which have a clear function, character and identity based upon a robust understanding of local context, constraints and distinctiveness;
- 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;
- Clearly distinguish between public and private spaces;
- Create visually attractive and legible environments;
- 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;
- 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 and that, where possible, major development should maximise energy efficiency, reduce waste, conserve water, carefully source materials, provide flexibility and adaptability, enhance biodiversity and include buffers to any waste and water treatment works.

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. This should be by giving great weight to the conservation of heritage assets (including non-designated heritage assets) based on their significance in accordance with national policy, and supporting new development which makes a positive contribution to the character and townscape quality of the historic environment.

Policy BH8 'Heritage assets' of the adopted CSDP states that development affecting heritage assets (including non-designated heritage assets) 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. It further states that development affecting non-designated heritage assets should take account of their significance, features and setting.

The Council's Development Management Supplementary Planning Document (June 2021) provides a residential design guide, which includes criteria against which planning applications for new residential development should be assessed. This includes giving consideration to a developments connectivity to existing neighbourhoods, its structure, density, scale and massing, how it sits within local context and character, as well as consideration of boundary treatments, landscaping and public open space / amenity greenspace.

Paragraph 126 of the NPPF (July 2021) states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF 2021 states that the National Design Guide and the National Model Design Guide should be used to guide decisions on applications in the absence of local produced design guides or design codes. Paragraph 203 of the NPPF (July 2021) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

The Council's Conservation Team have stated that they have no objections to the proposal in relation to its impact on any non-designated heritage assets including the attractive Emmanuel Community Church which is within close proximity to the application site.

It is considered that the proposed development would deliver an acceptable small housing scheme (meeting national spacing standards) which would relate well to its surroundings, and which would provide residents with reasonable living conditions. The proposed development would be of an acceptable density, with the proposed bungalows being of an acceptable scale, massing, layout, appearance and setting which would respect and enhance the positive qualities of nearby properties and the locality. They would be constructed in acceptable external building materials which would complement the existing built form in the vicinity.

Boundary treatments throughout the development would be acceptable, including low 0.9 metre high metal powder coated railings to the front adjacent to Hudson Road, brick walls and roller shutters to the rear and a 1.8 metre high fence to the sides. Hardstanding of tarmac and grey paving slabs would also be acceptable.

It is recommended that a condition be attached to any planning permission to control that the proposed bungalows, boundary treatments and hard landscaping be constructed in accordance with the external building materials / details as specified on submitted drawings. A condition is also recommended to require proposed bin stores for each dwelling to be completed on-site and retained henceforth for their designated purpose.

A condition is recommended to require the proposed development to be constructed in accordance with the ground levels and finished floor levels as detailed on submitted drawings.

With regard to sustainability, the applicant's Design and Access Statement has stated that all materials would be sourced locally to minimise impacts on the environment. The bungalows would be designed to current Building Control standards, and wherever possible selected construction elements would have a low embodied energy and offer good opportunities for recycling at end of life. It is therefore considered that the proposed development would incorporate sustainable design and construction.

Northumbria Police have raised no objections to the proposed development following the inclusion of a 1.8 metre high timber gate to the front of the alleyway between Plots 6 and 7.

Subject to the compliance with the recommended conditions, given the above assessment it is considered that the proposed development would be acceptable in relation to design and visual impact, and impact on the non-designated heritage asset. As such it would accord with Policy BH1, Policy BH2, Policy BH7 and Policy BH8 of the adopted CSDP, and guidance within the Council's Development Management SPD and the NPPF (July 2021).

3. 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. It seeks to ensure that residential development meets national space standards.

Section 5.23 of the Council's Development Management Supplementary Planning Document (SPD) (June 2021) sets out minimum spacing standards between dwellings. Between main facing windows, for one or two storey dwellings spacing should be 21 metres from any point of facing windows. Between main windows facing side of end elevations (with secondary windows or no windows), for one or two storey dwellings spacing should be 14 metres from any point of main windows.

The nearest neighbouring residential properties to the application site are positioned to the north, namely 23, 24, 25, 26 and 27 Hudson Road. The main front elevations of the proposed bungalows on plots 1-6 would be positioned approximately 16.5 metres from the main front elevations of these dwellings to the north.

A 16.5 metre separation distance is below the spacing thresholds as set out within the Council's Development Management SPD. However, there is a public road and two public footpaths positioned between the existing dwellings and the proposed bungalows. The front windows of existing dwellings facing the application site are already overlooked at ground floor from the public domain. The same would be the case for the proposed bungalows. It is therefore considered that the proposed bungalows would have no unacceptable impacts on the amenities of the occupiers of existing dwellings in relation to privacy. Future occupiers of the proposed bungalows would also be afforded an acceptable level of privacy.

Given separation distances, it is considered that the proposed bungalows would have no unacceptable impacts on the amenities of the occupiers of existing dwellings in relation to outlook and over dominance, or overshadowing. It should also be noted that no representations have been received from the owner / occupiers of any neighbouring properties. Future occupiers of the proposed bungalows would also have no unacceptable impacts in relation to outlook and over dominance, or overshadowing.

The Council's Environmental Health Officer has raised no objections to the proposed development in principle. However, they have suggested that a condition should be attached to any planning permission to require the submission of a noise assessment. This is because specific site layout / specifications relating to the building envelope (e.g. glazing and ventilation) must be informed by the outcome of a noise assessment. The original condition suggested by the Council's Environmental Health Officer was worded 'prior to the commencement of the development hereby permitted'. However, following further discussions with the Council's Environmental Health Officer it was agreed that it should be worded 'prior to the occupation of the development hereby permitted' given that noise mitigation relates to future occupiers of the bungalows. It is recommended that such a condition be attached to any planning permission.

The Council's Environmental Health Officer has advised that the submitted Construction Environmental Management Plan (CEMP) and Construction Phase Plan are acceptable. It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the submitted CEMP.

The Council's Environmental Health Officer commented on the use of a crusher and piling during construction (see their consultation response summarised above). The applicant's agent has confirmed that a crusher would not be used and requested that piling (if it is to be used) be controlled by way of a condition attached to any planning permission. The Council's Environmental Health Officer subsequently advised that conditions would not be necessary in relation to these issues. A crusher notification is a requirement under the Environmental Permitting System (and so controlled by a separate regulatory regime), and it is in the applicant's own interests to address piling methodology. It is recommended that an informative be attached to any planning permission to remind the applicant of these issues.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the residential units with an acceptable standard of amenity. It is therefore considered that the proposed

development would accord with Policy BH1, Policy HS1 and Policy HS2 of the adopted CSDP, and guidance within the Council's Development Management SPD.

4. Impact on highway and pedestrian 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.

The Council's Transportation Department (the Local Highway Authority) have raised no objections to the proposed development. They have advised that the application site is in a sustainable location with good access to public transport nodes, and that following the submission of a swept path analysis it has been demonstrated that the proposed development would cause no unacceptable impacts on the highway network in terms of its capacity and safety (including vehicles manoeuvring into the car parking spaces to the rear). They have advised that the submitted Construction Environmental Management Plan (CEMP) is acceptable. They have advised that the storage of cycles within the curtilage of the bungalows would be acceptable, and that electrical charging points would not be necessary in this instance. They have also advised that part of the adopted highway may need stopping up, as there appear to be small parcels of adopted highway within the applicant's red line adjacent to Hudson Road.

It is recommended that a condition be attached to any planning permission to require the proposed development to be undertaken in accordance with the submitted CEMP. It is also recommended that a condition be attached to any planning permission to require the car parking spaces and bin storage areas for each bungalow to be provided, made available for use and retained henceforth for their designated purpose (prior to the development being brought into use).

It is recommended that an informative to applicant be attached to any planning permission to remind the applicant that part of the adopted highway may need to be stopped up. It is also recommended that an informative to applicant be attached to any planning permission to encourage the applicant to provide electric vehicle charging points as part of the proposed development.

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. 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.

5. 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 that would have an impact on the integrity of European designated sites that cannot be avoided or adequately mitigated will not be permitted other than in exceptional circumstances.

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 adopted CSDP has been the subject of a Habitat Regulations Assessment (HRA) which concluded that increased residential development within 7.2km of the coastal European designated sites, namely the Durham Coast Special Area of Conservation (SAC) and Northumberland Coast Special Protection Area (SPA) (also designated under the worldwide Ramsar Convention), is likely to result in increased recreation pressure on the European sites. A package of mitigation measures has therefore been set out to mitigate any such impact including dedicated staff, awareness raising, education and interpretation, enhancement of existing greenspaces and monitoring. New residential development (and other types of development as necessary) within 7.2km of these designated sites must contribute towards a package of mitigation, which will provide confidence that adverse effects on integrity (from recreation impacts) can be ruled out. Developer contributions will be collected through Section 106 agreements, which will be set at a per dwelling tariff of £557.14.

The application site is positioned within 7.2km of European designated sites. Therefore, the applicant is required to enter into a Section 106 legal agreement in order for the Council to secure the required payment (£557.14) to mitigate recreational impacts generated by the proposal. The applicant has agreed to this.

As part of the planning application an Ecological Impact Assessment by Dendra has been submitted, along with a habitat plan, and a biodiversity matrix. The Ecological Impact Assessment concludes that habitats on the site are of limited ecological value. It concludes that potential impacts of the proposed development are the loss of non-priority habitat, potential risk to disturb bird's nests during vegetation clearance (although potential bird nesting opportunities are limited to ground nesting species, which are considered unlikely in this urbanised environment), and the loss of foraging habitat for (and potential to kill) hedgehogs during vegetation clearance and site construction works. It concludes that no further survey work is recommended. It recommends that works should be undertaken outside of the bird breeding season (March to August) unless the site is checked by a suitably qualified ecologist. It recommends mitigation in relation to hedgehogs, to ensure that suitable sized gaps / holes are provided in all fencing so that the site is permeable for hedgehogs, and to ensure that construction working methods prevent the killing or injuring of hedgehogs. It recommends that compensation and enhancements measures should be undertaken through use of native species hedgerows instead of wooden fencing (where possible), grass and lawned areas being sown with native species / covered with a species rich native lawn turf, and the planting of native trees; and by provided enhancements in the form of bat and bird boxes.

The Council's Ecology advisor has raised no objections to the proposed development subject to the compliance with suggested conditions, and subject to securing the financial contribution in relation to HRA mitigation (see their consultation response summarised above).

In accordance with the Environment Act 2021 (which gained Royal Assent on 9th November 2021), all planning applications in England will be required to demonstrate how a proposed development would provide a minimum of 10% biodiversity net gains from 2023 onwards. At this current time, it is desirable rather than mandatory / a statutory requirement for an applicant to provide 10% biodiversity net gains. However, 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.

In this case, the proposed development would result in the loss of biodiversity. The Council's Ecology advisor has stated that given the small size of the site, and the nature of the scheme, it is unlikely to be possible to achieve a net gain in biodiversity units on the application site. However, they have advised that based on the nature of the habitats present (species-poor grassland) and the site's very limited potential suitability to support protected species, the measures included within Section 6 of the submitted Ecological Impact Assessment will increase the site's suitability for a range of protected and notable species. Measures included within Section 6 of the Ecological Impact Assessment are:

- Mitigation measures relating to hedgehogs, with fences including suitable sized holes to allow for continued movement of hedgehogs, and construction working methods being adopted to prevent the killing or injuring of this species.
- Compensation measures - where possible using native hedgerows instead of wooden fences, sowing any open grassed and lawned areas with a species rich native grass mixture or using a species rich native lawn turf, planting of native trees, and trees / dense mixed scrub to the eastern side of the site.
- Enhancement measures relating to the installation of Swift brick nest boxes (incorporated into the bungalows or fixed to the surface) and integrated bat boxes (Schwegler bat tubes, Ibstock bat boxes or similar).

On this basis, the Council's Ecology advisor has stated that the proposed development would result in the enhancement of the site for biodiversity and so further habitat works would not be necessary.

As advised by the Council's Ecology advisor, although the proposed development would not specifically provide any net gains in biodiversity, there are opportunities within the application site to increase the site's suitability for a range of protected and notable species, as set out within Section 6 of the submitted Ecological Impact Assessment. It is therefore recommended that a condition be attached to any planning permission to require the proposed development to be undertaken / implemented in accordance with the mitigation, compensation and enhancement measures as set out within Section 6 of the Ecological Impact Assessment. As recommended by the Council's Ecology advisor, it is recommended that a condition be attached to any planning permission to require the submission of a plan confirming details of the specification and location of bat and bird boxes to be installed and the timing for their installation (prior to the commencement of development). It is also recommended that a condition be attached to any planning permission to require gaps to be created and maintained in all boundary features (13 cm by 13 cm) to ensure that the application site remains permeable to hedgehog.

In addition to the above, the financial contribution to be provided for HRA mitigation also has the potential to provide some off-site biodiversity enhancements.

The other comments made by the Council's Ecology advisor are noted. However, the habitats on the application site are non-priority habitats, and there was no evidence as part of the Ecological Impact Assessment of any bats, birds or hedgehogs (or any other protected species)

on the site. It is therefore not considered to be necessary nor reasonable to require the applicant to submit a protected species method statement.

Bats and birds are afforded statutory protection. The Ecological Impact Assessment concluded that there was no suitable habitat on the application site for bats, and no evidence of bird's nests. It is therefore not considered to be necessary nor reasonable to control the avoidance measures relating to nesting birds as set out within Section 6 of the Ecological Impact Assessment by way of a condition attached to any planning permission (as suggested by the Council's Ecology advisor). Instead, it is recommended that an informative to applicant be attached to any planning permission to remind the applicant of the statutory protection afforded to birds, and the need to undertake construction works outside of the bird breeding season (unless the site is checked by a suitably qualified ecologist).

Subject to the compliance with the recommended conditions, and subject to the compliance with the S106 legal agreement relating to HRA mitigation, it is considered that the proposed development would have no unacceptable impacts on ecology, and so it would accord with Policy NE2 of the adopted CSDP, and guidance within the NPPF.

6. 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.

The submitted Flood Risk Assessment (FRA) identifies that the application site is located in Flood Zone 1 (lowest risk of flooding). It concludes that the proposed development would reduce run-off from the site, and so reduce flooding to other areas. It states that the proposed development would connect foul discharge to the public foul sewer via existing connections. The surface water drainage strategy for the proposed development, would comprise permeable paving for hardstanding areas, and an underground attenuation structure to be adopted by Northumbrian Water.

Northumbrian Water have not provided a consultation response. The Council's Lead Local Flood Authority have raised no objections to the proposed development in relation to flooding and surface water drainage. They have recommended that a condition be attached to any planning permission relating to the submission of a verification report to demonstrate that all sustainable drainage systems have been constructed as per the agreed surface water drainage scheme.

Given the comments from the Council's Lead Local Flood Authority, it is considered that the surface water drainage strategy for the proposed development would be acceptable. It is recommended that the condition as suggested by the Council's Lead Local Flood Authority be attached to any planning permission.

The FRA concludes that the maximum peak foul discharge generated by the proposed development would be minimal, and so unlikely to cause any capacity concerns within the public sewer network. The proposed development connecting foul discharge to the public foul sewer via existing connections would therefore be acceptable.

It is considered that the proposed development would have no unacceptable impacts in relation to flood risk / foul and surface water drainage, subject to the discharge of and compliance with the recommended condition. It is therefore considered that the proposed development would accord with Policy WW2, Policy WW3 and Policy WWE5 of the adopted CSDP.

7. 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.

A Phase 1 Desk Top Study report and a Phase 2 Ground Investigation report have been submitted as part of the application. However, the Council's Contaminated Land advisors have stated that further ground investigation works are required (see their consultation response summarised above). They have therefore raised no objections to the proposed development, subject to conditions being attached to any planning permission to require (prior to the commencement of development) the submission of a Phase 2 Land Contamination Report (including the details of the further ground investigation works), the submission of a remediation strategy, and the submission of a verification report. They have also recommended that a condition be attached to any planning permission in relation to any unexpected contamination being found that was not previously identified.

Given the comments from the Council's Contaminated Land advisors, it is recommended that these conditions be attached to any planning permission. Subject to the discharge of and compliance with these recommended conditions, it is considered that the proposed development 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.

8. 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 concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

9 Greenspace

Policy NE4 'Greenspace' of the adopted CSDP seeks to protect, conserve and enhance the quality, community value, function and accessibility of greenspace and wider green infrastructure, especially in areas of deficiency identified in the Council's Greenspace Audit and Report by requiring all major residential development to provide:

- a minimum of 0.9ha per 1000 bedspaces of useable greenspace on site; unless
- a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate.

The planning application is for a major residential development (it exceeds 10 or more dwellings) and so useable greenspace is required on site, unless a financial contribution for the maintenance/upgrading to neighbouring existing greenspace is considered to be more appropriate. In this case, given the size of the application site it would not be possible to provide useable greenspace, and so the applicant has agreed to provide a financial contribution. This will be secured via a Section 106 legal agreement.

10. Planning Obligations

Policy ID2 'Planning Obligations' of the adopted CSDP requires planning obligations to be sought to facilitate the delivery of (i) affordable housing; and (ii) local improvements to mitigate the direct or cumulative impacts of a development, where evidenced, and / or additional facilities and requirements made necessary by the development, in accordance with the Planning Obligations Supplementary Planning Document.

To facilitate the delivery of the mitigation measures, the Council will seek maintenance, management, monitoring and such related fees.

The Council's Planning Obligations Supplementary Planning Document (SPD) (June 2020) specifically supplements Policy ID2 of the adopted CSDP, and provides guidance in relation to other policies of the adopted CSDP including Policy H2 and Policy NE4 (summarised above).

Paragraph 55 of the NPPF (July 2021) states that Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Such obligations are usually secured via legal agreements under Section 106 of the Town and Country Planning Act 1990 (as amended) and should only be used where it is not possible to use planning conditions. Paragraph 57 goes on to advise that planning obligations should only be sought where the following tests can be met (also set out at Regulation 122(2) of the Community Infrastructure Levy (CIL) Regulations 2010)):

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

As set out elsewhere in this report, the following would be required and secured via a Section 106 legal agreement:

- 15% of the development to be affordable dwellings (and so 2 of the 16 bungalows);
- £8,914.24 financial contribution for Habitat Regulations Assessment mitigation (£557.16 per dwelling).
- £1,091.52 financial contribution for improvements to alternative open space provision with the Hendon ward.

The requested financial contributions towards HRA mitigation and to upgrade open space within the Hendon ward are considered to be necessary to make the development acceptable in planning terms, they are directly related to the development and are fairly and reasonably related in scale and kind to the development. The affordable housing clause of the agreement sets out the applicant's commitment to delivering 15% affordable housing scheme, in accordance with Policy H2 of the adopted CSDP. As such, it is considered that these contributions would satisfy the tests set out at Paragraph 57 of the NPPF (July 2021) and Regulation 122(2) of the CIL Regulations.

The applicant has agreed to the financial contributions and provision of affordable housing provision as detailed above, and these will be secured via an agreement under Section 106 of the Town and Country Planning Act 1990. An agreement to this effect has been drafted by the Council's Legal Services Team and is pending completion. In the event that Members are minded to approve the application the Section 106 legal agreement will be completed upon approval of the application under consideration.

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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 proposed development would comprise a social housing scheme for older people (55 years and over), in a sustainable, built up City Centre location, with good access to public transport links. It would contribute to the residential offer in the City Centre and contribute to its wider mixed-use nature. It would provide an acceptable density of development, and it would contribute to meeting affordable housing needs, with two bungalows being secured as affordable via a Section 106 legal agreement. It would provide a housing type, tenure and size that would be appropriate at this location and so it would be acceptable in principle.

Subject to the compliance with recommended conditions it is considered that the proposed development would be of an acceptable design and have no harmful visual impacts on any non-designated heritage asset or when viewed from the public domain.

The Council's Environmental Health Officer has raised no objections to the proposed development subject to the submission of a noise assessment to inform site layout / specifications relating to the building envelopes (e.g. glazing and ventilation), and also to require the development to be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP). Subject to the discharge of and compliance with conditions relating to the submission of a noise assessment and a CEMP, it is considered that the proposed development would have no unacceptable impacts on the amenity of the occupiers of existing dwellings in the vicinity of the application site including during the construction process. It is also considered that the proposed development would afford future occupiers of the bungalows with an acceptable standard of amenity.

Subject to the discharge of and compliance with recommended conditions, it is considered that the proposed development would have no unacceptable impacts on highway and pedestrian safety or in relation to flooding / drainage and contamination. It would have no unacceptable impacts in relation to ecology, subject to conditions to mitigate and compensate for impact on biodiversity and to provide biodiversity enhancements, and subject to a financial contribution for Habitat Regulations Assessment mitigation (in relation to European designated sites along the coast) being secured via a Section 106 legal agreement. It would also have no unacceptable impacts in relation to greenspace, subject to a financial contribution for improvements to alternative open space within the Hendon ward being secured via a Section 106 legal agreement.

For the reasons set out in detail in the above assessment, it is considered that the proposed development would accord with policies within the adopted Core Strategy and Development Plan and saved policies of the Unitary Development Plan, and it would accord with guidance within the Council's Development Management Supplementary Planning Document and the National Planning Policy Framework (July 2021). It is therefore considered to be an acceptable form of development.

RECOMMENDATION:

It is recommended that Members Grant planning permission, subject to the recommended schedule of conditions and the completion of a Section 106 legal agreement.

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:

- Drawing No. 01 Rev * (existing site plan) received 01/11/2021
- Drawing No. 02 Rev A (proposed site plan) received 03/03/2022
- Drawing No. 03 Rev * (proposed bungalow floor plan) received 01/11/2021
- Drawing No. 04 Rev * (proposed bungalow elevation) received 01/11/2021
- Drawing No. 05 Rev A (site elevation) received 14/03/2022
- Drawing No. 04 Rev B (Proposed Drainage General Arrangement) received 21/02/2022
- Drawing No. 10 Rev * (affordable housing plan) received 04/03/2022
- Drawing including side gate elevation received 06/01/2022
- Drawing No. 100-P-001 Rev A (Swept Path Analysis) received 08/02/2022

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.

3 The external building materials of the development hereby permitted shall be in accordance with the details as specified on Drawing No. 02 Rev A (proposed site plan) received 03/03/2022, Drawing No. 4 Rev * (proposed bungalow elevation) received 01/11/2021, Drawing No. 05 Rev A (site elevation) received 14/03/2022, the drawing including the side gate elevation received 06/01/2021, and with roof tiles charcoal grey in colour, rear boundary treatment of brickwork to match that of the proposed dwellings and galvanised roller shutter doors. Unless the Local Planning Authority first agrees any variation in writing.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

4 The development hereby permitted shall be constructed in accordance with the ground levels and finished floor levels as detailed on Drawing No. 4 Rev B (proposed Drainage General Arrangement) received 21/02/2022, read in conjunction with the off-site datum points on Drawing No. 01 Rev * (existing site plan) received 01/11/2021.

To ensure a satisfactory standard of development, in the interests of visual amenity and comply with Policy BH1 of the adopted Core Strategy and Development Plan.

5 Prior to the occupation of the development hereby permitted, a noise assessment together with a specification of all mitigation measures necessary (to ensure the site and

internal noise climates meet the guidelines set out in BS8233:2014 and World Health Organisation (WHO) Community Noise Guidelines, shall be submitted to and approved in writing by the Local Planning Authority, and mitigation measures shall be implemented. Where necessary the noise assessment shall incorporate an examination of noise levels associated with the operation of any external fixed plant and shall recommend suitable mitigation measures where appropriate. All mitigation measures shall then be maintained and retained henceforth for the lifetime of the development.

To safeguard the amenity of future occupiers of the proposed bungalows and occupiers of neighbouring properties in relation to noise impacts, and to comply with Policy HS1, Policy HS2 and Policy BH1 of the adopted Core Strategy and Development Plan.

6 The development hereby permitted shall be constructed in accordance with the Construction Environmental Management Plan (CEMP) V2 by MCC Homes (dated 06/01/2022) received 07/01/2022.

To ensure the environmental and traffic impact of the construction of the development is adequately managed and mitigated in the interests of the amenity of nearby occupiers and highway safety, and to comply with Policy HS1, Policy HS2, BH1, Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

7 Prior to the first occupation of the development hereby permitted, the vehicle parking bays and bin storage areas, as shown on Drawing No. 02 Rev A (proposed site plan) received 03/03/2022, shall be completed on-site and made available for use. The vehicle parking bays and bin storage areas shall then be maintained and retained henceforth for their designated purposes.

To ensure a satisfactory form of sustainable development, in the interest of highway safety, and to comply with Policy ST2 and Policy ST3 of the adopted Core Strategy and Development Plan.

8 Prior to the commencement of the development hereby permitted, specific details of the timing of the submission of a verification report(s), which is to be carried out by a suitably qualified person, and the extent of the Sustainable Urban Drainage (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:

- o As built drawings (in dwg/shapefile format) for all SuDS components including hydrobrake - including dimensions (base levels, inlet/outlet elevations, areas, depths, lengths, diameters, gradients etc) and supported by photos of installation and completion.
- o Construction details (component drawings, materials, vegetation).
- o Health and Safety file.
- o Details of ownership organisation, adoption and maintenance including confirmation of Section 104 agreement with NWL for adoption of attenuation pipe.

The specific details of the timing of the submission of the report and the extent of the SuDS features covered in the report is to be agreed by the Local Planning Authority and the Lead Local Flood Authority.

To ensure that all sustainable drainage systems are designed to the DEFRA non-technical standards for SuDS and to reduce the risk of flooding, and to comply with Policy WWE2 and Policy WWE3 of the adopted Core Strategy and Development Plan.

9 Development 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".

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

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.

10 Development 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.

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

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.

11 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 the development hereby permitted, 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.

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

12 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.

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

13 The development hereby permitted shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures as detailed within Section 6 'Recommendations and Mitigation' of the Ecological Impact Assessment by Dendra (dated 24th February 2022) received 24/02/2022.

In order to mitigate and compensate for the proposed development resulting in a loss of biodiversity on site, to provide biodiversity enhancements on site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

14 Prior to the commencement of the development hereby permitted, a plan confirming details of the specification and location of bat and bird boxes to be installed, and the timing for their installation, shall be submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall then be installed in accordance with the approved plan, and then retained and maintained henceforth for the lifetime of the development.

In order to provide biodiversity enhancements within the site, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

15 The development hereby permitted shall include suitably sized holes / gaps (13 cm by 13 cm) within boundary treatment, to ensure that the site remains permeable to hedgehogs. These holes / gaps shall be retained and maintained henceforth for the lifetime of the development.

In order to mitigate the impact of the proposed development on hedgehogs, and to comply with Policy NE2 of the adopted Core Strategy and Development Plan.

Reference No.: 22/00161/LP3 Local Authority (Reg 3)

Proposal: **Construction of a new road linking Blandford Street, Brougham Street and Maritime Terrace with associated landscaping.**

Location: Land At Blandford Street Sunderland

Ward: Millfield

Applicant: Sunderland City Council

Date Valid: 17 February 2022

Target Date: 14 April 2022

PROPOSAL:

INTRODUCTION / BACKGROUND

Planning permission is sought for the construction of a new road linking Blandford Street, Broughman Street and Maritime Terrace with associated landscaping, within Sunderland City Centre.

DESCRIPTION OF SITE AND SURROUNDINGS

The application site, which is Council owned, extends to approximately 0.0285 hectares (0.0704 acres). It is currently vacant, with high security boundary treatment adjacent to Blandford Street and Brougham Street. It previously included a retail unit as part of a terrace fronting Blandford Street, which was occupied by the retail shop Peacocks (formerly 1-4 Blandford Street). The applicant's agent has advised that the building was leased to and occupied by Peacocks at the time that it suffered excessive fire damage in early 2019. The building was then demolished following this fire damage, as it was not fit for repair, hence why the site is now vacant.

The application site is positioned between the western end of Blandford Street to the south and with Brougham Street to the north. Maritime Street runs southwards from the end of Blandford Street and connects with Holmeside. The surrounding area is predominantly commercial in nature, with 'The Bridges' shopping centre positioned to the north.

THE PROPOSED DEVELOPMENT

The proposed development is for the construction of a new road linking the west end of Blandford Street, Broughman Street and Maritime Street, and includes associated landscaping. The proposed development includes:

- New road surfacing to link Blandford Street, Broughman Street and Maritime Street as part of a wider infrastructure improvement scheme to create a one-way clockwise gyratory system within Sunderland City Centre;
- A proposed footway link between Maritime Street and Brougham Street to the east of the proposed road; and
- Landscaping to the east and west of the proposed road.

The applicant's agent has confirmed in writing that the proposed new bell mouth would be constructed in tarmac, and the footway would be constructed in paving (Kobra granite flag

paving) to match the surrounding streets. The proposed carriageway to the southern part of the application site would be of paving to match the surrounding new highway works.

The proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyratory Scheme as well as the proposed Holmeside Multi-storey Car Park (MSCP). Application details state that a separate planning application will be submitted for the proposed Homeside MSCP in due course.

The proposed gyratory system would turn traffic from Holmeside onto Maritime Street and, using the new road link, Brougham Street and Waterloo Place would become one way to create the clockwise gyratory system, returning traffic to Holmeside. The gyratory system would operate from the proposed Holmeside MSCP on the south side of Holmeside with westbound traffic from this point onwards consisting of buses, taxis, access to properties and access for loading/unloading only. The overall masterplan for improving the Holmeside infrastructure and vehicle movements, would create a more pedestrian focussed environment helping to link Sunderland Station with the taxis on Brougham Street and Blandford Street, and the new MSCP that is proposed on Holmeside.

The planning application has been supported by the following documents:

- Planning Statement by DPP Planning (dated January 2022) received 27/01/2022.
- Stage 1 Road Safety Audit Report TCF Holmeside Bus Priority & Gyratory (dated 17/01/2022) received 27/01/2022.
- Road Safety Response Report by Sunderland City Council (dated 28/01/2022) received 08/03/2022
- Transport Statement by Sunderland City Council (dated October 2021) received 08/03/2022.
- Initial Assessment of Operation Noise by NJD Environmental Associated (dated January 2022 (received 27/01/2022)
- Initial Air Quality Assessment Holmeside MSCP (dated January 2022) dated 27/01/2022.
- Archaeological Watching Brief by Archaeological Services Durham University (dated December 2021) received 27/01/2022.

PLANNING HISTORY

2020 - Planning application Ref: 20/00879/FUL approved - Formation of a new gable wall to 5 Blandford Street following the demolition of the neighbouring property.

TYPE OF PUBLICITY:

Press Notice Advertised
Site Notice Posted
Neighbour Notifications

CONSULTEES:

Flood And Coastal Group Engineer
Network Management
Network Management
Environmental Health
Planning Policy

Tyne And Wear Archaeology Officer
Nexus
Northumbria Police
Public Rights Of Way Officer
Millfield - Ward Councillor Consultation

Final Date for Receipt of Representations: **05.04.2022**

REPRESENTATIONS:

Publicity

The occupiers of neighbouring properties adjoining and to the south were sent neighbour notification letters. A site notice was posted to the south of the application site along Blandford Street, and to the north east along Brougham Street.

Application details state that the applicant has engaged with the local community as part of the proposals for the wider area.

The following consultees were consulted on the application.

- Flood and Coastal Group Engineer (the Lead Local Flood Authority)
- Planning Policy
- Environmental Health
- Transport Development (the Local Highway Authority)
- Tyne and Wear Archaeology Officer
- Nexus
- Northumbria Police
- Rights of Way Officer
- Three Ward Councillors

Press notice expiry date: 05/04/2022

Site notice expiry date: 28/03/2022

Neighbour notifications expiry date: 21/12/2021

Consultation expiry date: 15/03/2022

Neighbour representations

Sunderland Civic Society c/o 11 The Oaks, Sunderland, SR2 8EX

Objection for the following reasons:

- Reservations regarding whether the gyratory scheme is needed or desirable. The gyratory and specifically the link road subject of this planning application should be resisted.
- Blandford Street is pedestrianised with only limited vehicular access between the pedestrian access to The Bridges on Crowtree Road and Waterloo Place. The introduction of a cross-road link between Holmeside and Brougham Street will fragment this shopping environment (and effect its quality) and lead to a reduction in pedestrian safety.
- It will to some extent detach Blandford Street from the main shopping core and could lead to a reduction in pedestrian flows to the street.
- Over the last 30 to 40 years Blandford Street has gone from being a street of independent retailers offering a wide range of specialist outlets to a street comprising

mainly charity and discount outlets (and so has lost vitality and viability). The current proposal could speed the decline of Blandford Street, which still has a potentially important role to play within a smaller and more compact city centre.

- The application should be refused and instead a new pedestrian link to The Bridges created across the sites of 1 - 4 Blandford Street, linking to the mall which joins Brougham Street west of the application site. This would enhance the permeability of the centre for shoppers, and potentially help rejuvenate the fortunes of Blandford Street. In this scenario, the vacant site could be landscaped to provide an attractive small square, thereby adding to, rather than detracting from, the amenities of Blandford Street.
- If the proposed development is approved, the footpath currently proposed on the east side of the new road between Blandford Street and Brougham Street should be re-positioned to the west side - to improve pedestrian safety as pedestrians would cross a less busy part of Brougham Street, and also be positioned in closer proximity to the north/south mall of The Bridges.

Owner / occupier of 1, Sunderland, SR1 1AB (no specific address provided)

No vehicle tracking is provided, this needs to be included on the planning website. The Road Safety Audit should also consider the vehicle tracking.

There should be some form of Transport Assessment to support the application, as there is clearly going to be a material change to traffic flows in the area. Guidance on Transport Assessment states that if >30 vehicles in the peak hour or more than 100 per day then a Transport Assessment is required. The development creates a new road link and will generate these trips as new movements along Maritime Terrace.

This whole application is disingenuous - it is making Vine Place and Holmeside one-way - this is particularly important to bus services. This is a fundamental change to how practically all bus services operate across Sunderland - this needs significantly more consideration. It also needs to be sold honestly to the public with a full consultation of bus operators/users. What is the alternative route for eastbound bus services? There is not one. This route would be better served for eastbound services.

The Council is currently in the process of selling off the Civic Centre site to a private developer. This is a missed opportunity for the City. Whilst it is understandable that the site is being sold off for development, it must have been a requirement for that scheme to include a bus link from Cowan Terrace to Burdon Road. This could reinvigorate Park Lane interchange. If this was provided it would be understandable to make Vine Place / Holmeside one-way.

Undertake the appropriate consultation and assessment required to support the proposals. Consider this properly across a City Centre strategy. Do not miss out on the Civic Centre link road before it is too late. As a whole package there could be a positive solution here that hits the targets of this scheme without causing massive impacts on bus operators and users.

Case Officer Comment: Vehicle tracking has since been submitted, along with a Transport Statement.

Consultees

Transportation Development (the Local Highway Authority)

First representation

The proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyrotory Scheme as well as the new Holmeside Multi Storey Car Park (MSCP).

- Transport Statement (TS) - The applicant states that a Transport Statement has been provided, however there is no TS attached to this planning application, therefore the Transport Statement is required.
- Auto-track drawing - An auto-track drawing demonstrating vehicle movements should be provided for the site.
- Road safety audit - It is noted that a Stage 1 Road Safety Audit has been undertaken and the applicant should consider the items raised.
- Legal Orders - Traffic Regulation Orders may be required.

Case Officer Comments: The applicant's agent responded to the above points with the submission of an auto-track drawing, along with a response to items raised in the road safety audit. Transportation Development were subsequently re-consulted on this additional information.

Second representation

Transport Statement - It has been demonstrated that the proposed development would not have a detrimental effect on the existing transport network through Linsig modelling of the existing and proposed layouts. The collision records for the previous five years have been reviewed in the report and it is anticipated that the introduction of the gyrotory system and the omission of eastbound traffic on Holmeside would offer a significant improvement to pedestrian safety. The Transport Statement is therefore agreed with.

Stage 1 Road Safety Audit Response Report - This is agreed with.

Swept path analysis - This appears to be satisfactory

Environmental Health

Environmental Health has assessed the submitted documentation and considers that the proposed development is acceptable.

The submitted Air Quality Assessment relates to the wider highway re-organisation together with the Holmeside Multi-Storey Car Park (MSCP), and not simply the proposed development subject of this planning application. The assessment conclusion is that the proposed use of the new link road from Blandford Street to Brougham Street would have a negligible air quality impact. This is accepted.

The submitted Noise Assessment relates to the wider highway re-organisation together with the Holmeside MSCP, and not simply the proposed development subject of this planning application. The conclusion in relation to the proposed development subject of this planning application is that whilst Maritime Street exhibits an increase in noise of 3.3dBA, there are no known residential receptors in the vicinity, and the resultant noise exposure is significantly below the qualifying criteria set by the Noise Insulation Regulations of 68dB LA10 18hr. Noise Insulation Regulations assessments are a matter for the Local Highway Authority.

Planning Policy

The application site is located within the Urban Core. Policy SP2 'Urban core' of the adopted Core Strategy and Development Plan (CSDP) indicates that proposed development in the Urban Core should:

- Make improvements to connectivity and pedestrian movement in the Urban Core;
- Provide a high quality of public realm to create attractive and usable spaces;
- Protect and enhance heritage assets; and
- Ensure high standard of design that integrates well with the existing urban fabric.

Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP is considered relevant. It indicates that accessibility to and movement through the Urban Core will be enhanced by:

- Discouraging the use of streets by through vehicular traffic;
- Increasing priority for pedestrians and cyclists in the Primary Shopping Area;
- Improving the cycle network;
- Improving 'legibility' and signage for pedestrians;
- Providing for operational access for businesses;
- Improving the provision of car parks around the ring road;
- Reducing the 'barrier' effect of the ring road in relation to adjacent areas;
- Improving the attractiveness of Park Lane Interchange; and
- Working with rail industry partners to:
 - Improve the connectivity of Sunderland to other major centres; and
 - Supporting redevelopment and improvement of Sunderland Station.

In relation to the policy above, it is noted that the proposal would introduce through vehicular traffic at Maritime Street. Whilst it is recognised that the proposals would not be fully compliant with all aspects of Policy ST1, it is considered that the wider regeneration benefits from the proposals would outweigh this. The wider masterplan for this part of the City Centre would help to facilitate improvements to the wider public realm including bus priority measures on Holmeside and one way access at Brougham Street and Waterloo Place.

Policy ST2 'Local road network' and Policy ST3 'Development and transport' of the adopted CSDP are relevant policies in relation to highway impact. The design of the public realm and road should be considered against Policy BH3 'Public realm' of the adopted CSDP, and Policy BH1 'Design quality' of the adopted CSDP sets out useful planning policy in relation to design. The amenity issues associated with the proposal should be considered having regard to Policy HS1 'Quality of life and amenity' of the adopted CSDP.

Tyne and Wear Archaeology Officer

The application site is associated with the eastern extent of Maritime Place, almshouse (HER 13739) which is shown on Wood's plan of 1826. The site is also located just outside of the boundary of Bishopwearmouth Village (HER 163). An archaeological watching brief was conducted during the excavation of three geotechnical trenches at the proposed development site. No archaeological deposits were recorded, and no artefacts were recovered. Additional planned trenches were not excavated due to the presence of services and hoarding. Based upon the observations made during the archaeological monitoring undertaken during the excavations of the geotechnical trenches, and based on the scope of the proposed works, no further archaeological monitoring is required in association with the proposed works.

Lead Local Flood Authority

No comments to make in relation to flood risk and drainage.

Nexus

No response provided

Northumbria Police

No response provided

Rights of Way Officer

No response provided

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) (20th July 2021) 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 PROPOSAL

The main issues relevant to the assessment of this planning application are as follows:

1. Principle of the proposed development;
2. Design and impact on visual amenity;
3. Impact on residential amenity;
4. Impact on highway safety;
5. Impact on archaeology

1. Principle of the proposed development

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, working with local communities, its partner and key stakeholders will ensure that sufficient physical, social and environment infrastructure is delivered to meet identified needs. It seeks to deliver growth and sustainable patterns of development by supporting the sustainability of existing communities through the growth and regeneration of Sunderland's sub areas including the Urban Core, and by delivering the majority of development in Existing Urban Areas.

Policy SP2 'Urban core' of the adopted CSDP states that the Urban Core will be regenerated and transformed into a vibrant and distinctive area. Development in the Urban Core should i. make improvements to connectivity and pedestrian movement in the Urban Core; and ii. provide a high quality public realm to create attractive and usable spaces.

Policy VC1 'Main town centre uses and retail hierarchy' of the adopted CSDP states that the vitality and viability of centres within network and hierarchy will be maintained, with the city centre (and town centres) being the principal locations for major retail, leisure, entertainment, cultural facilities and services.

Policy VC3 'Primary shopping areas and frontages' of the adopted CSDP states that Primary Shopping Areas should be the focus of all retail development, and that proposals for non-A1 use within primary shopping areas will normally be resisted if they would result in more than 15% of each Primary Frontage thoroughfare in Sunderland City Centre being in non-A1 retail use. It states that where proposals for non-A1 use within Primary Frontages will exceed this threshold, they will only be considered acceptable where it can be demonstrated that the premises have been vacant and marketed unsuccessfully for A1 uses for a period of at least 24 months.

Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP states that accessibility and movement through the Urban Core will be enhanced by 1. discouraging the use of streets by through-vehicle traffic; and 2 increasing priority for pedestrians and cyclists in the Primary Shopping Area.

The proposed development would seek to improve physical infrastructure to meet identified needs within the Existing Urban Area of Sunderland City Centre. It would make improvements to connectivity / pedestrian movement in the Urban Core and improve the public realm by developing a vacant site including a landscaping scheme (see 'Design and visual impact' below). It is therefore considered that the proposed development would accord with Policy SP1 'Development strategy' and Policy SP2 'Urban Core' of the adopted CSDP.

The application site is positioned within a Primary Shopping Area, with Blandford Street being a Primary Shopping Frontage. The Council's Planning Policy Officer has confirmed in writing that based on a Retail Survey conducted in the Summer of 2021, approximately 50% of this Primary Shopping Frontage thoroughfare is currently within non-A1 retail use (and so significantly more than 15%). The land use of the application site remains within Use Class A1, although it is a matter of fact that it no longer includes a retail unit.

The proposed development would have no unacceptable impacts on the existing vitality and viability of Sunderland City Centre, given that the application site does not currently include a retail unit. It would therefore not conflict with Policy VC1 of the adopted CSDP. However, the proposed development would comprise a non-retail use (a link road, footpath and associated landscaping) within the Primary Shopping Area, and along a Primary Shopping Frontage thoroughfare with significantly more than 15% being in non-A1 retail use. In addition, the applicant's agent has advised that as the application site was not previously Council owned, they cannot confirm whether or not it was marketed for other retail uses and / or for how long. To this extent the proposed development would not accord with Policy VC3 of the adopted CSDP.

The proposed development would create a link road for through-vehicle traffic, and so to this extent it would also not accord with Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP.

Notwithstanding the above policy conflicts, material considerations in the decision-making process are the fact that there is no longer a retail unit on the application site and so it no longer functions as an A1 use, and the significant benefits associated with the proposed development as part of a wider unique scheme seeking to improve connectivity / accessibility and pedestrian movement within the Urban Core of Sunderland City Centre.

The application site is required to facilitate the wider improvements to the Holmeside infrastructure and vehicle movements, including facilitating the gyratory system and bus priority measures, and it would create a more pedestrian focussed environment. It would seek to improve connectivity / accessibility within the Urban Core of Sunderland City Centre, improving pedestrian accessibility and safety, and would have the potential to attract greater footfall to Blandford Street and Brougham Street. Without the application site these wider improvements / benefits would not be possible. Whilst there would be a loss of an A1 land use along a Primary Shopping Frontage, given the benefits associated with this wider unique scheme which the proposed development forms a part, and the fact that no existing retail unit would be lost as part of the proposed development, in the planning balance it is considered that these material considerations would be sufficient to outweigh any conflict with Policy VC3 and Policy ST1 of the adopted CSDP.

Concerns have been raised in a representation in relation to the impact of the proposed development on the existing shopping environment, detaching Blandford Street from the main shopping core and as such leading to a reduction in pedestrian flows to the street. Whilst this point is noted, it is considered that providing a link between Blandford Street and Brougham Street would be more likely to increase pedestrian flows, especially given the greater connectivity with the Bridges Shopping Centre to the north.

It is considered that the proposed development would be part of a wider unique scheme that would provide significant benefits to Sunderland City Centre, and so given the material considerations set out above, in the planning balance it would be an acceptable form of development.

2. Design and visual impact

Policy BH1 'Design quality' of the adopted Core Strategy and Development Plan (CSDP) relates to design quality and advises that to achieve high quality design and positive improvement, development should be of a scale, massing, layout, appearance and setting which respects and enhances the positive qualities of nearby properties and the locality. Landscaping should be provided as an integral part of the development to enhance the upgrade the public realm where appropriate and viable.

Policy BH3 'Public realm' of the adopted CSDP states that proposed areas of public realm will create attractive, safe, legible, functional and accessible public spaces. They should be constructed of quality, sustainable and durable materials which enhance the surrounding context.

The proposed development would be positioned on a parcel of land which is currently not used for any purpose. It currently has an appearance which is not visually attractive when viewed from the public domain, with a high visually permeable metal fence adjacent to Brougham Street and a more solid high boundary adjacent to Blandford Street. The proposed development would remove these boundary treatments and provide a link road with landscaping. It is considered that it would provide visual enhancement to the public realm to this part of Sunderland City Centre, especially with the inclusion of the proposed landscaping.

It is recommended that a condition be attached to any planning permission to require the proposed development to be constructed in accordance with the details as specified in the planning application. It is also recommended that a condition be attached to any planning permission to ensure that the landscape scheme within the planning application red line and on Council owned land adjacent to the site be implemented.

Subject to the compliance with the recommended conditions, it is considered that the proposed development would accord with Policy BH1 and Policy BH3 of the adopted CSDP in relation to its design and visual impact.

3. Impact on residential amenity

Policy HS1 'Quality of life and amenity' of the adopted 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 noise and air quality.

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.

No residential properties are positioned in close proximity to the application site which is primarily within a commercial area. Given the nature of the proposed development, and separation distances to nearest residential properties, it is considered that the proposed development would have no unacceptable impacts on the amenities of the occupiers of any residential properties in relation to privacy, outlook and over dominance or overshadowing.

The Council's Environmental Health Officer has considered the submitted noise assessment and air quality assessment. They have raised no objections the proposed development in relation to noise and air quality emissions. Given the comments from the Council's Environmental Health Officer it is considered that the proposed development would have no unacceptable impacts on the amenities of any residential properties in relation to noise and air quality. It is therefore considered that the proposed development would accord with Policy HS1 and Policy BH1 of the adopted CSDP in relation to impact on residential amenity.

4. Impact on highway safety

Policy ST2 'Local road network' of the adopted CSDP states that the local road network will be protected for safe and efficient movement in accordance with the road hierarchy of i. distributor roads; ii. Category 1 roads; iii. Category 2A roads; and iv. Category 3 roads. It states that to ensure development has no unacceptable impact on the local road network, proposals must be assessed and determined against current standards for the category of road, having regard to the capacity, safety and geometry of the highway network; and that they must 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 i. compromise the free flow of traffic on the public highway, pedestrians or any other transport mode; or ii. increase the risk of accidents or endanger the safety of road users.

The Council's Transportation Development (the Local Highway Authority) has raised no objections to the proposed development in relation to its impact on highway safety. They have

advised that the proposed development is part of a wider masterplan for improving the Holmeside infrastructure and vehicle movements, which includes the Holmeside Bus Priority measures and Gyratory Scheme as well as the new Holmeside Multi Storey Car Park. The submitted Transport Statement has demonstrated that the proposed development would have no unacceptable impacts on the existing transport network, and that the introduction of the gyratory system and the omission of eastbound traffic on Holmeside would offer a significant improvement to pedestrian safety. They have advised that the submitted Road Safety Audit and the Swept Path Analysis are acceptable, and also that Traffic Regulation Orders may be required.

A representation has been submitted (no specific address) raising concerns in relation to the proposed development. These concerns relate to information not being submitted (vehicle tracking which should be considered by the Road Safety Audit, as well as a Transport Assessment); and in relation to the wider road improvement scheme which the proposed development forms a part including the need for a full consultation with bus operators / users, and a missed opportunity for a bus link relating to the Civic Centre site. A representation has also been submitted from the Sunderland Civic Society raising concerns regarding the proposed development impacting negatively on Blandford Street in relation to pedestrian safety. They have suggested an alternative proposed development could be to create a pedestrian link (with landscaping) on the application site; or if the proposed development is granted, to re-position the footpath to the west side of the application site in the interests of pedestrian safety.

The concerns and suggestions raised in representations are noted. However, additional information has been submitted in the form of a swept path analysis and a Transport Statement, and as stated Transportation Development has raised no objections to the proposed development in relation to vehicle and pedestrian highway safety matters (agreeing with the conclusions within the submitted Transport Statement).

The alternative scheme and amendment to the current proposal suggested by the Sunderland Civic Society are noted. However, a pedestrian link across the whole of the application site would mean that the wider scheme would not be possible. The applicant's agent has also confirmed in writing that the most appropriate position for the pedestrian footpath is to the east side of the proposed link road (to position it on the west side would involve pedestrians having to cross into a loading bay and then use a narrow sub-standard footway which would not be safe).

The applicant's agent has confirmed that extensive consultation was undertaken prior to the submission of the planning application including with local bus companies. They have confirmed that local bus companies raised no concerns in relation to the wider road improvement scheme.

A link road / bus link associated with the Civic Centre site is not of relevance to the determination of this planning application, which relates to the proposed link road and associated works within the red line boundary only.

Given the comments from the Council's Transportation Development it is considered that the proposed development would cause no unacceptable impacts in relation to highway safety. It would therefore accord with Policy ST2 and Policy ST3 of the adopted CSDP.

5. 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 concluded that based on details submitted in the application, no further archaeological work is required in relation to the proposed development. On this basis it is considered that in relation to archaeology, the proposed development would accord with Policy BH9 of the adopted CSDP.

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:-

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- 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

The proposed development would comprise a non-retail use (a link road, footpath and associated landscaping) within the Primary Shopping Area, and along a Primary Shopping Frontage thoroughfare with significantly more than 15% being in non-A1 retail use. In addition, the applicant's agent has not been able to confirm whether or not it was marketed for other retail uses and / or for how long. To this extent the proposed development would not accord with Policy VC3 of the adopted CSDP. The proposed development would also create a link road for through-vehicle traffic, and so to this extent it would not accord with Policy ST1 'Urban Core accessibility and movement' of the adopted CSDP.

Notwithstanding the above policy conflicts, material considerations in the decision-making process are the fact that there is no longer a retail unit on the application site and so it no longer functions as an A1 use, and the significant benefits associated with the proposed development as part of a wider unique scheme to facilitate improvements to the Holmeside infrastructure and vehicle movements.

The wider improvements to the Holmeside infrastructure and vehicle movements, would including facilitating a gyratory system and bus priority measures, and it would create a more pedestrian focussed environment. It would seek to improve connectivity / accessibility within the Urban Core of Sunderland City Centre, improve pedestrian accessibility and safety within the City Centre, and have the potential to attract greater footfall to Blandford Street and Brougham Street. Without the application site these wider improvements would not be possible. Whilst there would be a loss of an A1 land use along a Primary Shopping Frontage, given the benefits associated with this wider unique scheme (which the proposed development forms a part), and the fact that no existing retail unit would be lost as part of the proposed development, in the planning balance it is considered that these material considerations would be sufficient to outweigh any conflict with Policy VC3 and Policy ST1 of the adopted CSDP.

The proposed development would improve the appearance of this part of the public realm along Blandford Street with the inclusion of a landscape scheme, and it would have no unacceptable impacts in relation to highway safety or archaeology. The Council's Transportation Development (The Local Highway Authority) has agreed with the conclusions of the submitted Transport Statement which states that the wider scheme (which the proposed development forms a part) would provide significant improvements to pedestrian safety within the City Centre.

Overall, it is considered that the proposed development as part of a wider unique scheme to facilitate improvements to the Holmeside infrastructure and vehicle movements, would provide significant enhancements to Sunderland City Centre. It would be an acceptable form of development, and so it is recommended that planning permission be granted subject to the schedule of conditions as set out in the report.

RECOMMENDATION:

In accordance with Regulation 3 of the Town and Country Planning General Regulations 1992 (as amended), it is recommended that Members Grant Consent subject to the recommended schedule of conditions.

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:

- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_058-S1 Revision P02 received 27/01/2022
- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067 S1 Revision P02 (Planning General Arrangement) received 08/03/2022
- Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_068 S1 Revision P01 (Swept Path Analysis) received 08/03/2022

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.

3 The development hereby permitted shall be constructed with a tarmac bell mouth road, a paved footway to match the surrounding streets, and a carriageway of block paving, as specified and illustrated on Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067-S1 Revision P02 (Planning General Arrangement) received 08/03/2022. All works shall be carried out in accordance with the approved details.

To ensure a satisfactory standard of development, in the interests of visual amenity, and comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.

4 Prior to the development hereby permitted being brought into use, a scheme of soft landscaping (read in conjunction with indicative landscape scheme illustrated on Drawing No. SU04-SCC-GEN-Z0-SK-C-SK_067-S1 Revision P02 (Planning General Arrangement) received 08/03/2022) shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved landscape scheme shall be carried out in the first planting season following the development hereby permitted being brought into use, 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.

To ensure a satisfactory form of development, in the interests of visual amenity and to comply with Policy BH1 and Policy BH3 of the adopted Core Strategy and Development Plan.